



# COMMUNITY DEVELOPMENT AGENCY

## LONG RANGE PLANNING

---

2850 Fairlane Court, Placerville, CA 95667  
Phone (530) 621-4650, Fax (530) 642-0508

Date: April 27, 2017

To: El Dorado County Planning Commission

From: Anne Novotny, Principal Planner

**Subject:** General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance - Preparing Planning Commission Recommendations to the Board of Supervisors

---

### PURPOSE

The purpose of this memorandum is to provide the Planning Commission (Commission) with background information and draft documents to assist the Commission in making a recommendation to the Board of Supervisors (Board) on certification of the Final Environmental Impact Report (EIR) and adoption of the General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance (collectively referred to as the “proposed project”). The Commission will be reviewing and making recommendations regarding the following proposed Board actions:

1. Adopt a resolution Certifying the Final Environmental Impact Report for General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance (Exhibit A); Making Environmental Findings of Fact (Exhibit A-1); Adopting a Statement of Overriding Considerations (Exhibit A-2); and Approving the Mitigation Monitoring and Reporting Program (Exhibit A-3);
2. Adopt a resolution to Amend the Biological Resources Policies in the El Dorado County General Plan (Exhibits B and B-1);
3. Adopt a resolution adopting an Oak Resources Management Plan (Exhibits C and C-1); and
4. Adopt an Oak Resources Conservation Ordinance (Exhibit D) to be incorporated into the County Code of Ordinances, Title 130 (Zoning Ordinance) as Chapter 130.39 (Oak Resources Conservation).

## OVERVIEW

This memo is organized as follows:

1. Project Description
2. Project Objectives
3. Background and History
4. Environmental Review Process
5. Summary of Significant Impacts and Mitigation Measures
6. Summary of Changes to the Draft EIR
7. Public Involvement
8. Department Recommendation

### 1. PROJECT DESCRIPTION

#### *Project Summary*

The project consists of amendments to the biological resources policies in the 2004 General Plan (as amended), adoption of an Oak Resources Management Plan (ORMP), and adoption of an Oak Resources Conservation Ordinance. The County proposes to adopt specific revisions to biological resource objectives, policies, and implementation measures included in the Conservation and Open Space Element of the County's 2004 General Plan and to adopt an ORMP that revises and updates the 2008 Oak Woodland Management Plan (OWMP) and establishes an in-lieu fee payment option for impacts to individual native oak trees and oak woodlands. The Oak Resources Conservation Ordinance is also proposed for adoption to implement the ORMP. The proposed General Plan revisions are intended to establish a program for County-wide management of impacts to biological resources and mitigation for those impacts. Consistent with direction provided by the Board of Supervisors in September 2012 (see Board Agenda 9/24/2012, Item 3, Legistar File 12-1203), the proposed project would revise policies 7.4.2.8, 7.4.2.9, 7.4.4.4, 7.4.4.5, 7.4.5.1, and 7.4.5.2. Revisions are also proposed to additional objectives, policies, and implementation measures within the County's General Plan Conservation and Open Space Element, as discussed in greater detail below.

The proposed General Plan objectives, policies, and implementation measures would be effective throughout the unincorporated portions of the County, which encompasses approximately 1,800 square miles in the east-central portion of the state, while the ORMP would be applicable to areas within the County at or below the 4,000-foot elevation, which encompasses approximately 872 square miles (560,000 acres).

The project does not include any land disturbance or development and it would not directly increase the County's population or increase demand for public services or utilities. Rather, the project would establish new procedures and requirements for new land development projects and the County's assessment of impacts to biological resources and related mitigation requirements.

## **2. PROJECT OBJECTIVES**

The project objectives are to revise several General Plan policies related to biological resources and adopt an Oak Resources Management Plan as outlined below (and described in the Draft EIR, Chapter 3 (Project Description), Section 3.3, Project Objectives).

### **General Plan Policy Revisions**

- Develop biological resource policies that are self-implementing and do not need further clarification, interpretation or policy determination.
- Clearly define what resources are covered and the types of development activities affected by the policies.
- Streamline the County's environmental review process related to biological resources by providing a comprehensive biological resource mitigation program to govern evaluation, impact assessment, and mitigation for biological resources within the county.
- Establish policies that comply with state and federal law and are defensible and effective.

### **Oak Resources Management Plan**

- Adopt an Oak Resources Management Plan to define mitigation requirements for impacts to oak woodlands, individual native oak trees, and Heritage Trees and to outline the County's strategy for oak resource management and conservation.
- Adopt an Oak Resources Management Plan that complies with Implementation Measure CO-P and constitutes the oak portion of the County's Biological Resources Mitigation Program (General Plan Policy 7.4.2.8).
- Establish a plan for voluntary conservation that landowners, the County, and others can use to seek grants and cost-sharing from state and federal programs for oak woodland conservation in El Dorado County.

### ***General Plan Biological Resources Policy Revisions***

The County used this policy update opportunity to evaluate all the biological resource goals, objectives, and policies in the 2004 General Plan and through this process developed an overall strategy to replace the prior direction on protecting resources and mitigating impacts. The County proposes revisions to several of the General Plan Biological Resources objectives, policies, and implementation measures, as listed in Table 3-1 in Chapter 4 of the Final EIR.

In 2014, through a series of public workshops, the Board determined that a mitigation/conservation approach to biological resource policies would be the most appropriate method to meet the County's overall objectives for this update. This approach would retain the County's requirement for adopting an ORMP (previously titled the Oak Woodlands Management Plan, or OWMP), but would omit the requirement for an Integrated Natural Resources Management Plan (INRMP). The INRMP is a component of the existing General Plan biological resources policies and is also a mitigation measure identified in the 2004 General Plan EIR (Mitigation Measure 5.12-1(d)). However, components of the INRMP (as included in current Policy 7.4.2.8) would be

incorporated into the revised biological policies, which identify self-implementing mitigation and conservation requirements.

The proposed revised Policy 7.4.2.8 would establish a comprehensive Biological Resources Mitigation Program to govern evaluation, impact assessment, and mitigation for biological resources within the County, with the objectives of conserving:

1. Habitats that support special-status species;
2. Aquatic environments including streams, rivers, and lakes;
3. Wetland and riparian habitat;
4. Important habitat for migratory deer herds; and
5. Large expanses of native vegetation.

These objectives are based on the County's important habitats as defined in current General Plan Policy 7.4.2.8. Proposed revised Policy 7.4.2.8 defines an alternative approach to achieving the County's goal for the Habitat Protection Strategy which is to "conserve and restore contiguous blocks of important habitat to offset the effects of increased habitat loss and fragmentation elsewhere in the county". The approach under proposed Policy 7.4.2.8 is complete as written and does not rely on future analysis and policy development (as would be needed under the existing Policy 7.4.2.8 requirement to develop the INRMP). Proposed revised Policy 7.4.2.8 establishes standards for completion of biological resources technical reports, defines the categories of plant and wildlife species that are considered special-status species, sets minimum ratios for mitigation of impacts to all vegetation communities, and provides criteria for identification of mitigation sites.

Under the proposed General Plan Biological Resources policies, development projects within the County that require discretionary approvals would be required to submit to the County a biological resources technical report that meets the requirements of proposed Policy 7.4.2.8, determine the area of impact to each habitat type supported at the project site, and mitigate impacts through preservation and/or creation to ensure that the current range and distribution of special-status species within the County are maintained. Off-site mitigation sites that are acquired (through conservation easements or in-fee title) must meet the criteria in proposed Policy 7.4.2.8.D (Habitat Protection). Projects must also meet the mitigation monitoring requirements in Policy 7.4.2.8.F (Mitigation Monitoring).

The proposed amendments to the General Plan policies, objectives and measures are summarized in Table 3-1 in Chapter 4 of the Final EIR. The full text of the proposed policies is included in Resolution No. \_\_\_\_-2017 Adopting an Amendment to the Biological Resources Policies in the El Dorado County General Plan (Exhibit B).

### ***Oak Resources Management Plan***

The proposed project also includes adoption of an Oak Resources Management Plan (ORMP) that updates and revises the Oak Woodland Management Plan (OWMP) adopted by the Board on May 6, 2008 (Board Agenda 5/6/2008, Item 26, Legistar File 07-1022). The purpose of the ORMP is to define mitigation requirements for impacts to oak woodlands, individual native oak trees, and Heritage Trees, and to outline the County's strategy for oak resource management and

conservation. The ORMP is designed to function as the oak resources component of the County's Biological Resources Mitigation Program identified in proposed General Plan Policy 7.4.2.8. It also complies with Implementation Measure CO-P.

The ORMP identifies:

- Standards for oak woodland and native oak tree impact determination;
- Mechanisms to mitigate oak woodland and native oak tree impacts;
- Technical report submittal requirements and minimum qualifications for technical report preparation;
- Mitigation monitoring and reporting requirements; and
- Projects or actions exempt from mitigation requirements.

The ORMP also establishes an in-lieu fee payment option for impacts to individual native oak trees and oak woodlands, identifies Priority Conservation Areas (PCAs) where oak woodland conservation efforts may be focused, and outlines minimum standards for identification of oak woodland conservation areas and/or replanting areas outside the PCAs. Requirements for monitoring and maintenance of conserved oak woodland areas and identification of allowable uses within conserved oak woodland areas are also included in the ORMP. The ORMP also provides guidance for voluntary oak woodland and oak tree conservation and management efforts by landowners and land managers. (The proposed ORMP is attached as Exhibit C-1).

An implementation ordinance (Oak Resources Conservation Ordinance) that incorporates the standards outlined in the ORMP is proposed for adoption in conjunction with adoption of the ORMP. Consistent with the ORMP, the ordinance includes definitions, descriptions of the types of projects that would be exempt from the mitigation requirements and procedures for issuance of oak tree and oak woodland removal permits, and provisions for enforcement and monitoring. (The draft Oak Resources Conservation Ordinance is attached as Exhibit D).

### ***ORMP In-lieu Fee Payment Option – Mitigation Fee Act***

Recently two court opinions have come down regarding inclusionary housing ordinances (affordable housing) that may call into question whether or not the Mitigation Fee Act (Government Code 66000 et seq.) applies to the oak resources in-lieu fee payment option that is being established as part of the ORMP. In those cases the inclusionary requirements/in-lieu fee were characterized as land use regulations and not mitigation for development impacts; therefore, the Mitigation Fee Act did not apply. (See *California Building Industry Association v. City of San Jose*, (2015) 61 Cal.4<sup>th</sup> 435 and *616 Croft Ave. LLC v. City of West Hollywood*, (2016) 3 Cal.App.5<sup>th</sup> 621, 207 Cal.Rptr.3d 729) While a similar argument could be made with regard to the oak resources in-lieu fee, there are factual differences; therefore, until a court finds that an in-lieu fee for preservation/mitigation of biological resources is not subject to the requirements of the Mitigation Fee Act, the County is taking a conservative approach and following the requirements of the Mitigation Fee Act in establishing the Oak Woodland Area (OWA) In-Lieu Fee.

