

Biological Resources Policy Update FEIR, file 12-1203, Van Dyke public comment to BOS- 7/18/17

Dear Supervisors:

A few last key issues to consider before you approve these policy revisions (prior comments submitted 4/27/17, 8/14/16, 6/22/15):

1) We all agree that retention of mature oaks is the best mitigation, but not always possible. Existing policy therefore, allows a developer to request relief from retention standards if reasonable use of the property would otherwise be denied. The proposed policies instead allow up to 100% oak removal if the right price is paid. That's not resource protection, nor is it necessary to allow development. Worst of all, it removes the Board's ability to say 'no' to a project inappropriately placed within oak woodland. Please reconsider retention requirements and their proposed removal.

2) The FEIR does not provide the information needed for the Board to make a fully informed decision, and in some cases intentionally misleads us. Without listing all instances, here are a few examples:

a. In answer to 'what jurisdictions allow acorn planting for mitigation?', FEIR Response 6-55 falsely claims

" Jurisdictions that allow acorn planting or have approved oak woodland mitigation plans that include acorn planting include, but are not limited to, Sacramento County (whose General Plan Conservation Element also calls for amending the Tree Preservation Ordinance to allow for acorn planting), Nevada County, Placer County, Santa Barbara County, and Sonoma County."

As of 12/13/16 Sac County did NOT allow acorn mitigation planting. Placer county allows acorn planting for restoration, not mitigation, and as of 7/12/16 their Tree Preservation Ordinance called for 15 gal trees as replacement mitigation. Nevada County tree ordinance (section 4.3.15 Trees) calls for "equal or greater mitigation" and does not turn up anything on a search for 'acorn'. Allowing numerous acorns to replace a mature tree is not the norm in other jurisdictions as has been implied.

b. Master Response 7 says the protections of Important Biological Corridors (IBC's) will be retained:

*" To ensure that opportunities for wildlife movement across U.S. Highway 50 are maintained, the **proposed project retains the County's established IBCs, increases protection for wildlife movement within the IBCs, and prioritizes conservation within PCAs and IBCs.** " [emphasis added]*

But the protection afforded by the IBC's and PCA's was dependent upon updated mapping under policy 7.4.2.8 and CO-M to track changes due to development, and not only has this NOT been done, but the requirement to do so is being deleted in the new policies. And according to FEIR Response 6-30 deleting this requirement is 'irrelevant'. The FEIR is claiming a protection here that does not exist.

c. When asked how mitigation monitoring was being done (Van Dyke comments, 6/22/15), no answer was given (FEIR Response 6-39). A public records request (Lori Parlin's CPRA) revealed there has been no

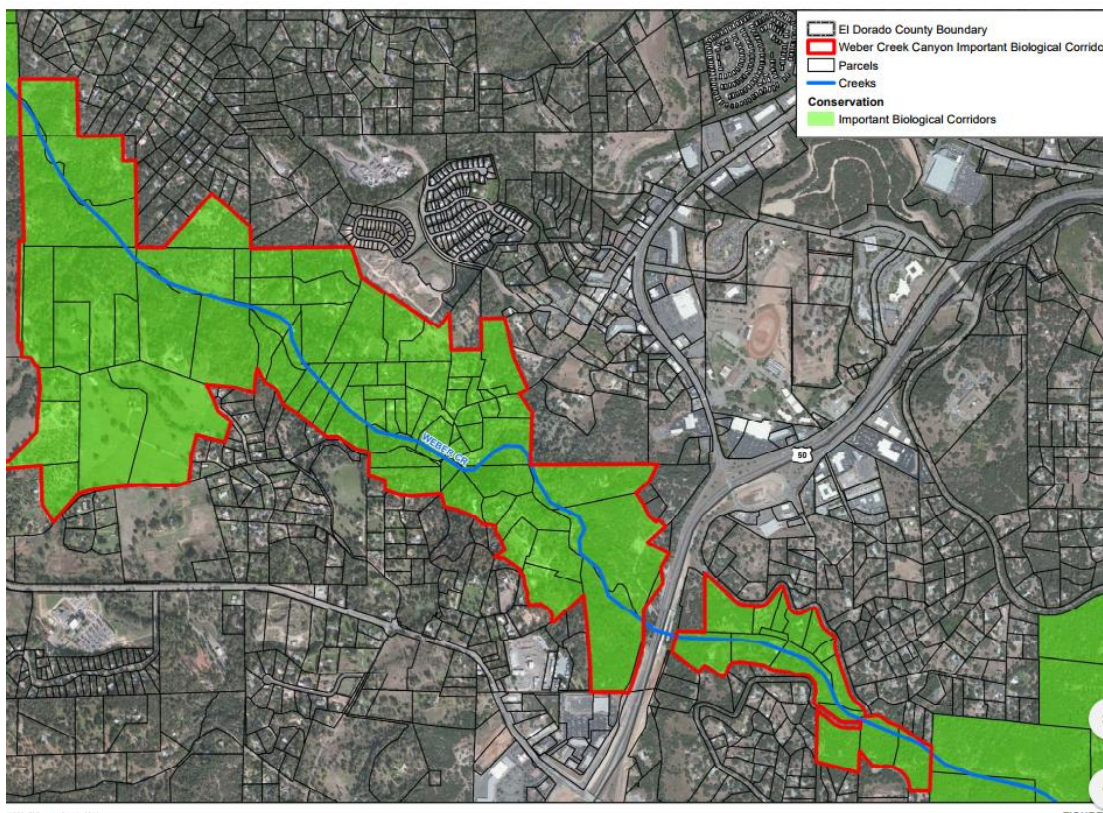
tracking of the many smaller developments that have been approved since 2006, and truly successful mitigation is not clearly evidenced on the large projects. Again, if EDC did not provide the resources for monitoring mitigations in the past in spite of the legal requirements to do so, why should we believe it will be different going forward?

