

4/24/2017

Edcgov.us Mail - Oak Resources Management Plan--File # 12-1203; Agenda Item # 9



PC 4/27/17  
#9  
Charlene Tim <charlene.tim@edcgov.us>  
7 pages

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## Oak Resources Management Plan--File # 12-1203; Agenda Item # 9

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Cheryl <Cheryl.FMR@comcast.net>

Fri, Apr 21, 2017 at 8:56 AM

To: gary.miller@edcgov.us, brian.shinault@edcgov.us, james.williams@edcgov.us, jeff.haberman@edcgov.us, jeff.hansen@edcgov.us, charlene.tim@edcgov.us

Commissioners & Char—

I've attached comments for the April 27, 2017 Planning Commission meeting. These comments pertain to the Biological Policy Update/Oak Woodlands Management Plan (ORMP), (File # 12-1203; agenda item #9).

The attached comments include a requested amendment to the ORMP.

Char—please include these comments in the administrative record.

Thank you again—

Cheryl Langley

Shingle Springs resident

 **PC\_Meeting\_April.27.2017.Heritage\_Trees.FNL.pdf**  
586K

### Request 3: ORMP Project

#### Request to Change Heritage Tree Size Designation from 36" to 24" (if Not for All Oak Species—for Blue Oak)

#### What is the Current Heritage Tree Size Designation?

The Oak Resources Management Plan (ORMP) currently defines a Heritage Tree as follows:

**Heritage Trees:** Any live native oak tree of the genus *Quercus* (including blue oak (*Quercus douglasii*), valley oak (*Quercus lobata*), California black oak (*Quercus kelloggii*), interior live oak (*Quercus wislizeni*), canyon live oak (*Quercus chrysolepis*), Oregon oak (*Quercus garryana*), Gracle oak (*Quercus x morehus*), or hybrids thereof) with a single main trunk measuring 36 inches dbh or greater, or with a multiple trunk with an aggregate trunk diameter measuring 36 inches or greater.

Excerpt Source: Draft ORMP, page 29 (dEIR, Appendix C, pdf pg 34 of 215)

**NOTE:** Diameter at breast height (dbh) is measured 4.5 feet above the ground.

#### How Was Heritage Tree Size Chosen?

The Heritage Oak tree size threshold was derived from language in General Plan Policy 7.4.5.2:<sup>1</sup>

A. Oak Tree Removal Permit Process. Except under special exemptions, a tree removal permit shall be required by the County for removal of any native oak tree with a single main trunk of at least 6 inches diameter at breast height (dbh), or a multiple trunk with an aggregate of at least 10 inches dbh. Special exemptions when a tree removal permit is not needed shall include removal of trees less than 36 inches dbh on 1) lands in Williamson Act Contracts, Farmland Security Zone Programs, Timber Production Zones, Agricultural Districts, designated Agricultural Land (AL), and actions pursuant to a Fire Safe plan; 2) all single family residential lots of one acre or less that cannot be further subdivided; 3) when a native oak tree is cut down on the owner's property for the owner's personal use; and 4) when written approval has been received from the County Planning Department. In passing

Excerpt source: 2004 General Plan, Conservation & Open Space Element, page 19 of 34.

#### Do Other Jurisdictions Define "Heritage Tree" as Less Than 36"?

- El Dorado Hills currently has tree protection standards defining Heritage Oaks as **20 inches** dbh.<sup>2</sup>
- The City of Folsom defines Heritage Trees as native oaks over **19 inches** in diameter.<sup>3</sup>
- Sacramento County defines Heritage Trees as trees with a **19 inches** trunk diameter.<sup>4</sup>
- Placer and Tuolumne counties define Heritage Trees as **24 inches** in diameter.<sup>5</sup>
- Tuolumne County has worked to establish an old growth, or "specimen oaks" category. Specimen oaks are defined as "...valley oaks, interior live oaks, canyon live oaks, California black oaks and other native oaks that are at least 18 inches dbh and blue oak trees that are 8 to 10 inches dbh."<sup>6</sup>

<sup>1</sup> Final EIR, Chapter 3-4, response 6-40, pdf page 290 of 582.

<sup>2</sup> Final EIR, Chapter 3-4, comment 6-42, pdf page 259 of 582.