Pursuant to Government Code 66001(a), in establishing a new in-lieu fee payment option the County must:

- 1) Identify the purpose of the fee. (Government Code 66001 (a)(1))

The Oak Woodland Area (OWA) In-Lieu Fee is designed to fund mitigation of impacts to OWAs in the County through acquisition and conservation of similar types of OWAs elsewhere in the County. The OWA In-Lieu Fee is intended to pay the full cost of acquiring, managing, and monitoring OWAs. (Oak Resources In-Lieu Fees Nexus Study, Section 4, *Nexus, Fee Calculation, & Fee Act Findings – OWA In-Lieu Fee*, p. 33)

- 2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. (Government Code 66001 (a)(2))

The OWA In-Lieu Fee will be used to acquire OWA through direct property acquisition or acquisition of conservation easements; to conduct Initial Management and Monitoring (M&M) activities and Long-Term M&M activities designed to ensure conservation in perpetuity. (Oak Resources In-Lieu Fees Nexus Study, Section 4, *Nexus, Fee Calculation, & Fee Act Findings – OWA In-Lieu Fee*, p. 33)

- 3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. (Government Code 66001 (a)(3))

The development of new residential and non-residential land uses in the County may impact OWAs. The proposed OWA In-Lieu Fee, charges according to the impact on OWA, provides a means for development to occur while also achieving the environmental goals and objectives stated in the County General Plan. The conservation of OWAs promotes the health, safety, and general welfare of El Dorado County by protecting significant historical heritage values, enhancing the beauty and complementing and strengthening zoning, subdivision and land use standards and regulations, which at the same time recognizing individual rights to develop private property. The General Plan identifies overarching objectives that relate to the relationship between the proposed fee and new development. The Conservation and Open Space Element further identifies Goal 7.4 for biological resources. (Oak Resources In-Lieu Fees Nexus Study, Section 4 (*Nexus, Fee Calculation, & Fee Act Findings – OWA In-Lieu Fee*, pp. 33-34)

- 4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. (Government Code 66001 (a)(4))

Each new development project that impacts OWAs triggers a need for conservation measures in order to implement the overarching objectives and biological goals of the County General Plan. Mitigation of impacts to OWAs can occur through replacement tree planting on- or off-site, offsite conservation, and/or payment of an OWA In-Lieu Fee. The proposed OWA In-Lieu Fee is design to mitigate the impacts of removing OWA. The costs associated with the Acquisition, Initial M&M, and Long-Term M&M of OWAs

are accounted for in the OWA In-Lieu Fee. (Oak Resources In-Lieu Fees Nexus Study, Section 4 (*Nexus, Fee Calculation, & Fee Act Findings – OWA In-Lieu Fee*, p. 34)

### **3. BACKGROUND AND HISTORY**

In 2004, the County General Plan EIR was certified and the updated General Plan was adopted. The Conservation and Open Space Element of the 2004 General Plan includes a subsection pertaining to biological resources conservation. The biological resource policies included in this section provide guidance on management of natural resources, including oak woodlands. Current General Plan Policy 7.4.2.8 provides for development of an INRMP to guide protection of the County's biological resources, including oak woodlands, sensitive habitats, and wildlife. General Plan Policy 7.4.4.4 was considered the oak woodland portion of the INRMP. (The Pine Hill Endemics are addressed separately under existing County Code Title 130, Chapter 130.71, Ecological Preserve Fee.)

Since the adoption of the 2004 General Plan, the County has been involved in ongoing efforts to implement the biological resources policies in the General Plan. However, as will be discussed in more detail below, actual implementation of the policies has proven to be a long, difficult and costly process that the County had not been able to bring to conclusion. The substantial amount of time and monetary resources that have been dedicated to implementation of the existing biological policies over the past 10 years is amply demonstrated by the matrix of public meetings/hearings included in the Public Involvement section in this staff memo.

Despite this significant public investment and public engagement, it became apparent that the County would be unable to move forward with INRMP Phase 2 due to a lack of consensus by the Plant and Wildlife Technical Advisory Committee (PAWTAC) and the INRMP Stakeholders Advisory Committees (ISAC) as to the ultimate goals and objectives of the policies and also, to a great degree, due to the ambiguities and internal inconsistencies within the policies themselves. This led staff and the Board to the conclusion that the only way forward necessitated a re-examination and possible modification to the key General Plan policies. Rather than continuing to allocate more time and money towards a so far futile effort to implement the existing biological policies, the Board directed staff in September 2012 to bring forward amendments to the existing policies so that the General Plan goals and objectives related to biological resources could be achieved in a more economical manner and within a more reasonable timeframe.

The INRMP was identified as a mitigation measure in the 2004 General Plan EIR. Since the proposed policies eliminate the requirement for an INRMP, the Board can only approve the Project if it finds that the INRMP is now infeasible. "A project with significant environmental impacts may be approved only if the decision-making body finds (1) that identified mitigation measures and alternatives are infeasible and (2) that unavoidable impacts are acceptable because of overriding considerations." *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 982. "As statutorily defined, 'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (§ 21061.1; see also, Guidelines, § 15364 [same definition but with addition of "legal" factors].)" *California Native Plant Soc. v. City of Santa Cruz*, supra, at 981. "'Feasibility' under CEQA encompasses 'desirability' to the extent

that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors. *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 418. Pub. Resources Code, § 21061.1.

While mitigation measures can be found to be infeasible based on economic, legal, social, and technological reasons, a mitigation measure that is impractical or undesirable from a policy standpoint may also be rejected as infeasible. Such policy considerations are permissible under Public Resources Code § 21081, subd. (a)(3), which calls for a determination that “economic, legal, *social*, technological, *or other considerations* ... make infeasible the mitigation measures or alternatives identified in the environmental impact report.” (*Italics added.*) *California Native Plant Soc, Id.*, at 1001–02. (See *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4<sup>th</sup> 1261, upholding findings of infeasibility on both economic and general plan policy grounds.) The gridlock, delay, and substantial monetary resources associated with the efforts to implement the INRMP serve as a legitimate “other consideration” for re-examining the existing policies and mitigation measure.

As noted above, the County’s so far unsuccessful effort to implement the existing biological policies is well documented. Consultant contracts alone have cost the County over \$1.7 million, plus hundreds of hours of County staff and PAWTAC/ISAC time spent over the course of the past 10 years towards these efforts. While INRMP Phase 1 baseline data remains useful, the County’s inability to move forward with INRMP Phase 2 (the actual implementation of the INRMP) has unintentionally become an impediment to the County’s ability to achieve General Plan goals and objectives not only as related to biological resources policies but also as related to policies addressing development within Community Regions. The continued delay in adopting an in-lieu fee option, as required by existing Policy 7.4.4.4 Option B for impacts to oak woodlands and oak trees, has been impacting development, both public and private, that cannot meet the on-site retention requirements. This has the potential to push development in an unintended direction (i.e., out to the rural areas).

The proposed amended policies are intended to achieve the General Plan goals and objectives by making the policies self-implementing thereby eliminating the need for an INRMP. Balancing the interests of the County with regard to finances/budget, achieving the General Plan goals and objectives within a reasonable time, utilizing staff resources efficiently and removing development uncertainty, support a finding of infeasibility on policy grounds. For these and other reasons articulated in the Draft CEQA Findings of Fact (Exhibit A-1), staff is recommending that the Board find the existing INRMP mitigation measure infeasible.

### ***Interim Interpretive Guidelines for Oak Woodlands (2006)***

In 2006, significant staff resources were allocated to implementing General Plan Policies 7.4.4.4 (Option A), 7.4.4.5, 7.4.5.1, and 7.4.5.2 regarding oak woodlands. However, implementation was stymied, due to lack of clarity about how impacts and mitigation are measured. Additionally, various ambiguities and internal inconsistencies within the policies became evident during this process. In July 2006, staff presented the Planning Commission with a list of policy issues that required clarification before the policies could be implemented. In addition, staff proposed that interim guidelines be developed to assist in the interpretation of these policies until such time that the policies could be amended. The issues discussed are listed below:



- 1) **Clarify Intent/Applicability of Policy 7.4.4.4** - Policy 7.4.4.4 has multiple references to “woodland” and “oak woodland” but does not clearly specify whether the retention/replacement requirements of this policy are intended to apply to both or only to oak canopy within defined oak woodland.
- 2) **Determine the Qualifications Needed to Prepare an Oak Woodland Inventory/Impact Assessment and Mitigation/Replacement Program** - Policy 7.4.4.4 requires preparation of various studies related to Oak Woodlands. It does not clearly specify the qualifications required to perform these studies.
- 3) **Define Oak Woodlands and Related Key Terms** - Policy 7.4.4.4 makes reference to “...woodland habitats as defined in this General Plan...”; however, there is not a specific definition in the General Plan Glossary for woodland or oak woodland.
- 4) **Clarify Exceptions to Retention Requirements of Policy 7.4.4.4** - Exceptions to the oak tree canopy Retention Requirements of Policy 7.4.4.4 need clarification.
- 5) **Clarify 1:1 Replacement Requirements/Options Under Option A, Policy 7.4.4.4** - The intent of the 1:1 Replacement Requirements/Options under Policy 7.4.4.4 Option A is to return the oak woodland to its prior canopy coverage and return the oak woodland to a state of forest health. Policy 7.4.4.4 does not specifically define whether replacement can occur on-site or off-site and it does not address whether replacement is inch for inch, or per square foot of canopy, or by acorn.
- 6) **Establish a Process to Consider Minor Modifications to Retention/Replacement Requirements if Determined Necessary to Ensure Reasonable Use of Property** - Policy 7.4.4.4 does not explicitly identify or define a process for ensuring reasonable use of property in the implementation of this policy.
- 7) **Clarify the Application of Policy 7.4.4.5 (Corridor Retention)** - Policy 7.4.4.5 addresses oak tree corridor continuity. According to this policy, if a project proposes to impact oak trees within a stand, a corridor of oak trees must be retained to maintain continuity between all portions of the stand. Per this policy, the retained corridor must have a tree density that is equal to the density of the stand. In order to ensure that reasonable use of the property is provided, an applicant may request the Planning Commission to provide relief from the strict application of this corridor retention requirement in the same manner as described above. In addition, for discretionary projects, any effects on biological resources will be analyzed in the environmental document and appropriate mitigation proposed.