3) The 'No Project Alternative' was significantly flawed by treating Option B as though it did not exist. Option B *does* exist, and like many other policies in our General Plan, just needs to be adequately implemented. No other as-yet-to-be-implemented policies were omitted from the analysis. Additionally, the DEIR says the No Project Alternative would result in similar levels of habitat conversion as the proposed project, which is utterly false given that 100% conversion for any given development would be allowed vs. the current max of 40%.

You Supervisors are being asked to accept an erroneous analysis, and disregard the fact that actually implementing the existing policies could provide the clarity being sought by the project objectives. If you are compelled to approve the revised policies, you must at least send this FEIR analysis back for correction first, so that you and the public accurately understand the choice represented by the No Project Alternative.

4) This project holds a nexus to the TGPA/ZOU lawsuit (Van Dyke comments 4/27/17). Should RCU prevail in court, project approvals based on these flawed policies could also get tied up in legal action.

5) On a positive note, there was a great map added in attachment 24E (last page) clearly showing parcels along Weber Creek to be added into the IBC. We have asked repeatedly for a parcel specific map showing the entire IBC as it currently exists, and this map shows that to be possible:

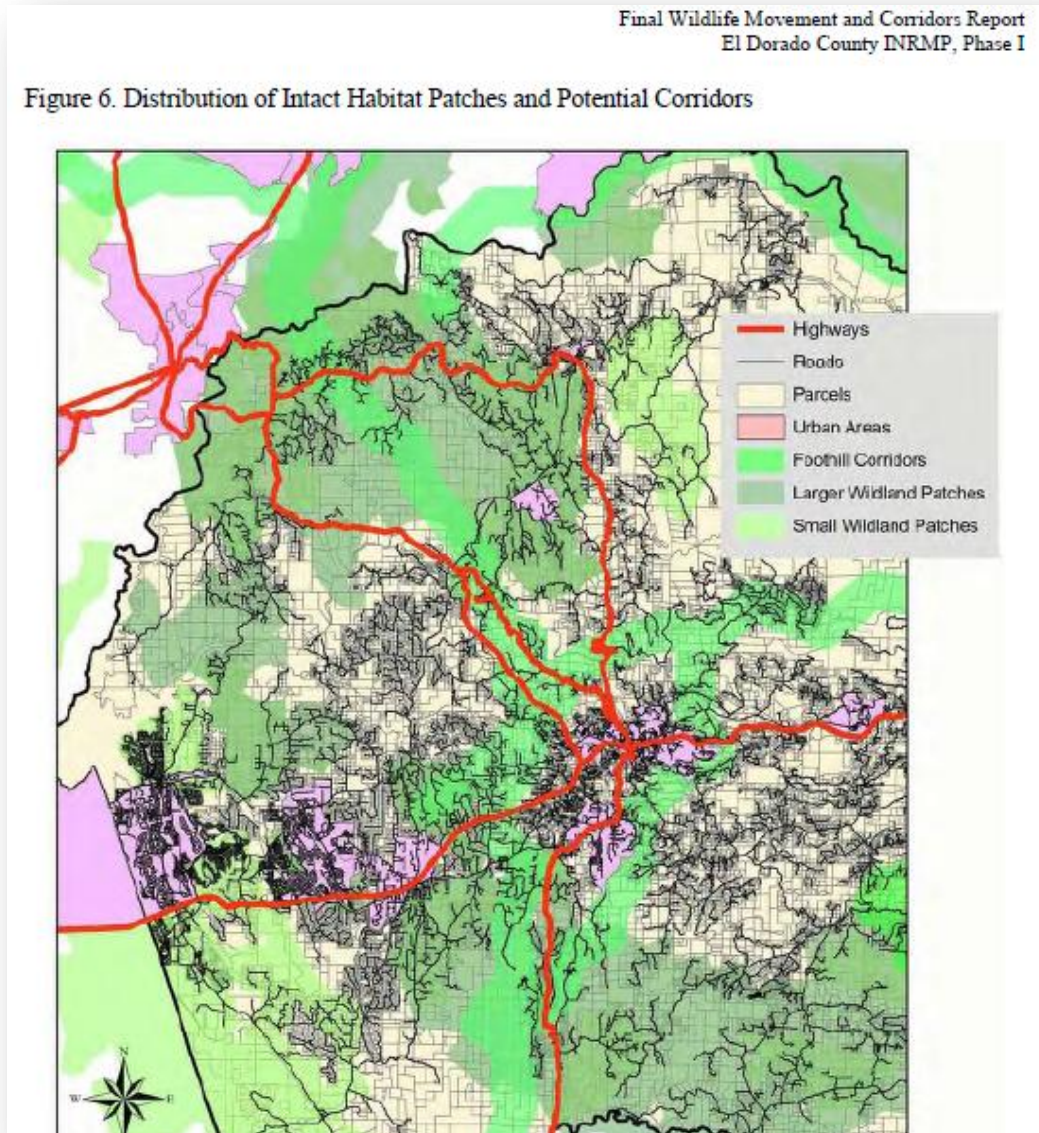


©2006, El Dorado County 2014

FIGURE 1
Weber Creek Canyon Important Biological Corridor

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Because the IBC is an overlay, the County's GIS department could easily create a map similar to the one above, showing parcel specific detail of the corridors, to more easily determine impacts of past development. Can you direct staff to do that? We have been consistently told there already *is* a map, with the FEIR referring us to the 2007 INRMP Phase I map (Response to Comments 6-30). This map is definitely not parcel specific, as we have pointed out before. This is the map from the referenced 2007 document, for comparison:



The existing policies and INRMP have been accused of both not working, *and* holding back development, thus the need for these policy changes. But in reality, current policy strikes a balance between preservation (Option A retention standards) and the acknowledgement that landowners will not be denied reasonable use of their property (7.4.5.2).

By contrast, making oak retention optional and removing mapping requirements will vastly reduce habitat protections and limit the ability of Supervisors to deny a problematic project. Many current development projects are being 'phased' to achieve greater tree removal (i.e. Dixon Ranch; Mill Creek). Higher density projects will be possible, yet the FEIR specifically, and falsely, denies the potential for growth (Response 6-26).

I've been a diligent participant in this policy update, and the release of the FEIR signals its 'conclusion'. The results I see are policies that now mainly reflect development interests, make it easier to remove more oaks, fracture important habitat, and weaken monitoring. Further, the FEIR obscures this in a number of places, and claims protections that do not exist. The Banning Ranch decision, read to you by Lori Parlin in Open Forum May 9th, should still be fresh enough to remind you this is not about checking boxes, but having a legitimate conversation about cause & effect of these policies.