<sup>3</sup> Final EIR, Chapter 3-4, response 6-43, pdf page 291 of 582.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Michael Brandman Associates. 2012. *Tuolumne County Biological Resources Review Guide*. December 4, 2012; page 38. Available at: <http://www.tuolumnecounty.ca.gov/DocumentCenter/View/204>



### Was There a Scientific Basis for the County's Selection of Heritage Tree Size?

No. No oak growth research has been provided as a basis for this size selection in the draft or final EIR. It is simply stated, "The Board of Supervisors has determined that keeping the definition of Heritage Trees at 36 inches, consistent with Policy 7.4.5.2, would best meet the County's goals of balancing resource protection with economic development."<sup>7</sup>

That said, in a discussion relative to Heritage Tree size selection, the final EIR includes a comment from California Department of Fish and Wildlife (CDFW) staff that a 36 inch oak is approximately 50 to 100 years old.<sup>8</sup> However, research on oaks—specifically blue oaks (*Quercus douglasii*)—disputes this figure. In the case of blue oaks, research shows the likelihood that a 36 inch tree is a mere 100 years old is slim to none.

### So How Old is a 36" Oak--Really?

3. The blue oaks depicted below are **10-16 years old**.<sup>9</sup>



The oak seedling at left is 8 to 10 inches tall and **12 to 16** years old. Below is a 6 to 8 inch tall seedling estimated to be **10 to 15** years old.



- *Large* blue oaks are likely **153 to 390 years old** (White, 1966).<sup>10</sup>
- Recent inventories of blue oaks have shown that it is quite common for trees only **7 inches in diameter** to be **100 or more years old**.<sup>11</sup>
- Harvey<sup>12</sup> showed that many **blue oak saplings less than four feet tall were between 40 and 100 years old.**

<sup>7</sup> Final EIR, Chapter 3-4, Response 8-109, pdf page 443 of 582.

<sup>8</sup> *Ibid.*

<sup>9</sup> Phillips, R. L., et al. 1996. *Blue Oak Seedlings May be Older Than They Look*. California Agriculture, May-June 1996. Available at: <http://ucanr.edu/repositoryfiles/ca5003p17-69761.pdf>

<sup>10</sup> White, In: Ritter, L.V. *Blue Oak Woodland*. California Wildlife Habitat Relationships System, California Department of Fish and Game, California Interagency Wildlife Task Group. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=67340>

<sup>11</sup> Giusti, G.A. et al. (editors). 2005. *A Planner's Guide for Oak Woodlands*. University of California, Agriculture and Natural Resources, Publication 3491, second edition, page 8. (Book)

<sup>12</sup> Harvey, L.E. 1989. *Spatial and Temporal Dynamics of a Blue Oak Woodland*. Ph.D. Thesis, University of California, Santa Barbara. In: Swiecki, et al. 1993. *Factors Affecting Blue Oak Sapling Recruitment and Regeneration*. Prepared for: Strategic Planning Program, California Department of Forestry and Fire Protection. Contract 8CA17358, December 1993, **Page 102 (pdf page 112 of 142)**. Available at: [http://frap.fire.ca.gov/publications/Factors\\_affecting\\_blue\\_oak\\_sapling\\_recritment\\_and\\_regeneration.pdf](http://frap.fire.ca.gov/publications/Factors_affecting_blue_oak_sapling_recritment_and_regeneration.pdf).

- **The Standiford Study**<sup>13</sup> -- a modeling study based on observed growth rates of blue oak (*Quercus douglasii*) concluded it would take **50 years for blue oak plantings to grow to 3.4 to 4.1 inches dbh.**

NOTE: The Standiford Study was relied upon for development of the County's *Interim Interpretive Guidelines*<sup>14</sup> for implementation of Policy 7.4.4.4 [Option A]. The Standiford growth model was based on actual blue oak stand age and structure data (Standiford, 1997) collected from 55 blue oaks in a ten-year old blue oak plantation at the Sierra Foothill Research and Extension Center in Yuba County, California.

- Another study by Standiford confirms the slow growth of blue oak.<sup>15</sup>

Table 1—Projected changes in stand characteristics for a blue oak woodland, site 12

Time	Average DBH	Basal area per ha	Volume per ha	Crown cover
yr from present	cm	sq m	cubic m	pct
0	10.9	9.3	30.6	53
10	11.9	11.2	37.1	62
20	13.0	13.3	45.1	71
30	14.2	15.5	54.5	81

For this study, it was determined *established* blue oak trees grew at a rate of **14.2 cm (or 5.59 inches) per 30 year period.** Using this data, this would mean a **36" oak would be approximately 193 years old**—not 50 to 100 years old as speculated by CDFW staff, and repeated by Dudek in the final EIR. And keep in mind, this growth rate is for *already established* oaks—not for oaks from acorn to 36". (See the previous discussion [Phillips, 1996] that describes 12-16 year old seedlings that are 8 to 10 inches tall, and 10-15 year old seedlings that are 6-8 inch tall.)



