



LATE DISTRIBUTION 6-19-15

BOS 6-22-15

EDC COB <edc.cob@edcgov.us>

oak canopy retention standards

1 message

Richard Boylan PhD <drboylan@outlook.com>

Thu, Jun 18, 2015 at 8:47 PM

Dear Supervisor,

Please **do not eliminate the oak canopy retention standards** from the draft biological policies. We value the oak woodland in our area and do not want it to be replaced elsewhere! Allowing 100% tree removal is not acceptable.

Thank you for your consideration.

Richard Boylan, Ph.D.

Richard Boylan, Ph.D., LLC



EDC COB <edc.cob@edcgov.us>

BOS Special Meeting 6/22/15, file no. 12-1203 Biological Policies

1 message

Ellen Van Dyke <vandyke.5@sbcglobal.net>

Fri, Jun 19, 2015 at 9:57 AM

To: Brian Veerkamp <bosthree@edcgov.us>, Ron Mikulaco <bosone@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, Michael Ranalli <bosfour@edcgov.us>, Jim Mitrisin <edc.cob@edcgov.us>

Cc: Shawna Purvines <shawna.purvines@edcgov.us>

Dear Supervisors:

The materials for Monday's special meeting (Biological Policies Update) were just posted, and it is clear there is not adequate time for the public to review and provide feedback; the Dudek memo alone is 236 pages. Also, I did not see that any changes to the draft policies were posted, and wondered if I'd missed them, or if they were simply not influenced in the least bit by the previous hearing and discussion (May 18th).

Please **continue this item** – the final policies should benefit from feedback of residents who truly care about our resources. Rushing this phase of the process shortchanges all of us and does not make the best use of a lengthy and costly EIR.

Ellen Van Dyke

(Public comments are attached)

**Public comment_BOS 6.22.15_bio policy update .pdf**

694K

Dear Supervisors:

The biological policies being drafted are intended to be the basis of an EIR. Do not waste time and resources analyzing policies the public does not support. *I urge you to reject any elimination of the Option A oak tree retention standards and do not allow 100% tree removal on a project site.* If a project requires such clear cutting of oaks, it should probably be proposed for a different site.

Additionally,

1. At the 5/18 meeting, in response to the question "*what other jurisdictions endorse 100% removal?*", Dudek consultant Scott Eckardt said that no other counties had retention requirements. In reality,

A. No jurisdiction actually condones 100% removal.

- All jurisdictions prefer preservation and discourage complete annihilation. Some jurisdictions have voluntary retention with strict mitigation (Folsom, Sac County), others have not yet adopted protective ordinances and depend on CEQA review for retention (Tuolumne), others have retention guidelines and depend on CEQA review for projects that exceed the standards (Placer).

B. 100% removal was never the intention of the 2004 General Plan policies.

- **Policy 7.4.5.2 (Existing):** "*It shall be the policy of the County to preserve native oaks wherever feasible, through the review of all proposed development activities where such trees are present on either public or private property, while at the same time recognizing individual rights to develop private property in a reasonable manner. To ensure that oak tree loss is reduced to reasonable acceptable levels, the County shall develop and implement an Oak Tree Preservation Ordinance. ...*"

Where avoidance is not possible and mitigation is necessary, mitigating policies should be developed. Option B was a mitigating policy to ensure reasonable use of the property - not to allow 100% canopy removal when an incompatible project is proposed.

C. In the 2005 court ruling that lifted the writ of mandate, the Judge noted that the County had eliminated the replacement option in lieu of retention. From pg 5 of the ruling:

"The new, revised canopy protection measure keeps the retention percentages that were adopted in 1996, eliminates replacement as an option in lieu of retention, and requires a replacement of any canopy not required to be retained under the policy."

Retention standards were to be met, and tree removal was to be mitigated.

2. Mitigation fees were collected through 2012. What is the County's record for the funds collected, and easements recorded to date? How is the monitoring being done? If the County did not have the resources for monitoring planting mitigations in the past, what is going to be different going forward?

3. The proposed Heritage Tree designation of 36" appears to have been randomly selected; why not 18", or 24"?
 - A. Where are the explanations of what those inches mean in terms of years of growth? How old is a 20" dbh (diameter at breast height) Blue Oak?
 - B. Are Supervisors aware that the El Dorado Hills CSD currently has tree protection standards defining Heritage Oaks as 20" dbh, rather than 36"?
 - C. What have other counties designated as 'heritage' worthy diameters? Please confirm the standard is 24" in both Placer and Tuolumne counties, and 19" in neighboring Folsom.
 - D. Trees are quite photogenic. Has staff provided pictures to help guide the Supervisors' decision?

4. As noted in the TGPA/ZOU public comments, separating the biological policies out of that project and deferring them to this project (a separate EIR) is confusing and leaves a lot of room for error.
 - A. Because of this bifurcating of the CEQA analysis, policy changes are falling through the cracks. For example, policy 7.3.3.4 revisions are not indicated as 'changes' in the TGPA, but the 50'/100' setbacks to streams are indeed reduced to 25'/50' under the ZOU. Will that change be considered as already "done" when this EIR moves forward? It appears that since this change was deferred from the TGPA, but it is not delineated as a change here, the impact analysis will never be done.