In September 2006, staff presented the Planning Commission with Draft Interim Interpretive Guidelines for Oak Woodlands that were released for public review. On November 9, 2006, the Planning Commission approved the adoption of the Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 Option A and the Biological Resources Study and Important Habitat Mitigation Program. The interim guidelines were intended to clarify the scope and intent of the policies; establish working definitions of key terms; clarify oak tree replacement options; and establish a process to consider minor modifications to oak tree replacement and retention

requirements. These interim guidelines were intended to be temporary until the policies could be amended to directly address the implementation issues. The Interim Interpretive Guidelines for Oak Woodlands is posted on the County website at:

<http://www.edcgov.us/Government/Planning/OakWoodlands/OakGuidelinesRevised.aspx>

### ***Integrated Natural Resources Management Plan (INRMP)***

Over an approximate six-year period (2006-2012), the County engaged in an extensive effort to implement the INRMP as required under the 2004 General Plan (Policy 7.4.2.8). The intent of the INRMP was to mitigate impacts on biological resources from General Plan implementation. The General Plan calls for the INRMP to include the following components: 1) habitat inventory, 2) habitat protection strategy, 3) mitigation assistance program, 4) habitat acquisition program, 5) habitat management program, and 6) habitat monitoring program, 7) public participation, and 8) conservation fund. The INRMP components are summarized as follows:

1. The habitat inventory was to identify important habitat (i.e., habitats that support special-status species; aquatic environments including streams, rivers, and lakes; wetland and riparian habitat; habitat important for migratory deer herds; and large expanses of native vegetation).
2. The habitat protection strategy was “to conserve and restore contiguous blocks of important habitat to offset the effects of increased habitat loss and fragmentation elsewhere in the county.”
3. The mitigation assistance program was to facilitate mitigation of impacts to biological resources resulting from projects approved by the County that are unable to avoid impacts on important habitats.
4. The habitat acquisition program was for identifying habitat acquisition opportunities involving willing sellers, and identifying partnership opportunities between the County and other organizations for habitat acquisition and management.
5. The habitat management program was to evaluate each property or easement acquired through the INRMP to determine whether the biological resources would benefit from restoration or management actions that could improve current habitat conditions.
6. The habitat monitoring program was to cover all areas under the Ecological Preserve overlay and all lands acquired through the INRMP and incorporated into future County planning efforts to more effectively conserve and restore important habitats.
7. The INRMP was to be developed with public participation and informal consultation with local, state, and federal agencies having jurisdiction over natural resources within the County.
8. A conservation fund was to be developed to ensure adequate funding of the INRMP including habitat maintenance and restoration.

The INRMP implementation process was divided into two phases. Phase 1 focused on fact-finding – gathering, organizing, and analyzing the scientific and regulatory facts related to the INRMP. Phase 1 was completed in 2011 with compilation of baseline conditions. Phase 2 would entail the development of a draft INRMP with recommendations on the required environmental review pursuant to CEQA.

In September 2006, the County began work to implement Policy 7.4.2.8 by preparing a work program for development of an INRMP. Two advisory committees, the Plant and Wildlife Technical Advisory Committee (PAWTAC) and the Integrated Natural Resources Management Plan Stakeholders Advisory Committee (ISAC), were convened to advise the Planning Commission and Board on plant and wildlife issues, important habitats, and INRMP development and implementation. The County executed a contract with EN2 Resources to prepare an Oak Woodland Management Plan (OWMP), to serve as the “oak woodland portion” of the INRMP. The County also contracted with Science Applications International Corporation (SAIC) to conduct workshops related to preparation of an INRMP or alternatives. SAIC held a workshop with the Board in October 2006 to frame the alternatives and present potential INRMP approaches. In November 2006, the Board directed staff to work with SAIC to prepare a detailed scope of work for preparation of a conservation plan for the INRMP.

During the four-year period 2007-2010, extensive County staff and PAWTAC/ISAC time were invested in efforts to implement the INRMP. INRMP related items were discussed at over 40 Board of Supervisors meetings and 12 Planning Commission meetings. In addition, PAWTAC and ISAC each held over 20 meetings. The Agricultural Commission also discussed and provided input on the INRMP at 6 Agricultural Commission meetings. Key components accomplished during this time included:

- In 2007, the County executed a contract with SAIC to conduct workshops related to preparation of an INRMP and/or alternatives.
- In June 2007, the Board approved an Oak Woodland Habitat map.
- In April 2008, the Board adopted the INRMP Initial Inventory and Mapping, satisfying the requirements of General Plan Measure CO-M.
- In 2008, the Board appointed members to PAWTAC and ISAC and the two committees began holding meetings.
- In 2009, the Board approved the Request for Proposal (RFP) for the INRMP and executed a contract with Sierra Ecosystems Associates (SEA) to prepare the first phase of the INRMP.
- In 2010, the Board adopted the Updated INRMP Initial Inventory and Mapping and accepted both the Indicator Species Report and the Wildlife Movement and Corridor Report.

In March 2011, Phase 1 was nearing completion, with a final report and draft scope of work for Phase 2 that was being prepared by SEA. On April 12, 2011, Development Services staff presented the Board with an update on the project, including a Revised Draft Overall Approach for Preparing INRMP (Phase II) Report (February 7, 2011). This report included implementation options for each of the eight INRMP components identified in Policy 7.4.2.8 (Appendix A – INRMP Implementation Options Report). The Board received and filed the draft report and directed staff to return with a RFP for Phase 2.

In June 2011, staff provided the Board with a draft RFP for Phase 2. However, the staff memo to the Board dated June 21, 2011 (Legistar File 11-0330, Attachment 3E) noted that the proposed RFP would likely result in a wide range of proposals, and a wide range of cost estimates, that would not be reasonable to evaluate and compare during the selection process. Moreover, the County potentially would not receive a proposal that would fully implement the Board’s

expectations for Phase 2 of the INRMP. Phase 1 was driven by fact-finding, while Phase 2 was to be driven by the Board's policy direction. The staff memo outlined 11 policy issues for Board direction to enable staff to further refine the RFP to ensure the proposals would implement the Board's policy direction. The policy issues were identified as follows:

- 1) **Mitigation Plan** - Focus of INRMP Phase 2 should be on a mitigation plan for impacts to habitat loss and fragmentation by development allowed in the General Plan. (The INRMP is not a habitat conservation plan nor a restoration plan for past practices.)
- 2) **County ownership of fee title lands** - May be more appropriate for State or federal agencies; potentially focus on easements.
- 3) **Land or easement acquisition from willing sellers** - Unlikely the County desires to acquire mitigation habitat in any other way than from willing sellers.
- 4) **Mitigation Plan funding mechanism** - Should be funded primarily from fee sources (e.g., new building permits); other options include: surcharge on development permits, grants.
- 5) **Operational Costs** – Should be minimized by: simple fee collection; standardized procedure for land/easement acquisition.
- 6) **General Plan Policies** – Proposed RFP limited to implementation of the policies identified in the General Plan; may be revised based on policy direction by the Board.
- 7) **Williamson Act lands** – Mitigation Plan should consider a program which allows Williamson Act lands to remain in an agricultural status, thus preserving habitat.
- 8) **Agricultural lands** – Mitigation Plan should augment agricultural landowners' land stewardship role with program that allows easements or other mechanisms (e.g., funding to improve habitat).
- 9) **Highway 50** – Existing non-County facility that affects wildlife movement; Mitigation Plan can encourage other agencies with jurisdictions over Highway 50 (e.g., Caltrans) to improve wildlife movement and safety.
- 10) **Fire Prevention** – Mitigation Plan should coordinate with Fire Prevention Plans to reduce fuel loading and create fire breaks, so improved habitats can be established that will survive catastrophic wildfire.
- 11) **Oak Woodland Management Plan and Ecological Preserves** – Mitigation Plan should incorporate these two existing mitigation programs into one strategic plan for the County.

The Board directed staff to select an ad hoc committee of 4 or 5 individuals/volunteers from the Economic Development Advisory Committee (EDAC) to work with staff on these issues and prepare discussion for Board direction at a subsequent Board meeting.

Staff attempted to form an ad hoc committee with members from EDAC, PAWTAC, and ISAC, but the individuals had such polarized positions that it was unlikely they would ever reach consensus on how to move forward in implementing the INRMP. For example, some viewed the INRMP as a broad conservation program and a device to revisit the General Plan to decide which lands designated for development should be unavailable. Others felt that conservation lands should be purchased in the Highway 50 corridor/Community Regions area, and that the highest priority lands were those at immediate risk of development. And yet others considered INRMP as a program to mitigate the impacts from development under the General Plan, and that land acquired for mitigation should be located in areas not subject to development pressure, especially since the acquisitions had to be voluntary, not through eminent domain.

The failure to form a consensus on the approach to implement Phase 2 of the INRMP, after approximately six years of staff and PAWTAC/ISAC's time and effort, and over 120 related items taken to the Board and the Planning Commission for direction or action, INRMP Phase 2 was not initiated. In addition to the long-term commitment of staff resources, other reasons that Phase 2 was not implemented included the challenge of acquiring, managing, and monitoring preserve lands in perpetuity; high implementation costs; and multi-year timeframe. There was also concern that developing the INRMP as a regulatory program would restrict land use options for some properties where the only option would be to sell the land for conservation purposes. Furthermore, development projects that are otherwise consistent with the General Plan have needed to modify their design or phase their projects due to the constraints of Policy 7.4.4.4 which is currently limited to Option A (canopy retention). The lack of an in-lieu fee (Policy 7.4.4.4 Option B) has impacted development projects, causing increased project costs and delays in moving forward until these policies are revised and the ORMP is implemented.

As a result of the ongoing impediments to implementing INRMP Phase 2, staff identified and assessed alternative approaches or options to present to the Board for consideration. In September 2012, staff returned to the Board with the following six options for consideration:

**Option 1:** Do nothing and continue to apply Policy 7.4.4.4 retention indefinitely. The Option B mitigation fee would not be available.

**Option 2:** Prepare a new OWMP with an EIR, implementing an Option B mitigation fee.

**Option 3:** Continue work on the INRMP, and include the oak woodland chapter in the EIR that will ultimately be prepared for the INRMP, implementing the INRMP and the Option B mitigation fee.

**Option 4:** Adopt a resolution of intention to amend the General Plan Oak Policies 7.4.4.4 and 7.4.4.5, and analyze those amendments as part of the (Land Use Policy Programmatic Update (LUPPU) and in the EIR for that process.

**Option 5:** Adopt a resolution of intent to amend the General Plan Oak policies 7.4.4.4 and 7.4.4.5 in a separate process with a separate EIR.

**Option 6:** Adopt a resolution of intent to amend the General Plan Oak Policies 7.4.4.4 and 7.4.4.5, the related General Plan policies (Policies 7.4.5.1, 7.4.5.2, 7.4.2.8 and 7.4.2.9). A separate EIR would be required.

Options 1–3 would implement existing policies and would not require amending the General Plan; Options 4–6 would involve amending General Plan policies. (A detailed discussion of the six options is included in Staff Memo dated September 20, 2012, Legistar File 12-1203, Attachment A).

As discussed in the September 20, 2012 staff memo, staff did not recommend Options 1 through 3 primarily because the policies are confusing (e.g., “oaks”, “oak woodlands and “oak habitat” do not mean the same thing and are used inconsistently and sometimes interchangeably). The policies also attempt to achieve two overlapping but distinct objectives: protecting (some)

oaks because they are big beautiful trees; and protecting groups of oaks because they are identified to provide important habitat for other plants and animals. The County spent substantial amounts of time and money attempting to implement policies that were difficult to comprehend or interpret. After having spent six (6) years attempting to implement the existing policies without success, it became clear to staff that a different approach was needed to meet the goals and objectives of the General Plan. As a result, staff did not recommend that the Board implement the existing oak policies, but instead, consider amendments to clarify and refine them.