Please vote 'no' to these policy revisions and direct staff to proceed with the implementation of the 2004 General Plan policies as they were intended. They can start with producing a map that reflects the impact that the last 10 years of development has had on the IBC's. Development need not stop - unless it's "bad", in which case you still have a *choice* that you won't have under the revised policies.

Respectfully,

Ellen Van Dyke, Placerville



EDC COB <edc.cob@edcgov.us>

7-18-17 BOS hearing - public comment file #12-1203 Biological Resources Policy

1 message

Lori Parlin <loriparlin@sbcglobal.net>

Sun, Jul 16, 2017 at 10:42 PM

To: John Hidahl <john.hidahl@edcgov.us>, Shiva Frentzen <shiva.frentzen@edcgov.us>, Brian Veerkamp <brian.veerkamp@edcgov.us>, Michael Ranalli <michael.ranalli@edcgov.us>, Sue Novasel <sue.novasel@edcgov.us>
Cc: Anne Novotny <anne.novotny@edcgov.us>, Roger Trout <roger.trout@edcgov.us>, EDC COB <edc.cob@edcgov.us>

Dear Supervisors,

Please review the attached comment on the Biological Resources Policy and consider continuing the hearing and public comment so that staff can take further action to bring the proposed Oak Resources Management Plan into compliance with CEQA.

Thank you,

Lori Parlin



Parlin Biological Resources Policy Update 7-18-17 comments.pdf

68K

Biological Resources Policy Update FEIR, file 12-1203, Lori Parlin public comment to BOS- 7/18/17

Dear Supervisors:

It was brought to my attention that several people had asked about the success and failure rate of the current Mitigation Monitoring Plan for the Oak Woodlands, but there was nowhere to find out whether or not the program was a success. As such, I submitted a Public Records Act (PRA) request on May 19, 2017 to get an answer. During several back and forth emails and phone calls, the staff gave itself two time extensions to answer the request. On July 12, 2017, I received an email stating that 3 CDs full of documents were ready for me to pick up in answer to the PRA. The 3 CDs were filled with about 600 documents, but not one of them was a report of any kind showing which projects were approved using an Oak Woodland Mitigation Monitoring Plan and whether or not they were successful. I would have to wade through the almost 600 documents myself if I wanted to know the status of the Oak Woodland Management Plan.

One would think that everyone would want to know whether or not the current program was successful before making any changes to the program. Why fix something that is not broken? How do we know if it is broken?

Section 15097 of the California Environmental Quality Act (CEQA) regarding Mitigation Monitoring and Reporting states:

"In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program."

Section 15097 goes on to give an example of a reporting program. Their example is the annual report on general plan status required pursuant to the Government Code. It's a great example because most of us are familiar with the annual General Plan status report and could easily apply that example to a tracking report of the County's mitigation plans. But a report like that was not provided as part of the response to the PRA.

The full text of Section 15097 is provided at the end of this document.