Similar jurisdictions such as Placer County have 50'/100' riparian setbacks. Why are we reducing ours and when does the change get analyzed?
 - B. When the biological policies were separated out of the TGPA/ZOU, were the relevant public comments forwarded to this project file, and/or were the commenters notified that their comments would need to be resubmitted here?
 - C. Will these draft biological policies be analyzed relative to the 2004 General Plan, or relative to the as-yet-to-be-completed TGPA/ZOU with its increased development potential?

Comments on the 6/22/15 Dudek memo:

This 236 page document just came available for public review Thursday, and the BOS meeting is Monday morning. There simply is not adequate time to review it and get input back to the Supervisors in time for them to read it before the meeting. A few comments follow, but I am requesting a continuance to allow the working public (myself included) adequate time to read and reply.

5. The page 10 explanation of why they do not recommend an update of the IBC Corridors is an exercise in circular logic. On the contrary, this is the perfect time. The existing mapping is over 10 years old. Policy 7.4.2.8 requires mapping of Habitat inventory to be updated every three years. The County's progress in habitat conservation would help guide the upcoming policy decisions.

6. Pages 9-10 give an unrealistic view of minimal management and monitoring the conservation easements might require. The 'self-monitoring' suggested should be out of the question. Previous disregard of real costs is what got EDC into trouble with the Option B in-lieu fees before, and downplaying the monitoring requirements will not result in an accurate estimate of necessary fees.

7. Page 13 discusses cattle grazing in conservation easements, and portrays General Plan Objective 7.4.4 incorrectly. Objective 7.4.4 strives to preserve oak woodland to improve grazing areas; it does NOT say grazing is good for oak woodland. Research clearly indicates grazing inhibits regeneration of oak seedlings. Any policies allowing conservation easements to be utilized as grazing land should include the appropriate protections for regeneration of seedlings, and then the two uses may be compatible. This would affect the monitoring & management costs and associated in-lieu fee.
8. Page 14 discusses the issue of allowing 100% oak woodland removal from a project site, and says "the Board gave direction" to proceed with it. FYI: This is *NOT* what the general public wants.

Supervisors were also told that the retention standards in Policy 7.4.4.4 do not apply if an in-lieu fee option is used. This is a liberal interpretation of Policy 7.4.4.4, that was not similarly interpreted by the Judge when lifting the Writ of Mandate.

Policy 7.4.4.4 [excerpt]: *"..the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and [on-site] replacement standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8."*

and from the Judge's interpretation in the 2005 Return to Writ document: *"The new revised canopy protection measure keeps the retention percentages .. eliminates replacement in lieu of retention .."*

CASE NUMBER: 96CS01290 DEPARTMENT: 11
CASE TITLE: EL DORADO COUNTY TAXPAYERS, ET AL. VS. EL DORADO COUNTY, ET AL.
PROCEEDINGS: MOTION FOR REVIEW OF COUNTY'S RETURN TO WRIT OF MANDATE-RULING

process. Thus, issues concerning changes made in former versions of the General Plan are no longer relevant.

Moreover, the County has gone well beyond the direction of the 1999 writ. It has provided a new analysis of the impacts of replacement versus retention of oak woodlands, and it has also eliminated the "replacement" option from the policy as approved. The new, revised canopy protection measure keeps the retention percentages that were adopted in 1996, eliminates replacement as an option in lieu of retention, and requires a replacement of any canopy not required to be retained under the policy. In addition, the current DEIR proposed an alternative to the retention requirements, "Option B", which allows the County to require a project applicant to provide funding for woodland preservation in lieu of on-site canopy retention. The preservation would be at a 2:1 ratio and would allow the County to pool funds and apply them towards acquisition and restoration projects that would preserve larger contiguous blocks of habitat. The County adopted other new mitigation measures regarding oak woodland habitat. (See Mitigation Measures 5.12-1(e) and 5.12-1(g).)

9. Pages 14-15 discuss Heritage Trees being defined as 36" dbh, concluding that *"Lowering the 36-inch threshold for the Heritage Tree definition in EDC would increase the number of trees required to mitigate at a 3:1 ratio potentially resulting in greater tree replanting or in-lieu fee mitigation payments."* NOT stated is the fact that it could also result in fewer Heritage Trees being removed. No consideration is given to changing this definition, showing a severe disregard of our natural resources and an embarrassingly blatant gift to the development community.

10. Page 15 has a statement that "*Acorn planting is an accepted and often preferable practice*", but I was unable to find a single jurisdiction that allows this as mitigation planting. Are there any?
11. In the May hearing, both County staff and Dudek's representative stated that Community Regions and Rural Centers were not to be excluded from the conservation areas. But page 19 of the 'Revised ORMP' (pdf page 190/236) states that Community Regions are specifically excluded from Priority Conservation Areas. This kind of misrepresentation makes me mistrust the 220 pages of the document I will not have time to read and comment on today.