Options 4 through 6 provided various methodologies to clarify and refine the policies. Staff's recommendation was Option 6 which would enable the Board to clarify and refine the intent and scope of all the biological resources policies, ensure internal consistency between those policies, and consider changes in state law. A comprehensive review of the biological policies would allow the Board to consider all the issues identified during the OWMP and INRMP processes and would give the Board the greatest policy flexibility to re-evaluate the existing biological resources policies, in light of new information gathered since 2004.

The Board selected Option 6 and directed staff to prepare a Resolution of Intention (ROI) to Amend General Plan Policies 7.4.2.8, 7.4.2.9, 7.4.4.4, 7.4.4.5, 7.4.5.1 and 7.4.5.2 and their related Implementation Measures, including clarification regarding oak tree protection and habitat preservation; and to prepare a RFP for a consultant to assist the County with amending the policies and preparing the related EIR.

In March 2014, the Board approved a contract with consulting firm Dudek. In July 2014, Dudek presented to the Board a summary of the historical background and current status of the County's General Plan biological policies and related Implementation Measures. Four broad policy options were also presented with an analysis of the pros and cons of each option.

In October 2014, the Board directed staff to move forward with Policy Option 3: Combination Mitigation/Conservation Approach which would redefine the County's program for management of and mitigation for biological resource impacts and implementation of the OWMP, specifically related to Option B of General Plan Policy 7.4.4.4 (oak woodland in-lieu fee option) in place of establishing and implementing the INRMP. However, components of the INRMP (as included in current Policy 7.4.2.8) would instead be incorporated into the revised biological policies, which identify self-implementing mitigation and conservation requirements.

On June 22, 2015, the Board adopted ROI 108-2015 to consider proposed amendments to the General Plan and revisions to any related implementation measures as summarized in the ROI; and adopted ROI 109-2015 to consider proposed amendments to the OWMP as described in the ROI. On July 14, 2015, the Board adopted ROI 118-2015 (superseded ROI 108-2015) to include additional proposed revisions to General Plan objectives and policies.

### ***Oak Woodland Management Plan (OWMP)***

In September 2006, staff began the process for preparing an Oak Woodland Management Plan (OWMP) which would serve as the “Oak Woodland portion” of the INRMP (General Plan Policy 7.4.4.4 and 7.4.5.2). A Public Review Draft OWMP (dated August 2007) was released in September 2007. In March 2008, the Planning Commission held a public hearing to receive comments on the Final Draft OWMP. In April 2008, the Board held a public hearing to receive comments on the Final OWMP.

In May 2008, the Board certified the environmental document and adopted the OWMP and adopted Ordinance 4771 as an initial and discrete component of the INRMP. The OWMP and its implementing ordinance provided mechanisms for mitigation of development impacts on oak canopy through on-site retention and off-site replacement, or conservation, or payment of an in-lieu fee (Policy 7.4.4.4, Option B) and subsequent County acquisition of oak woodland areas (OWAs) for conservation. Policy 7.4.4.4 requires that a land development project meet the oak tree canopy retention standards (as identified under Option A of the policy) and either replace or conserve off-site oak woodlands at a 1:1 ratio in proportion to the amount of oak canopy lost on site or, or pay the in-lieu fee at a 2:1 ratio (as described under Option B of the policy). If Option B is used, there is no minimum retention requirement.

In June 2008, a lawsuit was filed in El Dorado Superior Court against the County’s adoption of the OWMP, asserting that the impacts from implementation of the OWMP were not previously addressed in the County’s General Plan EIR. In February 2010, the trial court upheld the County’s OWMP and ruled in favor of the County. The decision was appealed and the Appellate Court held that the County had not adequately evaluated the environmental effects of the OWMP as required by CEQA. In September 2012, the County rescinded the OWMP (Resolution 123-2012) and its implementing ordinance (Ordinance No. 4892). With no in-lieu fee option currently available (under General Plan Policy 7.4.4.4 Option B), land development projects must meet the retention standards in Option A to be consistent with the General Plan.

As discussed above, on September 24, 2012, the Board directed staff to prepare a ROI to amend the Conservation of Biological Resources section of the Conservation and Open Space Element in the General Plan. The Board also directed staff to prepare a RFP to contract with a consultant to assist the County with the policy analysis and preparation of amendments to Policies 7.4.2.8, 7.4.2.9, 7.4.4.4, 7.4.4.5, 7.4.5.1, and 7.4.5.2 and related Implementation Measures, and to prepare an EIR.

In March 2014, the Board approved a contract with consulting firm Dudek to assist the County with updating the biological resources policies and implementation measures in the General Plan and preparing an EIR. The scope of work also included updating the OWMP.

On June 22, 2015, the Board adopted ROI 109-2015 to consider proposed amendments to the OWMP, as described in the ROI, including re-titling the OWMP to Oak Resources Management Plan (ORMP), consistent with General Plan Implementation Measure CO-P.

### ***Biological Resources Policy Update Project***

In July 2014, Dudek presented to the Board a summary of the historical background and current status of the County's General Plan biological policies and related Implementation Measures. Four broad policy options were also presented with an analysis of the pros and cons of each option. These options were as follows:

- Option 1: Compliance with State and Federal Regulations
- Option 2: Mitigation Approach
- Option 3: Mitigation/Conservation Approach
- Option 4: Conservation Approach

(The Dudek Background Memo dated May 1, 2014 and Dudek Options Memo dated July 18, 2014 are attached to Legistar File 12-1203, as Attachment 5B and Attachment 5C, respectively.)

In October 2014, the Board held a workshop to follow up on the July 28, 2014 discussion regarding the history and status of the County biological policies. The Board directed staff to move forward with Policy Option 3: Combination Mitigation/Conservation Approach, which would redefine the County's program for management of and mitigation for biological resource impacts and implementation of the OWMP, specifically related to Option B of General Plan Policy 7.4.4.4 (oak woodland in-lieu fee option) in place of establishing and implementing the INRMP. However, components of the INRMP (as included in current Policy 7.4.2.8) would instead be incorporated into the revised biological policies, which identify self-implementing mitigation and conservation requirements. (See Board Agenda for 10/07/2014, Item 22, Legistar File 12-1203, Attachment 6C).

In November 2014, staff presented the Board with three potential processing approaches to prepare an EIR to evaluate the existing OWMP. The Board selected Approach A (Mitigation/Conservation Option with limited public outreach), which anticipated that public outreach would occur within the context of presentations to and workshops with the Board.

In January 2015, Dudek presented the Board with a Decision Points memo and project timeline and addressed Decision Point No. 1 regarding re-analysis of the oak woodland mitigation in-lieu fee amount as previously adopted in the 2008 OWMP to ensure consistency with current State law. The Board approved the proposed project schedule which included a series of five public workshops with the Board. The Board also approved the first Amendment to Dudek's contract to expand the scope of work to include the re-analysis of the in-lieu fee (see Legistar File 12-1203, Attachment 9C).

In June 2015, the Board adopted ROI 108-2015 and ROI 109-2015 and directed staff to proceed with the environmental review process to include project revisions and alternatives: 1) Adding oak resource retention standards; 2) Options for Individual Oak Tree (IOT) replacement mitigation (e.g., various sizes of plants used for replacement planting from acorns to 15-gallon containers) and associated analysis of the implications for the In-lieu Fee Nexus study based on these options, and 3) Oak resource mitigation requirements related to discretionary and ministerial projects. In July 2015, the Board adopted ROI 118-2015 which superseded ROI 108-



2015 to more accurately reflect the proposed amendments to General Plan Chapter 7 - Conservation and Open Space Element.

#### **4. ENVIRONMENTAL REVIEW PROCESS**

An Environmental Impact Report (EIR) has been prepared for the following purposes:

- To satisfy the requirements of CEQA (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 CCR 15000 et seq.), and the County's procedures for implementing CEQA.
- To inform the general public, the local community, responsible agencies, trustee agencies and other interested public agencies, and the County's decision-making body (Board of Supervisors) regarding the potential significant environmental effects resulting from implementation of the proposed project as well as possible measures to mitigate those significant effects and alternatives to the proposed project.
- To enable the County to consider the environmental consequences when deciding whether to approve the proposed project and the requested discretionary actions necessary to support the project.

The EIR is intended to provide County decision makers, other agencies, and the general public with information that enables them to consider the environmental consequences of the proposed project. The document identifies significant or potentially significant environmental effects ("impacts") and evaluates possible ways in which those impacts could be reduced to less-than-significant levels, whether through implementation of mitigation measures adopted by the lead agency or through the implementation of an alternative to the proposed project. In a practical sense, an EIR functions as a method of fact-finding, allowing an applicant, the public, other public agencies, and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure. Additionally, an EIR provides the primary source of environmental information for the lead agency to consider when exercising any permitting authority or approval power directly related to implementation of this proposed project.

##### ***Program-Level EIR***

The Biological Resource Policy Update and Oak Resources Management Plan EIR is intended to be a program-level document used to analyze the first-tier effects of the Policy Update and implementation of the ORMP and the Oak Resources Conservation Ordinance. A Program EIR is prepared for a series of actions that can be characterized as one large project, with each action related as logical parts in the chain of contemplated actions (14 CCR 15168(a)). Typically, such a project involves actions that are closely related geographically (14 CCR 15168(a)(1)), for agency programs (14 CCR 15168(a)(3)), or as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways (14 CCR 15168(a)(4)). Program EIRs generally analyze broad environmental effects of the program, with the acknowledgment that site-specific environmental review may be required for particular aspects or portions of the program when those aspects are proposed for implementation (14 CCR 15168(a)).

Once the Program EIR is prepared for the proposed project, subsequent (or second-tier) activities within the program must be evaluated to determine what level of additional CEQA review is necessary. If the County determines that a proposed subsequent project would have no additional effect on the environment beyond that which was identified in the Program EIR, and that no new or additional mitigation measures or alternatives are required, then no new environmental documentation is required per CEQA (14 CCR 15168(c)). However, the County would need to make a written finding that the subsequent project is within the scope of the project covered by the Program EIR.

If a subsequent activity would have effects that are not within the scope of the Program EIR, the County would need to prepare a new Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, or an EIR. Subsequent CEQA documents would incorporate by reference the general discussions from this broader Program EIR, primarily concentrating on the issues specific to the action being evaluated.

### ***Lead, Responsible, and Trustee Agencies***

As required by CEQA, the EIR defines lead, responsible, and trustee agencies. The County is the lead agency for the project because it holds principal responsibility for approving the project. A responsible agency is a public agency, other than the lead agency, that has discretionary approval over the project. No responsible agency has been identified for adoption of the updated Biological Resources policies and the ORMP. A trustee agency is defined as a state agency that has jurisdiction by law over natural resources that are held in trust for the people of the state. For example, the California Department of Fish and Wildlife is a trustee agency with respect to any potential impacts of the project on fish and wildlife resources.

Prior to approving the project, the lead agency is required to certify that the EIR has been completed in compliance with CEQA, the decision-making body reviewed and considered the information in the EIR, and the EIR reflects the independent judgment of the lead agency.

