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Draft
owmp

12 December 2007

Ms. Monique Wilber
El Dorado County
Development Services Department
2850 Fairlane Court
Placerville CA 95667

Subject: Comments on the Draft Oak Woodland Management Plan

Dear Ms. Wilber:

Please accept these comments on the "Revised Public Review Draft El Dorado County Oak Woodland Management Plan" (OWMP) on my behalf. I am employed as a consulting biologist and arborist and work on many projects in El Dorado County. These comments are my own and do not necessarily reflect the opinions of my employer.

Comments and Recommendations

Comment 1: Conservation easements are referred to throughout the OWMP. In some places the OWMP also refers to "notices of restriction" or "private agreements." Conservation easements sometimes involve the recordation of operations and management plans, financial endowments, and a third party to hold the easement. They often involve the services of attorneys and consultants. As a result of the relatively high overhead costs, they make the most sense for use when protecting relatively large tracts of land. Even small projects needing only ministerial permits are subject to General Plan policies and will be covered under this OWMP. Conservation easements on small projects, that could be protecting or replacing areas on-site as small as a single tree, may not be cost effective. The management of many small easements would not result in economies of scale.

Recommendation 1: The OWMP must provide guidance as to when conservation easements or other measures are appropriate. Conservation easements may be appropriate for the County to acquire on relatively large tracts of land in the priority conservation areas or on large development projects. Other legal instruments such as notices of restriction may be more appropriate on smaller projects with on-site retention or replacement of relatively few oaks.

Comment 2: Page 2, Section B, Fifth bullet: The sentence refers to Valley Oak Woodlands as a "sensitive species." Habitat types should not be referred to as species, or vice versa. Rare habitats may or may not contain rare species. Valley oak trees are common in the plan area as a minor component of other woodland types. Valley oak as an individual species was considered but rejected for listing in the CNPS Inventory of Rare and Endangered Plants because it was "too common" (CNPS 2007). Valley Oak Woodland, as a habitat, includes areas where Valley oak trees are dense enough to comprise a substantial component of tree cover.

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Recommendation 2: Revise the last clause of the sentence to read, . . . “but emphasize conservation of Valley Oak Woodland, considered a “sensitive habitat” due to its relative rarity in the county.”

Comment 3: Page 3, Section C, First paragraph: This paragraph reports the definition of oak woodland used in the Oak Woodland Conservation Act (Fish and Game Code §1360 et seq.), and could be interpreted to mean that the OWMP uses the same definition. It is not clear whether the OWMP uses this definition. Fish and Game Code §1361 states that the oak woodland definition is “for purposes of this article,” implying that local governments need not use the same definition. The inclusion within the definition of the clause “or that may have historically supported greater than ten percent canopy cover” may not be compatible with some components of the OWMP.

Recommendation 3: If the OWMP uses the oak woodland definition in Fish and Game Code §1361, the definition should be limited to identifying areas that could be acquired with County oak woodland mitigation funds. Applying the “historical canopy cover” criteria to discretionary projects or ministerial permits would result in confusion over General Plan policies that have different standards. CEQA projects must comply with another definition of “oak” used in Public Resources Code (PRC) §21083.4.

Comment 4: Page 7, Section D, eighth bullet: This sentence prohibits replacement oaks within 100 ft of structures pursuant to the defensible space requirements of PRC §4291. PRC §4291 allows “single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure” within 100 ft of structures. The OWMP, on page 5, paragraphs 1 and 2, acknowledges that trees, in some circumstances, can be safely retained within 100 ft of structures.

Prohibiting the planting of replacement trees within 100 ft of structures is rarely the best option. As one example, I am currently working on a project with a pond surrounded by nonnative grasses. Homes are proposed to be situated 100 ft away from the pond to comply with General Plan Policy 7.3.3.4 (setbacks to waters). If this proposed prohibition were implemented, oaks could not be planted near the pond to increase habitat value or aesthetics. PRC §4291 is not so restrictive.

Recommendation 4: The OWMP should merely require that replacement plans be consistent with PRC §4291, and any applicable fire safe plans.

Comment 5: Page 7, Section D, eleventh bullet: This sentence requires that replacement plans address “a method of ensuring oak planting mitigation compliance.” This is vague and the tenth bullet already requires seven years of maintenance and monitoring, and contingencies if the success criteria are not met. The only way to ensure “oak planting mitigation compliance” is for the County to adequately enforce the mitigation measures and conditions it places on projects for their full monitoring term.

Recommendation 5: Delete this bullet.

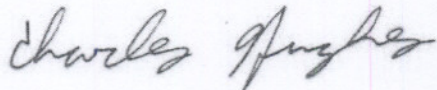
Comment 6; Page 8, second bullet: Oak planting is only one component of the cost. Seven years of maintenance and monitoring will likely cost more.

Recommendation 6: Replace this bullet with “An estimation of the total costs associated with implementation of the replacement plan.”

Comment 7; Figures 1 and 2: These figures contain only part of the land within the Pine Hill Preserve, managed by the Bureau of Land Management for natural resource values, with the “State and Federal Lands” designation. Parts of the Preserve may not be shown if some of the land in the Preserve is owned by local agencies or non-profits. Some of the designated state and federal land shown elsewhere appears to now be in private ownership.

Recommendation 7: The County should acquire an updated GIS layer of state and federal lands, and include the entire Pine Hill Preserve on the map.

Yours truly,



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Literature Cited

California Native Plant Society (CNPS). Accessed 29 November 2007. Inventory of rare and endangered plants (online edition, v7-07d 10-18-07). California Native Plant Society, Sacramento, CA.
<<http://www.cnps.org/inventory>>