4.0 Priority Conservation Areas

4.1 Identification of Priority Conservation Areas

Figure 2 identifies the areas in which acquisition of land or conservation easements from willing sellers shall be prioritized using the Oak Woodland Conservation Fund generated by the payment of the in-lieu fees described above. These areas were identified using the FRAP classification of oak woodland habitat in the county. After those areas were mapped, the areas were narrowed down to large expanses consisting of 500 acres or more. Those large expanses were further narrowed to lands where oak woodland habitat would not likely undergo substantial fragmentation and oak woodland conservation would be consistent with the 2004 General Plan land use designations. Areas specifically excluded were lands within Community Regions and Rural Centers and lands designated Low Density Residential. These resulting areas are classified as Priority Conservation Areas (PCAs).

EIR's are too expensive to be careless in their initiation. We should be taking the time now to get the policy as close to 'right' as possible. Please continue this item and do not shortchange this phase of the project.

Sincerely,
Ellen Van Dyke, Rescue

A few minor 'back up' items for reference follow

City of Folsom ordinances, section 12.16 excerpt regarding Heritage tree designation:

“Heritage tree” means a native oak tree over 19 inches in diameter at breast height or a multitrunked native oak tree having an aggregate diameter of 38 inches or more at breast height.

From the EDH-CSD Oak Tree Preservation policy, defining Heritage tree:

(hh) Heritage Tree: A tree, as defined above, twenty (20) inches or more in diameter measured four and one half feet above the ground, or a multi-trunk tree having an aggregate diameter of thirty (30) inches or more measured four and one-half feet above the ground.

From Placer County Tree Preservation Ordinance:

12.20.040 Permit procedure.

A. When Required. No person shall cut down, move, remove, kill, or materially damage any live tree six inches dbh or over, or attach any appurtenance to a tree, without first having obtained a tree cutting permit from the permit-issuing authority, unless such tree is located on lands devoted to the growing and harvesting of timber for commercial purposes for which permits have been granted permitting timber harvesting. Such permit shall be unnecessary for the removal of trees proposed to be removed as approved in connection with the approval by the agency of a tentative map under the subdivision ordinance, except where such subdivision involves a land use conversion, or for the removal of trees as permitted under a permit issued pursuant to the grading ordinance, provided, however, that the standards contained in this article shall also be applicable to the approval of a tentative and final subdivision map and to the issuance of a grading permit.

Placer County, ordinance 12.16 excerpt regarding riparian setbacks:

“Riparian zone” means any area within fifty (50) feet from the centerline of a seasonal creek or stream, any area one hundred (100) feet from the centerline of a year round creek, stream, or river, and any area within one hundred (100) feet from the shoreline of a pond, lake or reservoir. At a minimum all streams, creeks, ponds, lakes, and reservoirs as shown on 7.5 minute USGS maps are included in this definition. (A riparian zone established in specific community or general plan may supersede this definition.) (Note: All trees regardless of size within riparian areas within the tree preservation zones and as a part of any discretionary project county-wide are subject to this article.)



EDC COB <edc.cob@edcgov.us>

Public Comment on Draft Biological Policy

1 message

Cheryl McDougal <cam4jrm@yahoo.com>

Fri, Jun 19, 2015 at 11:44 AM

Reply-To: Cheryl McDougal <cam4jrm@yahoo.com>

To: "bostwo@edcgov.us" <bostwo@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>, The BOSONE <bosone@edcgov.us>

It cannot be new news to the Board of Supervisors that many of the people in El Dorado County moved to El Dorado County to call this place home because of the rolling hills and beautiful old oak trees. It also cannot be news to you that many people have come before you to try to protect the oak trees from the developments adjacent to their properties. Thus, why is this even up for discussion if you were elected to ensure that your constituents wishes are met? And why do we have to send in more communications to save our oaks when you already have so many communications from El Dorado County residents on file from over the years?

Please do not eliminate the oak canopy retention standards from the draft biological policies. We value the oaks and having them replaced elsewhere doesn't help us as the residents that live here near these developments. Allowing 100% tree removal is totally against what this county should be trying to preserve.

John and Cheryl McDougal

El Dorado Hills, CA



EDC COB <edc.cob@edcgov.us>

Public Comment on draft Biological Policy, BOS meeting 6/22/15, file no. 12-1203

1 message

Lori at Shingle Springs Community Alliance
<info@shinglespringscommunityalliance.com>

Fri, Jun 19, 2015 at 2:33 PM

To: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Cc: Shawna Purvines <shawna.purvines@edcgov.us>

Dear Supervisors:

El Dorado County is a beautiful place to live and its citizens want representatives to take steps to protect our natural beauty and quality of life.

Please do not eliminate the oak canopy retention standards from the draft biological policies. We value the oak woodland in our area and do not want it to be replaced elsewhere! Allowing 100% tree removal is not acceptable.

Do not waste taxpayer money studying policies that we do not want. It has been said repeatedly that the practice of hiring expensive consultants to study unwanted and unneeded policies is adding to the bankrupting of our county. This is an opportunity for you to stop that wasteful practice.

Thank you,

Lori Parlin