This EIR has been reviewed by the County's Community Development Agency, Long Range Planning Division and is presented to the Planning Commission at this time for its recommendation to the Board of Supervisors, and will be reviewed by the Board for certification in accordance with CEQA.

### ***Findings of Fact***

Written findings of fact for each significant environmental impact identified in the EIR have been prepared by the County to:

- Determine if the proposed project has been changed to avoid or substantially reduce the magnitude of the impact;
- Find that changes to the proposed project or mitigation measures are within another agency's jurisdiction, and such changes have been or should be adopted by such other agency; or

- Find that specific economic, social, or other considerations make mitigation measures or proposed project alternatives infeasible.

As required by CEQA, the findings of fact are based on substantial evidence in the administrative record and include an explanation that demonstrates that evidence in the record supports the required conclusions identified above. (See Exhibit A-1 for the draft CEQA Findings of Fact prepared for the proposed project.)

### ***Statement of Overriding Considerations***

Because the EIR identifies that the project would result in significant impacts that cannot be mitigated to a less-than-significant level, the Board must also adopt a Statement of Overriding Considerations as part of the project approval process if the Board decides to proceed with the project. The draft statement explains the considerations that would balance the benefits of the project against the environmental impacts identified as significant and unavoidable consequences of project implementation. (See Exhibit A-2 for the draft CEQA Statement of Overriding Considerations prepared for the proposed project.)

### ***Notice of Preparation (NOP) of a Draft EIR Released July 17, 2015***

In July 2015, the County released a Notice of Preparation (NOP) of a Draft EIR for a 30-day public review period. In August 2015, a public scoping meeting was held during a regular meeting of the Planning Commission to receive public and agency comments on the scope and content of the Draft EIR.

### ***Revised NOP of a Draft EIR Released November 23, 2015***

In September 2015, following consideration of comments received on the original NOP and proposed project, the Board approved several revisions to the draft Oak Resources Management Plan (ORMP) and directed staff to release a revised NOP and a revised draft ORMP. In November 2015, the County released a revised NOP and a revised draft ORMP for a 30-day public review period ending on December 23, 2015. Since the Board approved several revisions to the proposed project and draft ORMP, the County chose to release this revised NOP to allow for additional public comment. Although not required by CEQA, it was done to be as open and transparent as possible. All comments received on the first NOP were still considered in preparation of the Draft EIR and are part of the administrative record.

### ***Notice of Availability of a Draft EIR Released June 30, 2016***

In June 2016, the County released a Notice of Availability of a Draft EIR for a 45-day public and agency review period ending on August 15, 2016. On August 11, 2016, the Planning Commission held a public hearing to receive comments on the Draft EIR and on the Draft ORMP. The NOA, Draft EIR, Draft ORMP, and written public and agency comments submitted by August 15, 2016 are posted on the Biological Resources Policy Update and Oak Resources Management Plan Draft EIR webpage at:

<http://www.edc.gov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdateDraftEIR.aspx>

### ***Draft EIR***

The Draft EIR includes analysis of environmental issues identified as potentially significant in the NOP and Initial Study (IS), comments on the NOP, the Revised NOP, comments on the revised NOP, and meetings held with the public (see Appendix A of the Draft EIR for the NOP, IS, and comments received in response to the NOP and revised NOP, including a summary of verbal comments received at the County's EIR scoping session). The IS prepared for the proposed project evaluated all the issue areas identified in the Environmental Checklist (Appendix G of the CEQA Guidelines). The IS is a tool for the lead agency to use in order to determine where the proposed project may result in potentially significant impacts.

The proposed project would amend the General Plan biological resources policies and establish requirements for oak resource impact evaluation and mitigation but would not modify the existing General Plan and Zoning designations throughout the County. The land development patterns and associated environmental impacts that would result from buildout of the General Plan are already anticipated regardless of the proposed policies updates and ORMP provisions. As the proposed project would not substantially alter land development patterns or the development standards related to environmental resources other than biological resources and oak trees and woodlands, it would not result in significant impacts to resources such as air quality, noise, transportation and circulation, geology, hydrology/water quality, and public services.

Based on the NOP and revised NOP, and IS, the County found that the proposed project could result in significant impacts in the following issue areas:

- Land Use and Planning (including agricultural resources)
- Biological Resources
- Forestry Resources
- Greenhouse Gases (focused on the loss of carbon sequestration)
- Visual Resources

The EIR addresses issue areas that could result in significant impacts in Chapters 5 through 9. Each chapter is divided into four main sections: (1) Environmental Setting, (2) Regulatory Framework, (3) Impacts and (4) Mitigation Measures. The analysis considers impacts at an interim year (2025) and in the cumulative conditions (2035).

This EIR evaluates the direct impacts, reasonably foreseeable indirect impacts, and cumulative impacts resulting from implementation of the proposed project using the most current information available and in accordance with the provisions set forth in CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.). In addition, the EIR recommends potentially feasible mitigation measures, where possible, and project alternatives that would reduce or eliminate significant adverse environmental effects.

### ***Alternatives***

The alternatives chapter of the EIR (Chapter 10, Alternatives) was prepared in accordance with Section 15126.6 of the CEQA Guidelines. The Draft EIR identified nine alternatives; however, seven were rejected for the reasons discussed in the Draft EIR, Chapter 10 (Alternatives). The two alternatives to the proposed project analyzed in the EIR were chosen based on balancing each alternative's ability to best meet the project objectives and to avoid or substantially lessen the significant effects of the proposed project. The selected alternatives listed and described below constitute a reasonable range of project alternatives for purposes of CEQA analysis.

**Alternative 1: No Project/No General Plan Amendment or ORMP.** This alternative assumes that the proposed General Plan amendments and ORMP are not adopted and all future development is evaluated under the existing General Plan policies.

**Alternative 2: Minimum Oak Resource Retention Requirement.** This alternative assumes that the proposed ORMP is modified to include a minimum oak resource retention requirement applicable to all future development within the County at or below the 4,000-foot elevation.

### ***Final EIR Released March 8, 2017***

The Final EIR, released on March 8, 2017, was distributed electronically to the Planning Commissioners with their agenda packets for the April 27, 2017 Planning Commission meeting. The Final EIR was also posted on the County website at:

<http://www.edcgov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdate.aspx>

The Final EIR contains all the public and agency comments received during the public review period for the Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance (proposed project), and the responses to each of those comments. The responses clarify, correct, and/or amplify text in the Draft EIR, as appropriate. Chapter 2 in the Final EIR contains Master Responses that address issues raised in numerous comment letters received on the Draft EIR. The Final EIR also includes text changes made to the Draft EIR either in response to comments or at the initiative of the County. Modifications were made to the project as disclosed in the Final EIR to reduce impacts beyond what was considered in the Draft EIR, although impacts remain significant and unavoidable. The Final EIR also includes those pages from the Draft EIR that have been revised in response to the comments. The revisions to the Draft EIR text do not alter the conclusions of the Draft EIR. The comments and responses that make up the Final EIR, in combination with the Draft EIR as amended by the text changes, constitute the EIR that the Planning Commission will review and decide whether to recommend to the Board of Supervisors for certification. (The Draft and Final EIR documents are posted on the County website. Links to the Final EIR webpage are attached as Exhibit I, and links to the Draft EIR webpage are attached as Exhibit J.)

## 5. SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

The EIR found that the proposed project could result in nine significant and unavoidable impacts within the five issue areas identified above. Following is a brief summary of each significant impact and the EIR conclusions about potential mitigation measures, where feasible, that would reduce the level of significance of identified impacts. For additional details regarding environmental impacts and mitigation measures, refer to Table 1-1 (Impact Summary Table) in the Draft EIR (Executive Summary, Section 1.6, Summary of Impacts and Mitigation Measures) for a complete list of impacts and mitigation measures associated with the Project.

### **Issue Area 1: Land Use and Planning** (including agricultural resources)

#### **Impact LU-2:** *Substantially alter or degrade the existing land use character of the County*

EIR Impact Conclusion: No feasible mitigation was found to reduce this impact.

### **Issue Area 2: Biological Resources**

#### **Impact BIO-1:** *Result in the loss and fragmentation of wildlife habitat*

EIR Impact Conclusion: Mitigation Measure MM BIO-1 would reduce this impact, but not to a less-than-significant level.

Mitigation Measure MM BIO-1 has been incorporated into proposed amendments to General Plan Policy 7.4.2.8. (Refer to Exhibit B - Draft Resolution – Adopting an Amendment to the Biological Resources Policies in the El Dorado County General Plan)

##### MM BIO-1

*“Conservation Area Monitoring.* The Biological Resource Mitigation Program developed by the County under Policy 7.4.2.8 shall include requirements for periodic monitoring of preserved lands by individual development project applicants or their designee to assess effectiveness of the Program for protection of special-status and native species. Prior to final approval of an individual development project, the applicant shall demonstrate to the County that they have a comprehensive monitoring strategy in place for preserved lands, and that funding is secured to implement the monitoring strategy in perpetuity.”

#### **Impact BIO-2:** *Have a substantial adverse effect on special status species*

EIR Impact Conclusion: No feasible mitigation was found to reduce this impact.

#### **Impact BIO-3:** *Have a substantial adverse effect on wildlife movement*

EIR Impact Conclusion: No feasible mitigation was found to reduce this impact.

#### **Impact BIO-4:** *Result in the removal, degradation, and fragmentation of sensitive habitats*

EIR Impact Conclusion: Mitigation Measure MM BIO-2 would reduce this impact, but not to a less-than-significant level.

Mitigation Measure MM BIO-2 has been incorporated into the Draft ORMP and Oak Resources Conservation Ordinance (Exhibit F - Draft ORMP (with Errata and underline/strikeout changes made after June 2016), and Exhibit G - Draft Oak Resources Conservation Ordinance (with Errata and underline/strikeout changes made after June 2016))

**MM BIO-2**

*Require Mitigation for Valley Oak Tree and Valley Oak Woodlands.*

The exemptions section of the ORMP and the Oak Resources Conservation Ordinance shall be revised such that no activities shall be exempt from the requirement to mitigate impacts to valley oak woodlands and individual valley oak trees.

This would be a significant impact due to the loss and degradation of a sensitive habitat. While individual valley oak trees are not considered a sensitive species, they are the primary component of valley oak woodland, a sensitive habitat, and have relatively small representation in the County (less than 4,000 acres). Valley oaks have documented difficulty regenerating adequately to stabilize and expand populations (McCreary and Tecklin 2005, Standiford 2016). (See Draft EIR, Chapter 6 (Biological Resources), pp. 6-80 and 6-81).

**Issue Area 3: Forestry Resources**

**Impact FOR-1:** *Result in the loss of forest land or conversion of forest land to non-forest use*

EIR Impact Conclusion: No feasible mitigation was found to reduce this impact.

**Impact FOR-2:** *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use*

EIR Impact Conclusion: No feasible mitigation was found to reduce this impact.