Compliance with CEQA:

Project applicants are required to provide the County with monitoring reports of their oak mitigations. However, without some type of tracking report published by the County or a

third party, the County appears to be currently out of compliance with CEQA regarding the 2008 Oak Woodland Management Plan. Additionally, there is no provision in the proposed Oak Resources Management Plan to track oak tree mitigations. Realistically, it is impossible to manage something if you are not keeping track of it.

What's worse, according to the July 18, 2017 memo from Long Range Planning with Supporting Information for Staff Report, staff has no intention to begin tracking oak tree mitigation reports:

"The County's current permit tracking system is over 20 years old and does not have a methodology for tracking/identifying permits with oak tree mitigation agreements. The County is in the implementation phase of a new tracking system which will be launched by fall 2018. The new system will have the capability of tracking/identifying development projects with required oak tree mitigation.

In summary, the oak mitigation for new discretionary projects like subdivisions will be implemented through the conditions of approval and final map process as developed with each project. After the new permit tracking system is implemented in fall 2018, the County will have an efficient way to identify and track discretionary and ministerial development projects with required oak tree mitigation monitoring and reporting."

It is unacceptable to rely on a permit tracking system that may or may not be implemented in the future to track and manage the County's Mitigation and Monitoring Plans for Oak Woodlands.

Therefore, I ask that you continue this agenda item and keep public comment open, and direct staff to go back and create a section within the proposed Oak Resources Management Plan to clearly delineate how oak tree mitigations will be tracked by the County and who within the County will be responsible for maintaining that tracking system.

Remember, the tracking report can be as simple as the Annual General Plan Progress Report, but whatever it is, it needs to be done immediately to bring El Dorado County in compliance with CEQA.

Association of Environmental Professionals 2016

CEQA Guidelines

15097. MITIGATION MONITORING OR REPORTING.

- (a) This section applies when a public agency has made the findings required under paragraph (1) of subdivision (a) of Section 15091 relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.
- (b) Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. **The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan.**
- (c) The public agency may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. The choice of program may be guided by the following:
- (1) Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, a report may be required upon issuance of final occupancy to a project whose mitigation measures were confirmed by building inspection.

- (2) Monitoring is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.
 - (3) Reporting and monitoring are suited to all but the most simple projects. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary after, implementation. Reporting ensures that the approving agency is informed of compliance with mitigation requirements.
- (d) Lead and responsible agencies should coordinate their mitigation monitoring or reporting programs where possible. Generally, lead and responsible agencies for a given project will adopt separate and different monitoring or reporting programs. This occurs because of any of the following reasons: the agencies have adopted and are responsible for reporting on or monitoring different mitigation measures; the agencies are deciding on the project at different Association of Environmental Professionals 2016 CEQA Guidelines 165 times; each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.
- (e) At its discretion, an agency may adopt standardized policies and requirements to guide individually adopted monitoring or reporting programs. Standardized policies and requirements may describe, but are not limited to:
- (1) The relative responsibilities of various departments within the agency for various aspects of monitoring or reporting, including lead responsibility for administering typical programs and support responsibilities.
 - (2) The responsibilities of the project proponent.
 - (3) Agency guidelines for preparing monitoring or reporting programs.
 - (4) General standards for determining project compliance with the mitigation measures or revisions and related conditions of approval.
 - (5) Enforcement procedures for noncompliance, including provisions for administrative appeal.
 - (6) Process for informing staff and decision makers of the relative success of mitigation measures and using those results to improve future mitigation measures.
- (f) Where a trustee agency, in timely commenting upon a draft EIR or a proposed mitigated negative declaration, proposes mitigation measures or project revisions

for incorporation into a project, that agency, at the same time, shall prepare and submit to the lead or responsible agency a draft monitoring or reporting program for those measures or revisions. The lead or responsible agency may use this information in preparing its monitoring or reporting program.

- (g) When a project is of statewide, regional, or areawide importance, any transportation information generated by a required monitoring or reporting program shall be submitted to the transportation planning agency in the region where the project is located and to the California Department of Transportation. Each transportation planning agency and the California Department of Transportation shall adopt guidelines for the submittal of such information.

Note: Authority cited: Section 21083, Public Resources Code. References: Sections 21081.6 and 21081.7, Public Resources Code.



EDC COB <edc.cob@edcgov.us>

BOS Meeting, July 18, 2017 - Comments on Planning Commission Recommendations, Staff Report 24A

1 message

Roger Lewis <re.lewis@comcast.net>

Mon, Jul 17, 2017 at 10:52 AM

To: bosthree@edcgov.us

Cc: jim davies <j854davies@att.net>, Nancy Lappen <nancyinmarin@sbcglobal.net>, bosone@edcgov.us, bostwo@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us, anne.novotny@edcgov.us, Shirley Parker <sparker07@comcast.net>, Ron Kooyman <ron@thekooymans.com>

Dear Supervisor Veerkamp,

Attached are our comments on the Staff Report for the upcoming BOS meeting on July 18, 2017. We support Staff's recommendation that you DO NOT accept the Planning Commission recommendation to redefine the diameter of heritage oak trees to 20".

Furthermore we appeal to you to expedite this process of adopting the new oak resource policies. The process has gone on far too long causing severe financial harm to our Company.