An example of blue oak growth is provided by this specimen taken from the El Dorado Hills area. **This specimen is 4.5 inches dbh and estimated to be 95 years old.**

Specimen gathered and evaluated by Don & Ellen Van Dyke.

- **Blue oaks exhibit another growth habit which makes a 36" Heritage Tree designation for this species problematic:** Growth is extremely slow **or even ceases** after trees reach **26 inches dbh** (McDonald, 1985).<sup>16</sup> Thus, many blue oaks—although extremely old—**will never reach Heritage Tree status.**

<sup>13</sup> Standiford, R., et al. 2001. *Modeling the Effectiveness of Tree Planting to Mitigate Habitat Loss in Blue Oak Woodlands.* USDA Forest Service General Technical Report PSW-GTR-184, 2002. Available at: [https://www.fs.fed.us/psw/publications/documents/psw\\_gtr184/077\\_Standiford.pdf](https://www.fs.fed.us/psw/publications/documents/psw_gtr184/077_Standiford.pdf)

<sup>14</sup> El Dorado County. 2007. **(IIG): Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A).** Adopted November 9, 2006; amended October 12, 2007. Available at: [https://www.edcgov.us/Government/Planning/General\\_Plan\\_Oak\\_Woodlands.aspx](https://www.edcgov.us/Government/Planning/General_Plan_Oak_Woodlands.aspx)

<sup>15</sup> Standiford, R.B. 1997. *Growth of Blue Oak on California's Hardwood Rangelands.* In Proceedings of a Symposium on Oak Woodlands: Ecology, management, and Urban Interface Issues, march 19-22, 1995, San Luis Obispo, CA. USDA Forest Service Research Paper PSW-GTR-160. Pages 169-176. Available at: <https://www.treeseearch.fs.fed.us/pubs/28171>

<sup>16</sup> McDonald, in: Ritter, L.V. *Blue Oak Woodland.* (See hyperlink for Ritter publication under footnote # 10.)



### How Big is a Heritage Blue Oak?



The blue oaks on this page illustrate a point: one can see the tremendous size required to arrive at Heritage Oak status.

This blue oak **IS NOT** a Heritage Tree—it is **32.5" dbh**.



This blue oak **IS** a Heritage Tree—by **one inch—37" dbh**.

**What About the Growth Rates of Other Oaks?**

- Black and live oaks also exhibit slow growth rates. According to McDonald,<sup>17</sup> black oak (*Quercus kelloggii*) growth rates (from acorns) are estimated to be **3.4 inches dbh at 20 years** and **9 inches dbh at 50 years**. Interior live oak (*Quercus wislizeni*) is also reported as slow-growing.<sup>18</sup>

These oaks, too, would benefit from a redefinition of “Heritage Oak” as 24” dbh.

**What Would it Mean in Practical Terms if 24” was Chosen Over 36” as “Heritage”?**

The Board of Supervisors determined that keeping the definition of Heritage Trees at 36 inches “...would best meet the county’s goals of balancing resource protection with economic development.”<sup>19</sup> But **no economic analysis has been done to estimate the difference between a 24” versus 36” designation**. However, clearly mitigation costs would increase for those projects with 24” Heritage Trees on-site. Heritage Tree replacement and non-Heritage Tree mitigation requirements are listed below.

- For removal of **individual trees**, mitigation is based on an inch-for-inch replacement of removed trees: “The total of replacement trees shall have a combined diameter of the tree(s) removed.”<sup>20</sup> For Heritage Tree mitigation, “...replacement totals shall be calculated based upon an inch-for-inch replacement at a 3:1 ratio.”<sup>21</sup> (NOTE: if **acorns** are used, they “...shall not exceed 25-percent of any project’s tree planting total.”)<sup>22</sup>

**Table 4  
Oak Tree Replacement Quantities**

Replacement Tree Size	Number of Trees Required Per Inch of Trunk Diameter Removed
Acorn	3
1-gallon/TreePot 4	2
5-gallon	1.5*
15-gallon	1

\*Quantity of replacement trees to be rounded up to the nearest whole number

Excerpt Source: Draft EIR, Appendix C (draft ORMP), pdf page 20 of 215.

- The in-lieu fee for Heritage Trees (compared to non-Heritage Trees) is proposed as follows:

**Table 6  
Individual Oak Tree In-Lieu Fee**

Activity	Cost per Inch
Acquisition and Planting	\$31.92
Initial Management & Monitoring (Years 1-7)	\$113.40
Administration (5%)	\$7.27
<b>Total Cost per Inch (non-Heritage Trees) (rounded to nearest whole dollar)</b>	<b>\$153</b>
<b>Total Cost Per Inch (Heritage Trees – 3:1 Ratio)</b>	<b>\$459</b>

Source: New Economics & Advisory Draft Oak Resource In-Lieu Fee Nexus Study (June 2016)

Excerpt Source: Draft EIR, Appendix C (draft ORMP), pdf page 25 of 215.