**Issue Area 4: Greenhouse Gases** (focused on the loss of carbon sequestration)

**Impact GHG-1:** *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment*

EIR Impact Conclusion: No feasible mitigation was found to reduce this impact.

**Issue Area 5: Visual Resources**

**Impact VIS-2:** *Substantially degrade the existing visual character or quality of the area or region*

EIR Impact Conclusion: No feasible mitigation was found to reduce this impact.

## 6. SUMMARY OF CHANGES TO THE DRAFT EIR

As documented in the Final EIR, minor corrections, additions, and revisions were made to the Draft EIR and the proposed project to reflect direction provided by the Lead Agency (El Dorado County), as well as comments received from reviewing agencies and the public. The changes made to the Draft EIR and proposed project represent minor clarifications/amplifications of the analysis contained in the Draft EIR based on ongoing review by El Dorado County staff and/or consultant or applicant review and do not constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR. Changes made to the Draft EIR are summarized in Table 1-1 (Summary of Draft EIR Text Changes) of the Final EIR (Introduction, Section 1.3, Summary of Draft EIR Text Changes) and the specific changes made to the EIR text and appendices that contain the proposed project elements are presented in detail in Chapter 4 of the Final EIR (Text Changes to the Draft Environmental Impact Report).

Below is a brief summary/discussion of key changes made to the Draft EIR. Minor text changes (e.g., typos, grammatical edits, language clarifications, etc.) are not included in this discussion.

### 1. Changes to Policy 7.4.1.1: Remove the proposed language “where feasible” from the policy.

*Discussion:*

As evaluated in the Draft EIR, the proposed project included adding the words “where feasible” to Policy 7.4.1.1. Based on questions and concerns raised in public comments on the Draft EIR, this addition has been removed from the proposed General Plan policy update. This revision to proposed Policy 7.4.1.1 does not change the significance of identified environmental impacts, nor the effectiveness of the proposed General Plan policies because it ensures that mitigation for impacts to the Pine Hill plants would continue to be consistent with the U.S. Fish and Wildlife Service’s Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan. (For additional details, refer to Final EIR Section 3.2, Responses to Comments 4-6 and 4-7, pp. 3-42 and 3-43).

### 2. Changes to proposed Policy 7.4.2.8 (Subsections C and F):

A. Revise subsection (C) *Biological Resources Assessment* to include in the report recommendations for: pre-construction surveys and avoidance/protection measures for nesting birds; pre-construction surveys and avoidance/protection measures for roosting bats; avoidance and minimization measures to reduce impacts related to entrapment, entanglement, injury, or poisoning of wildlife; and avoidance and minimization measures to reduce indirect impacts to wildlife in open space adjacent to a project site.

*Discussion:*

Based on agency comments, staff recommends the above revisions to proposed Policy 7.4.2.8(C), noting that recommendations for pre-construction surveys and avoidance/protection measures for nesting birds and roosting bats as well as avoidance and minimization measures to reduce impacts related to entrapment, entanglement, injury, or poisoning of wildlife must be included in the site-specific biological resources technical report for each project. This recommended change to proposed Policy



7.4.2.8(C) does not change the significance of identified environmental impacts, nor the effectiveness of the proposed General Plan policies because it ensures that site-specific recommendations for application of typical measures to mitigate impacts wildlife are developed for each development project. (For additional details, refer to Final EIR Section 3.2, Responses to Comments 4-42 through 4-48, pp. 3-66 through 3-69).

- B. Add new subsection (F) *Mitigation Monitoring*. Prior to final approval of an individual development project, applicants shall submit to the County a Mitigation Monitoring Plan that provides for periodic monitoring of preserved lands to assess effectiveness of the measures implemented to protect special-status and native species. The Mitigation Monitoring Plan shall demonstrate that funding is secured to implement the monitoring strategy in perpetuity.

Discussion:

New subsection (F) has been added to Policy 7.4.2.8 to implement Mitigation Measure MM BIO-1 (Conservation Area Monitoring). As discussed in the Draft EIR, this recommended addition would provide a mechanism for the County to ensure, through monitoring, that development projects meet the mitigation requirements established under the proposed policy. This revision to Policy 7.4.2.8 does not change the significance of identified environmental impacts and does not reduce the effectiveness of the proposed General Plan policies because it ensures that project-specific mitigation requirements are met. (For additional details, refer to Final EIR Section 3.3 (Organizations), Response to Comment 2-5).

The revisions to proposed Policies 7.4.1.1 and 7.4.2.8 discussed above have been incorporated into Exhibit B (Draft Resolution – Adopting an Amendment to the Biological Resources Policies in the El Dorado County General Plan).

### **3. Revisions to land cover impact totals, including oak woodlands, resulting from a calculation error.**

Discussion:

During preparation of the Final EIR, review of the data revealed that a double-counting error was made in the Geographic Information Systems (GIS) analysis of the land cover impact totals. Corrections to the land cover impact totals, including oak woodlands, have been made to resolve this error. These revised land coverage totals do not change the significance of identified environmental impacts, nor the effectiveness of the proposed General Plan policies.

The correction of the double-counting error has considerably reduced the acreage of oak woodland projected to be lost (from 6,442 acres to 4,848 acres under projected 2035 development). Impacts anticipated to other land cover types have also been considerably reduced (e.g., annual grassland impacts reduced from 13,108 acres to 4,792 acres and mixed chaparral reduced from 1,028 acres to 681 acres under projected 2035 development). In addition to the edits to Draft EIR Table 6-15, Draft EIR Tables 6-6 and 6-16 (Chapter 6, Biological Resources) were updated with corrected land cover impact totals. The carbon sequestration totals presented in Chapter 8 (Greenhouse Gases) in the Draft EIR were also recalculated based on the revised calculations of impacts to oak woodlands. Where

necessary, text edits in the Draft EIR were made to reflect corrected impact totals, as summarized in Chapter 1 (Introduction) in the Final EIR. Specific text edits are shown in strikeout/underline in Chapter 4 of the Final EIR. (For additional details, refer to Final EIR Master Response 9, pp. 2-26 through 2-32).

**4. Agricultural Activities Exemption – Removal for activities that require a Conditional Use Permit.**

*Discussion:*

In response to agency and public comments, the agricultural activities exemption in the ORMP and implementing Oak Resources Conservation Ordinance was clarified to specify that the exemption will not apply to activities on agricultural-zoned lands that require issuance of a Conditional Use Permit (e.g., health resorts and retreat centers). Although the County's biological experts maintain that there is no substantial evidence that continued agricultural activities would lead to a large-scale loss of oak woodlands, and while exemptions for agricultural activities are consistent with state law (Public Resources Code Section 21083.4), this clarification to the agricultural activities exemption has been made to ensure the agricultural exemption is applied as narrowly as possible to meet the General Plan goals for ensuring the maximum feasible protection of oak resources as well as ensuring the continued viability of the County's agricultural economy. This revision to the agricultural activities exemption does not change the significance of identified environmental impacts and does not reduce the effectiveness of the proposed ORMP because it would limit the potential scope of the agricultural exemption. (For details, refer to Final EIR Master Response 5, pp. 2-16 through 2-19). These revisions to the proposed ORMP and Oak Resources Conservation Ordinance have been incorporated into Exhibit C-1 and Exhibit D.

**5. Personal Use Exemption: Text added to clarify tree removal limits.**

*Discussion:*

The ORMP, and implementing Oak Resources Conservation Ordinance, would exempt removal of a native oak tree (excluding Heritage Trees) from mitigation requirements when cut down on the owner's property for the owner's personal use. To ensure that the personal use exemption is applied as narrowly as possible to meet the General Plan goals for ensuring the maximum feasible protection of oak resources as well as ensuring the reasonable use of private property, the personal use exemption in the proposed ORMP is limited to removal of no more than eight (8) individual trees and no more than 140 inches diameter at breast height (dbh) per parcel per year. This revision to the personal use exemption does not change the significance of identified environmental impacts and does not reduce the effectiveness of the proposed ORMP because it would limit the potential scope of the personal use exemption and provide a mechanism to ensure the County can enforce the ORMP penalties and mitigation requirements if the personal use exemption is applied contrary to its intended use. (For additional details, refer to Final EIR Master Response 6 (Personal Use Exemption), pp. 2-19 through 2-21). These revisions to the proposed ORMP and Oak Resources Conservation Ordinance have been incorporated into Exhibit C-1 and Exhibit D.

**6. Revise Draft EIR Table 9-1 ((Final EIR Chapter 9, Page 9-4) Key Public Scenic Viewpoints in El Dorado County) to add the scenic viewpoint “East of Bass Lake Road”**

Discussion:

Based on public comment, the text in Chapter 9 (Visual Resources) of the Draft EIR has been revised to more clearly describe available views of Marble Valley and the proposed Village of Marble Valley Specific Plan area. The predominant view is from the westbound lanes on Highway 50 because the ridgeline along the western boundary of the Specific Plan area limits views from the eastbound lanes. However, there are limited views of the Specific Plan area from the eastbound lanes. This revision to the Visual Resources chapter does not change the significance of identified environmental impacts and does not reduce the effectiveness of the proposed General Plan policies or ORMP because it acknowledges that travelers on eastbound Highway 50 could experience the changes in views of Marble Valley that were determined to be less than significant due to the brevity of viewer exposure to those views. (For additional details, refer to Final EIR Section 3.4, Response to Comment 8-13, p. 3-359 and Chapter 4 (Text Changes to the Draft Environmental Impact Report) in the Final EIR.

**7. Revise proposed ORMP Section 2.1 (ORMP Exemptions) for consistency with Draft EIR Mitigation Measure BIO-2 (Required mitigation for valley oak trees/valley oak woodlands)**

Discussion:

The Draft ORMP, and implementing Oak Resources Conservation Ordinance, has been revised to stipulate that the ORMP Exemptions do not apply to individual valley oak trees or to valley oak woodlands unless such trees qualify for the Dead, Dying or Diseased Trees Exemption defined in Section 2.1.9 (Dead, Dying, or Diseased Trees Exemption) of the Draft ORMP. These revisions to the proposed ORMP and Oak Resources Conservation Ordinance are recommended to implement Mitigation Measure BIO-1. They did not change the significance of identified environmental impacts, nor the effectiveness of the proposed ORMP and ordinance because they limit the potential scope of the ORMP Exemptions. (For additional details, refer to Final EIR Section 3.2 (State and Local Agencies), Response to Comment 4-33 and 4-36). These revisions to the proposed ORMP and Oak Resources Conservation Ordinance have been incorporated into Exhibits C-1 and D.

**8. Clarify ORMP/Oak Resources Conservation Ordinance mitigation exemptions for dead/diseased/dying native oak trees**

Discussion:

The text of proposed ORMP Section 2.1.9 has been revised to specify that the Dead, Dying, or Diseased Tree Exemption does apply to valley oak trees. This revision to the proposed ORMP and Oak Resources Conservation Ordinance does not change the significance of identified environmental impacts, nor the effectiveness of the proposed ORMP and ordinance because it does not expand the potential scope of the Dead, Dying, or Diseased Tree Exemption as evaluated in the Draft EIR. (For additional details, refer to Draft EIR, Chapter 6 (Biological Resources), p. 6-62). This revision to the proposed ORMP and Oak Resources Conservation Ordinance has been incorporated into Exhibit C-1 and Exhibit D.