Thank you,

Roger Lewis

El Dorado Sr. Housing, LLC.

 **Comments on BOS meeting.pdf**
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Comments on Planning Staff's Staff Report for the Board of Supervisors Meeting of July 18, 2017 Re: Planning Commission Recommendations and Agricultural Commission Comments to the Board of Supervisors regarding the General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance

By El Dorado Sr. Housing, LLC

July 16, 2017

We concur with planning staff's recommendations to the Board of Supervisors, that the Board **not** accept the planning commission's suggestion for redefining the diameter of the heritage oak tree to 20".

Our reasoning is as follows:

- Reducing the defined diameter diminishes the value of the larger trees. There are far more trees in the 20" to 35" range than there are 36" diameter and larger range.
- Previous studies and evaluations have supported the 36 inch threshold. This issue has been discussed at length for years.
- There has been no evidence presented justifying the reduction in the threshold. The recommendation by the Planning Commission was put forth in an arbitrary, spur of the moment manner, and was not based on a thorough discussion of the pros and cons.
- The cost implications to property owners and developers are severe. Our project, for example, has nineteen trees 20" diameter and greater and zero trees 36" diameter and greater. (See image below superimposed with these trees). Even if we were able to save half of the trees, it would still cost close to \$100,000 to remove the remainder. That, we contend, is an unreasonable price to pay for such a development.
- The impact of this change can only be to further limit growth in the County meaning further deterioration of property values and a reduction in County revenues. A quick look at the current real estate listings for land will confirm this assertion.

Furthermore, we reiterate our concern that this entire process of adopting a policy which allows us to move forward with our project development is unreasonably long and unwarranted. What was supposed to have been completed in December of last year (after year upon year of delay) was postponed until March of this year, and then April, and then July, and now, per the recommendation of Staff is to be continued possibly into September. We ask simply, when are you ever going to adopt these measures?

El Dorado Sr Housing Project at Koki Lane and Pleasant Valley Rd.



Trees 20" and larger represented by red dots. Trees 24" and larger indicated by large dots.
Blue shaded areas are buildings.
Yellow shaded areas are fire roads.



EDC COB <edc.cob@edcgov.us>

Leter for July 18, 2017 meeting of Board of Supervisors, agenda item 44 (12-1203)

1 message

Oak Staff <oakstaff@californiaoaks.org>
To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>
Cc: Janet Cobb <jcobb@californiawildlifefoundation.org>

Mon, Jul 17, 2017 at 2:56 PM

Greetings,

Please find attached a letter for the July 18, 2017 meeting of Board of Supervisor pertaining to agenda item 44 (12-1203).

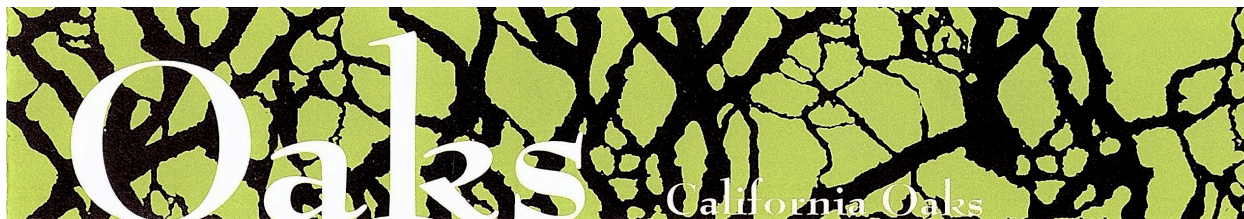
If you would kindly acknowledge receipt of this letter we would be most appreciative.

All the best,

Angela Moskow

Angela Moskow
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 **CaliforniaOaksLetterEIDorado7_17_17fnl.pdf**
3141K



July 17, 2017

Shiva Frentzen, Chair
County of El Dorado
Board of Supervisors
3300 Fair Lane
Placerville, CA 95667

(Via e-mail: edc.cob@edcgov.us)

RE: Final Environmental Impact Report, General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance, July 18, 2017 meeting, agenda item 44 (12-1203)

To the Honorable Chairwoman Frentzen:

California Oaks works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, and providing sustainable wildlife habitat. We reviewed the environmental documentation and find it unacceptable that when the Oak Resources Management Plan (ORMP) exemptions are considered that **a total of 145,552 acres of El Dorado County's oak woodlands could be lost** (Biological Resources Policy Update and Oak Resources Management Plan Draft EIR 8229 revision, February 2017, 11-10).

This letter contains a number of recommendations for your consideration regarding the Final Environmental Impact Report, General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance.

1. Enact policies that protect oak woodlands and their vital ecosystem services, rather than simply mitigate for their losses.

Oak seedlings and saplings, while essential to a functioning oak forest or oak woodland, require many years to restore ecological services after a woodland is cut down. San Luis Obispo County recently adopted protections for oak woodlands on agricultural lands, which include limitations on removal. The protections were enacted in response to the outcry throughout the county after a clear-cut of oak trees and construction of a large pond at a vineyard owned by a billionaire from outside the county. The protections emerged under the direction by the Board of Supervisors and were developed by Planning Department staff, with input from a range of stakeholders, to protect the county's agricultural and natural heritage while addressing landowner concerns.