<sup>17</sup> McDonald, P.M. Undated. *California Black Oak (Quercus kelloggii)*. Available at: [https://www.na.fs.fed.us/spfo/pubs/silvics\\_manual/volume\\_2/quercus/kelloggii.htm](https://www.na.fs.fed.us/spfo/pubs/silvics_manual/volume_2/quercus/kelloggii.htm).

<sup>18</sup> Fryer, Janet L. 2012. *Quercus wislizeni*. In: Fire Effects Information System, [Online]. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory (Producer). Available at: <https://www.fs.fed.us/database/feis/plants/tree/quewis/all.html>.

<sup>19</sup> Final EIR, Chapter 3-4, response 8-109, pdf page 443 of 582.

<sup>20</sup> Draft EIR, Appendix C (draft ORMP), pdf page 19 of 215

<sup>21</sup> Draft EIR, Appendix C (draft ORMP), pdf page 20 of 215.

<sup>22</sup> *Ibid.*

Clearly, if Heritage Tree size is reduced to 24" from 36", the need for Heritage Tree mitigation is likely to impact more projects and increase development costs incrementally. But the ***benefit*** to the size reduction is at least threefold:

- o it may ***incentivize*** retention of such trees (consistent with the current ORMP proposal to incentivize oak retention);
- o oak retention will improve project ***aesthetics***; and
- o improvement of project aesthetics can equal ***increased market value*** and project viability—a benefit to the developer.

Regarding market value, a study on the impact of oak trees on land values yielded the following:

*The aesthetic and amenity values associated with property having at least 40 trees per acre will yield a land value that is 22 to 27 percent higher than that of treeless property.*<sup>23</sup>

**Commissioners—**

Please recommend to the Board of Supervisors that the **Heritage Tree size be designated 24" rather than 36" – if not for all oaks, for blue oaks (*Quercus douglasii*)**.

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<sup>23</sup> Diamond, N.K., et al. 1987. *Oak Trees Have Varied Effect on Land Values*. California Agriculture, September-b1987. Available at: <https://ucanr.edu/repositoryfiles/ca4109p4-70964.pdf>





PC 4/27/17  
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2 pages

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### Comment letter--4/27/17 agenda item #9

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**Katie Donahue-Duran** <katie@northstatebia.org>

Fri, Apr 21, 2017 at 3:01 PM

To: "gary.miller@edcgov.us" <gary.miller@edcgov.us>, "jeff.haberman@edcgov.us" <jeff.haberman@edcgov.us>, "jeff.hansen@edcgov.us" <jeff.hansen@edcgov.us>, "james.williams@edcgov.us" <james.williams@edcgov.us>, "brian.shinault@edcgov.us" <brian.shinault@edcgov.us>  
Cc: "charlene.tim@edcgov.us" <charlene.tim@edcgov.us>


Good afternoon:

Please find a comment letter attached from the North State BIA regarding item #9 on the April 27<sup>th</sup> Planning Commission agenda.

Thank you,  
Katie

—  
  
Katie Donahue-Duran  
Legislative Advocate  
North State Building Industry Association (NSBIA)  
1536 Eureka Road  
Roseville, CA 95661  
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 **BIA Comment Letter--4-27-17 agenda item #9.pdf**  
93K





April 21, 2017

Mr. Gary Miller  
Chair, El Dorado County Planning Commission  
2850 Fairlane Ct.  
Placerville, CA 95667

RE: 4/27/17 agenda item #9—SUPPORT FOR STAFF RECOMMENDATIONS

Dear Chairman Miller:

The North State BIA supports recommendations 1-4 as described in the staff report. We believe the current proposals adequately reflect the community's policies in the General Plan and provide the appropriate balance between competing goals and interests.

We would like to commend El Dorado County for their comprehensive effort to update their Biological Resources Policy and Oak Resources Management Plan. 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, in effect since Fall 2012, has been restrictive and has stopped many economic development opportunities in the County. The newly proposed policy is balanced and is more restrictive 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 mitigation, and a minimum of \$16,524 for Heritage Oaks, are not insignificant 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.

We respectfully urge the Planning Commission to take actions 1-4 as described in the staff report.

Sincerely,

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

CC: Brian Shinault, James Williams, Jeff Haberman, Jeff Hansen