## **9. Greenhouse Gas Emissions: Additional technical explanation/clarification of previously identified impacts.**

### *Discussion*

Additional text has been added to provide further technical explanation/clarification of previously identified impacts related to greenhouse gas emissions. The Draft EIR analysis of potential greenhouse gas emissions has been revised to account for likely mechanisms for the release of greenhouse gases, including methane emissions. These revisions to the Draft EIR do not change the significance or severity of identified environmental impacts, nor the effectiveness of the proposed General Plan policies, ORMP and Oak Resources Conservation Ordinance. Rather, they clarify and provide more description of the potential pathways by which the project could contribute to Countywide greenhouse gas emissions. The total amount of emissions has not increased. (For additional details, refer to Final EIR Section 3.3, Response to Comment 1-2, pp. 3-92 through 3-101.)

## **7. PUBLIC INVOLVEMENT**

In 2014 and 2015, 12 public workshops were held with the Board to address revisions to the biological resource policies. At these workshops, the public was invited to submit comments on the proposed revisions to the policy language, the draft ORMP, and the content of the EIR. The workshops were open to the public and were publicly noticed in accordance with California Government Code 54950 et seq. (The Ralph M. Brown Act). Workshop materials were available in advance and posted on the project webpage at:

<http://www.edcgov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdate.aspx>

Live web streaming of the workshops was also available on the County's online Agenda calendar: <https://eldorado.legistar.com/Calendar.aspx>. The workshops are summarized below.

In July 2014, Dudek presented to the Board four broad policy approaches that each included a public outreach component. In recognition of the significant amount of prior public involvement, the Board directed that public outreach would occur in the context of Planning Commission and Board meetings. In the fall of 2014, two workshops were held to present and receive comment on four possible approaches to the policy update process. The Board selected a mitigation/conservation approach. The Board also directed that the OWMP should be updated, relying on the approach, methodology, format, and structure of the existing OWMP to the extent feasible, including re-establishment of the in-lieu fee program. (The updated OWMP is now referred to as the ORMP).

Between January and March 2015, four public workshops were held to consider ten decision points, constituting the components of the mitigation/conservation approach related to oak resources and other special-status biological resources. The Board's direction on each of the decision points provided the basis for the proposed draft biological resources policies and ORMP. The draft biological resources policies and draft ORMP were presented for the Board and public review and comment in May 2015. Based on the comments received on the draft policies and draft ORMP, revisions to the policies and ORMP were presented to the Board and public for review and comment in June 2015. The El Dorado County Oak Resources In-Lieu Fees Nexus Study and amount of the in-lieu fees was also presented to the Board in June 2015.

(See Legistar File 12-1203, Attachment 14B). The Nexus Study is attached to this staff memo as Exhibit H. Copies of the memos accompanying the presentations to the Board between July 2014 and June 2015 are included in Appendix E of the Draft EIR. Staff reports and other presentation materials for these meetings can be found on the County's website at the following link:  
<http://www.edcgov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdate.aspx>

On July 17, 2015, the County released an NOP to solicit public input on the scope of the EIR. A scoping meeting on the content of the EIR was held at the Planning Commission meeting on August 13, 2015, during which seven persons spoke on the content of the EIR. The County received a total of 18 comment letters on the NOP. Due to revisions to the draft ORMP, the County issued a revised NOP in November 2015. The County received five additional comment letters on the revised NOP. Copies of the NOP, revised NOP, Initial Study, comments on both the NOP and revised NOP, and a summary of the comments received at the scoping meeting are included in Appendix A of the Draft EIR.

On June 30, 2016, the County released a Notice of Availability (NOA) of a Draft EIR for a 45-day public and agency review period ending on August 15, 2016. On August 11, 2016, the Planning Commission held a public hearing to receive comments on the Draft EIR and on the draft ORMP. During the public review period, more than 100 comment letters were received on the Draft EIR. The comment letters and their corresponding responses are included in the Final EIR.

### ***Public Notification Methods***

Notification methods used to notify the general public and interested parties of the release of the two NOPs and the Draft EIR, and public meetings/workshops with the Board included the following:

- Legal notices placed in the Mountain Democrat (7/17/15, 11/23/15, 6/29/16), Georgetown Gazette (6/30/16) and Tahoe Tribune (7/22/15, 6/29/16)
- Hard copies posted in County Recorder's Office, by the main public entrances to County Buildings A, B & C, and in the County Main Library and all branches
- US Postal Service mailings to Long Range Planning's mail noticing database (approximately 200 addresses), and Native American Tribal contacts provided by the Native American Heritage Commission (in accordance with AB 52 and SB 18)
- Website postings on the County website's home page under News & Hot Topics and email notifications sent to News & Hot Topics subscriber list (over 1,400 subscribers)
- NOPs and NOA posted on the dedicated project web page and email notifications sent to Long Range Planning's subscriber list (approximately 1,400 subscribers)
- Emails sent to external agencies and other interested parties
- Legal notice of the Planning Commission hearing on March 23, 2017 (which was continued to April 27, 2017) was placed in the Mountain Democrat and Tahoe Tribune on March 8, 2017, and in the Georgetown Gazette on March 9, 2017 and met the 10-day public noticing requirement pursuant to Section 65090 of the Planning, Zoning and Development Law.

The following tables provide a tabulation of the comments received during the two NOP and Draft EIR public and agency review periods. Comments received during the two NOP periods are included in the Draft EIR (Appendix A). Comments received during the Draft EIR review period and responses to these comments are included in the Final EIR.

<b>Notice of Preparation of Draft EIR</b>		
<b>Document/ Meeting</b>	<b>No. of Commenters</b>	<b>Agencies/Organizations</b>
NOP Released 7/17/15	18	9 individuals and 7 agencies/organizations – California Oaks, El Dorado Senior Housing LLC, El Dorado Council, Central Valley Regional Water Quality Control Board (RWQCB), Governor’s Office of Planning and Research (OPR), California Native Plant Society, El Dorado Hills Area Planning Advisory Committee (APAC)
Scoping Meeting 8/13/15	7	N/A
Revised NOP Released 11/23/15	5	N/A

<b>Draft EIR Released 6/30/16 (Final EIR Section)</b>			
<b>Document/Meeting</b>	<b>No. of Commenters</b>	<b>No. of Comments</b>	<b>Agencies/Organizations</b>
3.2 – State and Local Agencies	5	66	California Department of Fish and Wildlife, California Tahoe Conservancy, Central Valley RWQCB, El Dorado County & Georgetown Divide Conservation Districts, OPR
3.3 – Organizations	5	91	California Oaks, Elder Creek Ecological Preserve, California Native Plant Society, Center for Sierra Nevada Conservation/ California Native Plant Society/Maidu Group of the Sierra Club, Sierra Club Placer Group
3.4 – Individuals	12	274	
3.5 – Form Letters	81	81	
3.6 – Public Comment Meeting, August 11, 2016	1	8	

### ***Public Involvement Prior to 2014***

Beginning in 2006 through 2013, over 130 public meetings were held that discussed the INRMP or the OWMP. Beginning in September 2006, the County worked to implement Policy 7.4.2.8 by retaining consultants to conduct a public workshop process, prepare a work program for development of the INRMP, and to prepare the INRMP, and convene two advisory committees – the ISAC and the PAWTAC. The purpose of the ISAC was to provide recommendations to County staff, the Planning Commission, and the Board in defining the important habitats of the County and in the creation and implementation of the INRMP. The PAWTAC is a committee that advises the Planning Commission and Board on plant and wildlife issues and is formed of local experts in the field. PAWTAC's specific role on the INRMP, as defined in General Plan Policy 7.4.2.8, was to assist with the inventory and mapping effort.

Preparation of the OWMP included public and stakeholder involvement, as well as input and guidance from the OWMP Technical Advisory Committee. Additionally, the County contracted with a consulting firm (EN2 Resources/Pacific Municipal Consultants) to prepare the OWMP. Preparation of the OWMP involved numerous workshops and hearings to address the issues brought forth by these groups. As noted, several workshops were held so the general public, public agencies, various stakeholders, commission members, and the Board could provide input on the OWMP, including those on September 4, October 26, November 9, November 16, and December 14, 2006, and February 9, February 22, March 22, and April 26, 2007.

In August 2008, PAWTAC and ISAC began meetings to provide input to staff on tasks and studies needed for a RFP for INRMP (Policy 7.4.2.8) and Important Biological Corridors (IBCs) (Policy 7.4.2.9). Following months of input from the ISAC and PAWTAC, Sierra Ecosystem Associates (SEA) was retained by the County in December 2009 to prepare Phase 1 of the INRMP. Between December 2009 and 2011, the ISAC and PAWTAC discussed several issues that would influence the INRMP. The monthly ISAC and PAWTAC meetings were facilitated by County staff and SEA and a significant amount of technical information was presented in support of preparation of Phase I of the INRMP. The meetings were subject to the Brown Act and were open to the public. Archives of the ISAC and PAWTAC agendas, minutes and support materials are posted on the County website and may be found at the following links:

[http://www.edcgov.us/Government/Planning/INRMP\\_Stakeholders\\_Advisory\\_Committee\\_\(ISAC\).aspx](http://www.edcgov.us/Government/Planning/INRMP_Stakeholders_Advisory_Committee_(ISAC).aspx)

[http://www.edcgov.us/Government/Planning/Plant\\_and\\_Wildlife\\_Technical\\_Advisory\\_Committee\\_\(PAWTAC\).aspx](http://www.edcgov.us/Government/Planning/Plant_and_Wildlife_Technical_Advisory_Committee_(PAWTAC).aspx)

In summary, during the 10 year period (2006 – 2016), the public has had the opportunity to provide input on the biological resources policies in the General Plan at approximately 160 public meetings including over 80 Board of Supervisors meetings, more than 20 Planning Commission meetings, 8 Agricultural Commission meetings, and over 40 PAWTAC/ISAC meetings. These public meetings are summarized on the matrix below.