2. Conserve oaks on agricultural lands.

Conversions of oak woodlands for agricultural development pose the single greatest threat to El Dorado County's oak resources. Saving and Greenwood, authors of *The Potential Impacts of Development on Wildlands in El Dorado County, California*, observe: *Agricultural expansion has the potential for far greater impact to habitat extent and connectivity than residential*

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development as a far greater area of land in larger contiguous patches is generally more greatly disturbed (USDA Forest Service Gen. Tech Rep. PSW-GTR -184. 2002).

We suggest that the EIR analysis that portrays oak woodlands as standing in the way of the County's agricultural economy is deficient. Specifically, we would like to call your attention to the assertions below regarding the agricultural exemption from the document that shows text changes to the Draft Environmental Impact Report (specific reference at end of quote):

... However, this exemption exists for three primary reasons. First, there is no substantial evidence in the record that current or forecasted agricultural activities will result in large-scale permanent oak woodland conversion. This is supported by examining the California Department of Forestry and Fire Protection's Fire Research and Assessment Program oak woodland coverage data in the ORMP study area from 2002 to 2015, which shows a relatively minimal 0.8% reduction in oak woodland coverage on agricultural lands during that 13-year period. Second, the County's General Plan expresses a commitment to preserving and enhancing the County's agricultural economy, as identified in General Plan Goals 8.1 and 8.2, Objectives 8.1.1 and 8.2.2, and Policies 8.1.1.1, and 8.2.2.1. Removing the agricultural exemption would directly contradict these goals. Finally, exemptions for agricultural activities are consistent with state law. California Public Resources Code Section 21083.4 (Senate Bill 1334, Kuehl) requires counties to determine whether projects will result in conversion of oak woodlands and identifies mitigation options to mitigate the significant effect of any identified conversion. This law also identifies projects/actions that are exempt from its requirements, including but not limited to actions on agricultural land used to make products for commercial purposes. For these reasons, it would be infeasible to omit this exemption [Bio-Policy-FEIR-Feb-2017-Ch4-DEIR-Text-Changes, Chapter 6, Biological Resources, page 6-65].

El Dorado County has the opportunity to promulgate policies to protect the natural landscape while promoting agricultural development. We recommend the County promote agricultural development that minimizes disturbance to oak woodlands. The conversion rate of .8 percent alone represents impacts to over 10,000 acres in a ten-year period. We refer you to the discussion in section 4, below, that the lack of analysis of carbon impacts associated with these conversions is a critical weakness of the environmental documentation.

The County of El Dorado's agricultural tourism industry is a model for the rest of the country. In *From Gold Rush to Agritourism: The Search for Sustainable Development in California's Sierra Nevada Foothills*, a paper presented at the World Forum on Agritourism and Rural Tourism the authors, Drs. Jolly and Moratorio from University of California Cooperative Extension, describe the range of place-based agricultural innovations in the County that leverage the beauty and unique agricultural landscape of the County. The paper concludes with an homage to the leadership shown by the county, which they argue was vital to the success of these enterprises (emphasis added):

Leadership can develop alternative visions of the future, share the vision, create motivation, and engender consensus on a decisive course of action. In the case of El Dorado County, California...it took local leadership to enable the County to utilize its human and natural resources in new ways and to access the

metropolitan consumer market, which lay within one hour of El Dorado, for agricultural tourism.

3. Utilize El Dorado County’s natural capital to reduce environmental hazards and to value the county’s natural heritage.

The permitting protocols that the County has developed for oak woodland and oak tree removal are an important step in keeping oaks standing. We strongly urge the Board of Supervisors to direct the County to apply these protections to a greater area. As stated above, a central concern for California Oaks is that when the ORMP exemptions are considered, a total of 145,552 acres of oak woodland could be lost. This represents almost 55% of the oak resources within the geographic area covered by the General Plan.

Senate Bill 379 (Jackson), chaptered in 2015, mandates counties to *include a set of adaptation and resilience goals, policies, and objectives* in hazard mitigation and climate adaptation plans. The legislation is reflective of a growing understanding of the importance of natural landscapes in maintaining climate stability. Section (4) (VII) (C) of SB 379 states that measures shall include: *(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.* Further, the legislation states: *(v)... Where feasible, the plan shall use existing natural features and ecosystem processes...to increase resiliency to climate change, manage environmental hazards, or both.*

El Dorado County has irreplaceable natural resources that offer climate resilience while sustaining natural, agricultural, and other built landscapes. Oak woodlands produce abundant leaf litter that enriches soil and improves its water-retention capacity. Oak root systems and above-ground woody material—snags, stumps, and downed branches—further stabilize soil, preventing erosion, replenishing groundwater, and maintaining cool creek and stream temperatures vital to aquatic organisms. Oaks play a central role in other ecological processes as well. The authors of the oak woodlands chapter (Davis, Frank et al.) in *Ecosystems of California* describe oaks as a **foundation species**, using Ellison et al.’s definition of such a species as *...one that “controls population and community dynamics and modulates ecosystem processes,” whose loss “acutely and chronically impacts fluxes of energy and nutrients, hydrology, food webs, and biodiversity.”* Further, section 4, below addresses the applicability of California Environmental Quality Act (CEQA) to the climate-change hazards associated with oak woodland conversion.

