



Exhibit 6 shows the 2017 tax roll for the parcels that the ARC intends to acquire and donate to the CDFW.

Response to Comments:

Staff has received two public comments with multiple concerns regarding the project (Attachment A). This memo is to address the concerns presented by the comments.

Email from Melody Lane dated August 24, 2018:

1. “For the record, most taxpayers do NOT consent to the BOS’ surreptitious expenditure of \$63, 250 of taxpayer funds to benefit the American River Conservancy, a NGO known for its liberal-Progressive agenda. [sic]”

County Response: Oak Woodland mitigation funds are being requested to be released from the Oak Woodland Conservation Fund and placed in escrow for the purchase of said property by the American River Conservancy (ARC). Approximately half of the funds have been acquired through fees paid under the prior Oak Woodland Management Plan adopted in 2008 and the rest through fees paid under the current Oak Resources Management Plan. This request will allocate all available funds from the County’s Oak Woodland Conservation Fund in-lieu fee account. These funds are mitigation impact fees collected from new development pursuant to California Government Code 66000. No taxpayer or County general fund revenues are being used to acquire the oak woodland mitigation lands.

Email from Jack Sweeney dated August 24, 2018.

2. Look at the many properties they have caused to be removed from the property tax rolls of this county.

County Response: Acquisition of the property is consistent with the Adopted General Plan and it will help the County achieve its goals in implementing the County Oak Resources Management Plan by acquiring mitigation lands within the defined Priority Conservation Areas. The current property owner is a willing seller as is required by the Oak Resources Management Plan and the General Plan. The General Plan and Oak Resources Management Plan encourage infill development within the Community Regions while conserving contiguous blocks of important habitat in Rural Regions. The Oak Resources Management Plan facilitates economic development in the Community Regions by directing mitigation to Rural Regions and identifying Priority Conservation Areas. The General Plan policies, including adoption of the Oak Resources Management Plan, balances the economic, social, and environmental interests of the County.

3. Ask how much higher the price was when they resold them to the public agencies.

County Response: The ARC has stated that it donates property when ownership is transferred to a government agency and County staff has no evidence otherwise (Exhibit 1).

4. “And ask who will be preparing the Fire Safe Plan under General Plan Public Health, Safety, and Noise Element; specifically Goal 6.2?”

County Response: No development is proposed necessitating the requirement by the County for a fire safe plan. Future ownership by the California Department of Fish and Wildlife will require the preparation of a management plan which would include a fire safe plan. The ARC has been working cooperatively with CalFire to establish vegetative management projects within the El Dorado Ranch Phases 1 and 2 project areas. CalFire has supported the previous two phases of acquisition and has stated that the ARC is a valuable cooperator and has achieved mutual benefits over the years (Exhibit 3). The property is used for grazing that has been recognized as an important fire management activity.

From the Amended and Restated Purchase and Sale Agreement dated May 17, 2017 stating that the intention of the purchase is for preservation of open space (Exhibit 2):

“E. Protection and preservation of the Subject Property in accordance with this Agreement, including its wildlife and wildlife habitat will assure that the Subject Property and its existing features will continue to be available for grazing and for natural habitat and buffer for wildlife and will preserve open space and water quality within the Cosumnes River Watershed against development pressure from the greater Sacramento metropolitan area to the immediate west.”

5. “And ask who will process the General Plan Land use change and what the EIR for that will look like for Ag? [sic]”

County Response: No General Plan amendment would be required nor are they required for land transactions. Future ownership by the California Department of Fish and Wildlife would make the lands non-jurisdictional to any County land use documents. All eleven parcels have a general plan designation of Rural Residential (RR). Typical uses within the RR land use designation include a full range of agricultural production uses and recreation. Existing agricultural and potential future recreational uses of the property would be consistent with this land use designation.

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 153313 of the CEQA Guidelines stating that Class 13 exemptions consist “of the acquisition of lands for fish and wildlife conservation purposes including (a) preservation of fish and wildlife habitat, (b) establishing ecological reserves under Fish and Game Code Section 1580, and (c) preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.” This proposal is to consider the release of funds to The American River Conservancy to acquire in fee 1,018± acres of land for the protection and preservation of riparian and woodland habitat, that includes native fisheries and oak woodlands, and to provide for potential future wildlife oriented public use opportunities on land fronting the Cosumnes River.

The use of funds from a fee program for mitigation of impacts to oak woodlands was subject to a CEQA process that resulted in adoption of an EIR.

6. “And, you may wish to ask the tough question: Will you be transferring title to a public agency? How much will you be paid for the transfer? Will you, therefor make a profit on the transfer? And lastly, ask for a copy of any and all transfer papers with regards to such a transfer.”

County Response: The intention of the ARC’s acquisition is to transfer ownership to the California Department of Fish and Wildlife (CDFW). Because public funds are being used for the acquisition, the appraisal has been reviewed and approved by the California Department of General Services. The ARC will donate the property to the State of California. The transfer to the CDFW has not been initiated as the acquisition by the ARC from the current private owner must be completed first.

### **SUPPORT INFORMATION**

#### **Attachments to Staff Memo:**

- Exhibit 1.....Letter from Alan Erghott dated August 29, 2018  
Exhibit 2.....Purchase and Sale Agreement; El Dorado Ranch-  
Phase 3  
Exhibit 3.....Letter from CalFire dated September 4, 2018  
Exhibit 4.....ARC/Neilsen Livestock Grazing Lease  
Exhibit 5.....ARC El Dorado Ranch Acquisition History  
Exhibit 6.....2017 Tax Roll and Parcel Information  
Exhibit 7.....Letter from Nielson dated September 6, 2018