Legistar Files and Public Meetings/Hearings Related to General Plan Biological Resources Policies (includes INRMP, OWMP, ORMP)

Legistar File ID	Board of Supervisors, Planning Commission, Agricultural Commission & Committees & Items Discussed	Meeting Count	1992 - 2005	2006	2007	2008	2009	2010	2011	2012	2014	2015	2016- 2017	
				Integrated Natural Resources Management Plan (INRMP), Oak Woodland Management Plan (OWMP), EN2 Resources, Science Applications International Corporation (SAIC), Sierra Ecosystems Associates (SEA)						Biological Policy Update/ORMP (Dudek contract)				
	<b>Board of Supervisors Meetings</b>													
NL	BOS - Request formation of El Dorado Rare Plant Technical Advisory Committee (TAC)	1	1992											
NL	BOS - Adopted four proposed rare plant preserve sites	1	3/93											
NL	BOS - Adopts General Plan & certifies GP EIR. Suit Challenging the conditional approval of the Gen. Plan and EIR Certification.	1	1/23/96											
NL	BOS - Adopted economic and feasibility study for ecological preserve program; Adopted Ord. 4500 and implementing fee resolution (County can raise funds to acquire land from willing sellers for ecological preserves).	1	5/97											
NL	BOS - Amended GP (Amend No. A 97-09) to include Cameron Park Ecological Preserve Unit	1	03/28/98											
NL	BOS - Approved Cooperative Management Agreement with BLM, CA Dept of Fish and Wildlife, U.S. Fish and Wildlife Service, CA Dept of Forestry and Fire Protection, El Dorado Irrigation, U.S. Bureau of Reclamation, and American River Conservancy; Release of NOP.	1	2001											
NL	BOS - Adopts 2004 General Plan	1	07/19/04											
NL	OWMP and Draft Interim Guidelines for Policy 7.4.4.4, 7.4.4.5	1		10/26/06										
06-0563	BOS - Settlement Agreement (General Plan lawsuit)	1		4/18/06										
06-1470	BOS - Cooperative Management Agreement for Pine Hill Preserve	1		9/12/06										
06-1471	BOS - INRMP scope of work, SAIC contract, SAIC workshops w/BOS	8		9/12/06, 10/16/06, 11/6/06, 12/12/06	1/23/07, 3/6/07, 4/30/07, 7/10/07									
06-1507	BOS - EN2 Resources contract to prepare OWMP	1		09/19/06										
07-289	BOS - Grant application for funding for INRMP	1			3/13/07									
07-349	BOS - Contract with Science Applications International Corp for INRMP workshops	1			2/27/07									
07-477	BOS - INRMP Special Board Mtg scheduled for 4/30/07 re: INRMP	1			3/20/07									
07-1022	BOS - OWMP	10			6/12/07, 6/25/07, 8/28/07, 9/25/07, 10/2/07, 10/30/07	1/29/08, 4/1/08, 4/22/08, 5/6/08								
07-1212	BOS - Pine Hill Preserve MOU and Rare Plant Conservation Plan	1			7/10/07									
08-0461	BOS - INRMP scope of work. Item continued to 6/10/08	1				4/1/08								
08-0832	BOS - INRMP scope of work; PAWTAC/ISAC members appointed; draft RFP for INRMP; contract with Sierra Ecosystems Associates (SEA) to prepare INRMP Phase I	15				6/3/08, 6/10/08, 6/27/08, 7/22/08, 8/5/08, 8/12/08, 9/23/08, 11/18/08	2/24/09, 3/3/09, 8/25/09, 9/22/09, 10/26/09, 12/10/09, 12/15/09							
09-0372	BOS - Appointed 2 members to INRMP Stakeholders Advisory Committee	1					3/24/09							
09-0421	BOS - Appointed 1 member to INRMP Stakeholders Advisory Committee	1					3/31/09							
09-1103	BOS - Received the OWMP Annual Report for FY 08/09	1					09/22/09							
10-0170	BOS -INRMP Phase 1, key term definitions and provisions of SEA's Scope of Work	1						3/16/10						
10-0621	BOS - Adopted the revised INRMP initial inventory of habitat map	1						06/22/10						
10-1047	BOS - Accepted INRMP Phase I Indicator Species Report	1						10/25/10						
10-1167	BOS - Received the OWMP Annual Report for FY 2009-10 and gave direction to staff for future monitoring efforts.	1						11/9/10						
10-1268	BOS - Accepted the INRMP Phase I Wildlife Movement and Corridor Report	1						12/07/10						
11-0019	BOS - Directed the Economic Development Advisory Committee (EDAC) coordinate its Regulatory Reform project with INRMP efforts.	1							01/10/11					
11-0330	BOS - INRMP Phase 2 Options Reports; Draft RFP	3							4/12/11, 5/24/11, 6/21/11					
11-1040	BOS - Received the OWMP Annual Report for FY 2010-2011	1							09/17/11					
12-1030	BOS - OWMP, Adopted Ordinance No. 4982, rescinding OWMP and its implementing Ordinance.	2								9/4/12, 9/11/12				



Legistar Files and Public Meetings/Hearings Related to General Plan Biological Resources Policies (includes INRMP, OWMP, ORMP)

Legistar File ID	Board of Supervisors, Planning Commission, Agricultural Commission & Committees & Items Discussed	Meeting Count	1992 - 2005	2006	2007	2008	2009	2010	2011	2012	2014	2015	2016 - 2017
12-1203	BOS - General Plan Biological Policy Update/Oak Resources Management Plan/Oak Resources Conservation Ordinance; Dudek contract; Board workshops; Dudek presentations	15								9/24/12	3/4/14, 3/11/14, 7/28/14, 10/7/14, 11/17/14, 11/21/14	1/13/15, 1/26/15, 2/23/15, 3/03/15, 5/18/15, 6/22/15, 7/14/15, 9/29/15	
14-1208	BOS - Approved purchase of 1080 acres, known as El Dorado Ranch Phase 1B, for oak woodland conservation.	3									09/23/14		10/25/16, 3/7/17
15-1467	BOS - Received annual report for FY 14-15 for Ecological Preserve fee and Oak Woodland Conservation Fee Program. Adopted 5-year mitigation fee findings.	1											02/23/16
	<b>Total Board of Supervisors Meetings</b>	<b>83</b>	<b>7</b>	<b>8</b>	<b>14</b>	<b>13</b>	<b>10</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>7</b>	<b>8</b>	<b>3</b>
NL	<b>Agricultural Commission:</b> OWMP; INRMP	<b>8</b>		11/16/06	11/14/07, 11/29/07	1/9/08, 6/11/08, 2/13/08, 3/12/08			2/9/11				
NL	<b>Planning Commission</b>												
NL	PC - Interim Oak Guidelines for Policies 7.4.4.4, 7.4.4.5, 7.4.5.1, 7.4.5.2	8		7/27/06, 8/10/06, 8/24/06, 9/14/06, 9/28/06, 10/12/06, 11/9/06	5/10/07								
NL	PC - OWMP	11		11/16/06, 12/14/06	1/25/07, 2/9/07, 2/22/07, 4/26/07, 5/10/07, 10/11/07, 10/25/07, 12/13/07	3/13/08							
NL	PC - INRMP status; Draft INRMP Important Habitat Map	2				2/28/08, 3/27/08							
12-1203	PC - Biological Resources Policy Update/ORMP, Public scoping meeting on Draft Project EIR (8/13/15); Draft EIR presented (8/11/16)	2										08/13/15	8/11/16
	<b>Total Planning Commission Meetings</b>	<b>23</b>		<b>9</b>	<b>9</b>	<b>3</b>						<b>1</b>	<b>1</b>
NL	<b>Plant and Wildlife Technical Advisory Committee (PAWTAC) Meetings</b>	<b>22</b>				8/27/08, 10/14/08, 12/09/08	1/13/09, 4/14/09, 5/12/09, 6/9/09, 7/14/09, 12/17/09	1/12/10, 2/4/10, 3/4/10, 4/1/10, 5/6/10, 7/1/10, 8/5/10, 9/2/10, 10/4/10, 11/1/10, 12/6/10	1/3/11, 6/13/11				
NL	<b>INRMP Stakeholders Advisory Committee (ISAC) Meetings</b>	<b>23</b>				8/27/08, 10/2/08, 12/4/08	1/13/09, 4/2/09, 5/7/09, 6/4/09, 7/9/09, 10/15/09, 12/17/09	1/7/10, 2/4/10, 3/4/10, 4/1/10, 5/6/10, 7/1/10, 8/5/10, 9/2/10, 10/7/10, 11/4/10, 12/2/10	1/6/11, 6/9/11				
	<b>Total PAWTAC/ISAC Meetings</b>	<b>45</b>				<b>6</b>	<b>13</b>	<b>22</b>	<b>4</b>				
	<b>Years</b>		<b>1992 - 2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2014</b>	<b>2015</b>	<b>2016 - 2017</b>
	<b>Total Public Meetings</b>	<b>159</b>	<b>7</b>	<b>18</b>	<b>25</b>	<b>26</b>	<b>23</b>	<b>27</b>	<b>10</b>	<b>3</b>	<b>7</b>	<b>9</b>	<b>4</b>

Revised: 4/14/17

159

## **8. DEPARTMENT RECOMMENDATION**

Community Development Agency, Long Range Planning Division staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt a resolution Certifying the Final Environmental Impact Report for the General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance (Exhibit A); Making Environmental Findings of Fact (Exhibit A-1); Adopting a Statement of Overriding Considerations (Exhibit A-2); and Approving the Mitigation Monitoring and Reporting Program (Exhibit A-3);
2. Adopt a resolution to Amend the Biological Resources Policies in the El Dorado County General Plan (Exhibits B and B-1);
3. Adopt a resolution adopting the Oak Resources Management Plan (Exhibits C and C-1); and
4. Adopt an Oak Resources Conservation Ordinance (Exhibit D) to be incorporated into the County Code of Ordinances, Title 130 (Zoning Ordinance) as Chapter 130.39 (Oak Resources Conservation).

## SUPPORT INFORMATION

### Attachments to Staff Memo:

- Exhibit A.....Draft Resolution – Certifying the Final EIR; Making Findings of Fact; Adopting Statement of Overriding Considerations; and approving Mitigation Monitoring and Reporting Program
- Exhibit A-1.....Draft CEQA Findings of Fact (EXHIBIT A to Draft Resolution Certifying the EIR)
- Exhibit A-2.....Draft Statement of Overriding Considerations (EXHIBIT B to Draft Resolution Certifying the EIR)
- Exhibit A-3.....Draft Mitigation Monitoring and Reporting Program (EXHIBIT C to Draft Resolution Certifying the EIR)
- Exhibit B.....Draft Resolution – Adopting an Amendment to the Biological Resources Policies in the El Dorado County General Plan
- Exhibit B-1.....Draft Conservation and Open Space Element
- Exhibit C.....Draft Resolution – Adoption of Oak Resources Management Plan (ORMP)
- Exhibit C-1.....Draft Oak Resources Management Plan (ORMP)
- Exhibit D.....Draft Oak Resources Conservation Ordinance
- Exhibit E.....Draft Conservation and Open Space Element (with Errata and underline/strikeout changes made after June 2016)
- Exhibit F.....Draft ORMP (with Errata and underline/strikeout changes made after June 2016)
- Exhibit G.....Draft Oak Resources Conservation Ordinance (with Errata and underline/strikeout changes made after June 2016)
- Exhibit H.....El Dorado County Oak Resources In-Lieu Fees Nexus Study
- Exhibit I.....Final Environmental Impact Report (posted on the Biological Resources Policy Update project webpage):  
<http://www.edcgov.us/Government/LongRangePlanning/Environment/BioPolicyUpdateDraftEIR.aspx>
- Exhibit J.....Draft Environmental Impact Report June 2016 (posted on the Biological Resources Policy Update project webpage):  
<http://www.edcgov.us/Government/LongRangePlanning/Environment/BioPolicyUpdateDraftEIR.aspx>