In the responses to letters sent by organizations it is stated: *Regarding slope stabilization, soil-building, and watershed replacement, as described in Chapter 2 (Introduction) of the DEIR, based on the Initial Study, the Geology, Soils, and Seismicity chapter and the Hydrology and Water Quality chapter were not included in this EIR because they would have no impact or less than significant impacts* (Bio-Policy-FEIR-Feb-2017-3.3-Organizations, section 2-7, page 3-125 [43rd page of the document]). We offer that a much more robust analysis of potential extent and location of impacts associated with agricultural land conversion is needed in order to draw valid conclusions about the impacts such conversions on slope stabilization, soil building, watershed replacement, hydrology, and water quality.

4. California Environmental Quality Act (CEQA) applies to oak woodland removal impacts on Greenhouse Gas (GHG) omissions.

Net present value of greenhouse gas emissions forms the foundation of the state’s greenhouse reduction objectives, as well as the California Forest Protocol preservation standards. Every ton of CO₂ released into the atmosphere by oak woodland conversion—alongside the loss of the

woodland's role in carbon sequestration—represents a measurable potential adverse environmental effect, which is covered by the California Environmental Quality Act (CEQA). Thus, while it is correct that the provisions of SB 1334 (Kuehl) exempt the conversion of oak woodlands on agricultural lands from the provisions of that legislation, California's climate change legislation requires the analysis and mitigation of greenhouse gas emissions associated with all proposed oak woodland conversions. **The County's analysis is therefore deficient in its calculation that only evaluates climate impacts resulting from 12,700 disturbed acres.** California Oaks also refers the County to the letters submitted by Quercus Group in March and July 2017 providing further comment on the deficiencies of the County's analysis.

5. Adopt a no-net loss policy for the county's oak woodlands.

The August 22, 2016 letter from California Department of Fish and Wildlife (CDFW) noted (page 6): *Although the DEIR concludes that a no-net loss policy for oak woodlands is infeasible due to likely cost, it does not provide an economic analysis supporting its conclusion...As mentioned earlier, a public agency should not approve a project as proposed if there are feasible alternatives...* The response to the CDFW letter states: *...the Draft EIR considered an alternative that would require a no-net loss standard for oak woodland, and found that the alternative would not be feasible because it would constrain development to the extent that it would prevent the County from fully implementing the General Plan (4-26, on page 3-53, Bio-Policy-FEIR-Feb-2017-3.2-State-and-Local-Agencies.pdf).*

The August 2016 CDFW letter also suggests that the county set a goal of no-net-loss of valley oak (*Quercus lobata*) natural communities because of their conservation status. The response: *Although the comment is correct that the impact analysis in the DEIR shows a potential for up to 65% of the County's valley oak woodlands to be impacted . . . the actual amount of impact to valley oak woodlands would be reduced (Bio-Policy-FEIR-Feb-2017-3.2-State-and-Local-Agencies.pdf, 4-34 on page 3-59).*

San Luis Obispo County articulated a no-net-loss policy in its General Plan: *Maintain the acreage of native woodlands, forests, and trees at 2008 levels.* The lack of compatibility of El Dorado County's General Plan with a no-net loss policy for the County's primary old growth resources is not supportable.

6. Consider protections for single family parcels of one acre or less and exemption for personal use.

Another means by which the county could strengthen protections of its oak resources is to include protections on single family parcels of one acre and strengthen the exemption for personal use. We understand the county's intention to provide landowners, especially those of limited financial means, to harvest wood resources for heating homes. Nonetheless, the vital importance of oak woodlands to the county's natural infrastructure and to the value of the properties are reasons for the county to fully analyze the many impacts of these proposed exemptions.

7. Follow the Recommendation of the Planning Commission to define Heritage Trees as 20 inches diameter at breast height (dbh).

We support the Planning Commission recommendation, made during their hearing on April 27, 2017, that the definition of Heritage Trees be changed from 36 inches dbh to 20 inches dbh. This protection is important for the County's imperiled old growth ecosystems, including the

estimated 46,521 acres of blue oak woodlands and 64,740 acres of blue oak and foothill pine woodlands.

8. Require mitigation to occur in an area that is proximate to impact.

We challenge the assumption that mitigation far from an area of impact is adequate since such a stance results in far greater stressors of species dependent on a disturbed ecosystem. The response to the letter (8/15/16) sent on behalf of Center for Sierra Nevada Conservation, California Native Plant Society (El Dorado Chapter), and Maidu Sierra Club states (4-4): *It is not necessary for mitigation to occur close to the area of impact. It is preferable to have conservation occur in areas that are not subject to threats of habitat fragmentation and associated edge effects.*

If the proposed General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance were promulgated those natural functions discussed above would be dismantled and the County would fail to uphold the public trust and protect taxpayers' health and financial wellbeing.

Sincerely,



Janet Cobb
Executive Officer
California Oaks



Angela Moskow
Manager
California Oaks Information Network



July 18th agenda item #44--BIA comment letter attached

1 message

Katie Donahue-Duran <katie@northstatebia.org>

Mon, Jul 17, 2017 at 3:51 PM

To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Cc: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>

Good afternoon:

Please find a comment letter attached from the North State BIA regarding item #44 on tomorrow's BOS agenda.

Thank you,

Katie

—

Katie Donahue-Duran

Legislative Advocate

North State Building Industry Association (NSBIA)

1536 Eureka Road

Roseville, CA 95661

Office: (916) 751-2758

Cell: (916) 751-6690

 **NSBIA comment letter--July 18th agenda item #44.pdf**

87K



July 17, 2017

Honorable Supervisor Shiva Frentzen
Chairwoman, El Dorado County Board of Supervisors
330 Fair Lane, Building A
Placerville, CA 95667

RE: July 18th BOS agenda Item #44—General Plan Biological Resources Policy Update

Dear Chairwoman Frentzen:

We would like to commend El Dorado County for their comprehensive effort to update their Biological Resources Policy and Oak Resources Management Plan. We appreciate the opportunity to participate in the process. The proposed policies have been thoroughly evaluated, and the county has hired a highly professional firm to prepare the analysis. The public outreach has been extensive over the last ten-year period, with at least 160 public meetings.

The Option A alternative, the only option available since Fall 2012, has been extremely restrictive to the point that it has stopped many economic development opportunities in the county. The newly proposed policy is balanced and offers more environmental protections than what is required under state law (Woodland Conservation Act of 2001, Public Resources Code section 21083.4) and the policies of many surrounding jurisdictions.

With regard to the in-lieu mitigation method, the payment of approximately \$8,000 to \$16,000 per acre for Oak Woodland Areas, and \$459 per diameter inch for Heritage Oaks, are significant but fair costs. This method for mitigation, along with the other mitigation alternatives, meet state requirements under CEQA.

The proposed policy of prioritizing preservation in the Priority Conservation Areas (PCAs), rather than in the areas close to the area of impact, is sound. The areas where the most future development will occur are already fragmented habitat, and conservation makes sense in the areas with the highest habitat value.

With regard to a suggestion made by the Planning Commission at the April 27th meeting, we urge the Board of Supervisors to keep its current definition of a heritage oak to 36 inches in diameter, as previously directed by the Board. Reducing this threshold to 20 inches as proposed by the Planning Commission would create significant industry challenges, adversely affect the new home market and could further delay the adoption of an update to this policy. Specifically,

the 20-inch threshold would have a drastic effect on impact mitigation costs. As an example, a new 20-inch threshold would increase the mitigation cost for one of our members on a six acre site by 7.5 times, from \$45,000 to \$345,000. This is on a site where more than 50 percent of the oak woodland is being maintained. This proposed change would also significantly affect existing homeowners looking to do simple remodels or add in pools.

The Board discussed the heritage oak tree size threshold as part of Decision Point #5 during its February 23, 2015 meeting, voting unanimously to follow staff's recommendation to keep its existing 36-inch diameter threshold. That decision was consistent with current county standards and exemptions in state regulations.

We urge the county to adopt the new plan and fee ordinance and continue to maintain its current definition of a heritage oak at 36 inches.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Norem". The signature is fluid and cursive, written in a professional style.

Chris Norem
Director of Governmental & Public Affairs
North State Building Industry Association

CC: Michael Ranalli, Brian Veerkamp, John Hidahl, Sue Novasel



Proposed Oak Tree Mitigation statute

1 message

jmdawson0@lycos.com <jmdawson0@lycos.com>
To: edc.cob@edcgov.us

Mon, Jul 17, 2017 at 5:01 PM

To: District III Supervisor, Brian Veerkamp

Dear Sir,

I wish to register my opposition to the proposed oak tree mitigation law that is currently pending.

I moved to El Dorado County five years ago, having retired from the Humboldt County District attorney's Office. I purchased a home with 10 acres of oak and pine covered hillside. During this last winter's heavy rain I experienced numerous oak trees falling on my fence line. Most of these trees were at least 36" at the but. I examined several of these apparently healthy trees and observed that the core was rotten. I am in the process of cutting them up and chipping the branches. Since that time I have become extremely concerned about the oak trees near my house. I spent \$2,700.0 to have several cut down, however there are numerous others that I would like to remove as well.

I find that this proposed law would be a serious hindrance too my safeguarding my home and family from oak trees falling. Additionally I believe that as a home owner I should have the right to remove oak trees that are encumbering my property, after all I still believe, perhaps naively, that I own the property.

I find it galling that persons coming into this county who are not directly effected by the outcome of the law are proposing it's enactment so as to conform to their personal prejudices.

If this law goes into effect and I have a tree fall on my house, fence, outbuildings or animals, and I didn't have it taken down, who suffers the consequence, why me of course. If I take the tree down without going through the mitigation process, will Code Enforcement officers cite me? If they are aware, of course they will. Therefore I am in a dilemma, comply with a law I cannot afford to deal with or suffer fines and future court costs.

I am hoping that you will veto this proposed legislation.

Sincerely,

James Dawson

2000 Natures Inn Court

Placerville, CA 95667