El Dorado County-Gabbro Soil Plants Some Highlights

by Supervisor Jack Sweeney ATE DISTRIBUTION
October 19, 2006
DATE 1/24/12

	DAIE
1. Nov. 1991	EIP Study 1500 Acres
2. 1992	(2002 Plan Page II-38) Advisory Committee 3500 Acres
3. 1993	DFG litigation against E.D. Water Agency PV 93-3329 (Later consolidated with League to Save Sierra Lakes v. EDCWA)
4. Jan. 1996	BOS adopts General Plan with four Preserves
5. Feb. 1997	EPS Study Nothing South of Hwy 50
6. Mar. 17, 1997	Draft MOU
7. July 1997	EPS Addendum Map at IV-3 Nothing South of Hwy 50
8. Sept. 29, 1997	Cal F/G Letter
9. Oct. 28, 1997	US F/W Letter 3450 Acres
10. Mar. 11, 1998	Cal F/G Memo Lawsuit and Consultation
11. Mar. 16, 1998	EPS Memo Page 12 Outline of MOU includes Mutual Assurances section BOS Item File 12465
12. Mar. 24, 1998	BOS Item File 12465 Location of the above two EPS studies Exhibit D,E,F maps!

At this point EDCo thinks that its Mitigation Fee Ordinance covers the issues. If develop in designated areas-pay fee and proceed. The maps per March 24, 1998 indicate that the lands outside of the Smith & Gabbert purchase and the Ponderosa 50 purchase are free to proceed! Also nothing South of Highway 50 is encumbered.

13. Aug. 30, 2002 US F/W Approval of Recovery Plan

14. 2004-2006 Cal F/G comments and requirements on Cameron Park projects that are other than what county expected.

County <u>must</u> have MOU that spells out its obligations and benefits of and to the program.

A MEMORANDUM OF UNDERSTANDING and PARTICIPATION AGREEMENT

SUPPORTING THE

PURCHASE AND MANAGEMENT OF THE CAMERON PARK ECOLOGICAL PRESERVE

BETWEEN

THE COUNTY OF EL DORADO
THE BUREAU OF RECLAMATION
THE BUREAU OF LAND MANAGEMENT
THE U.S. FISH AND WILDLIFE SERVICE
THE AMERICAN RIVER CONSERVANCY
THE EL DORADO IRRIGATION DISTRICT
THE CALIFORNIA NATIVE PLANT SOCIETY
THE CALIFORNIA DEPARTMENT OF FISH AND GAME

I. PURPOSE

This Memorandum of Understanding and Participation Agreement (this "Agreement") affirms a policy of coordination and cooperation between the County of El Dorado (EDC), the Bureau of Reclamation (USBR), the Bureau of Land Management (BLM), the U.S. Fish and Wildlife Service (FWS), the American River Conservancy (ARC), the El Dorado Irrigation District (EID), the California Native Plant Society, the California Department of Fish and Game (DFG) hereinafter and collectively referred to as the "Parties" to fund the purchase and management of a fifth rare plant preserve in Cameron Park, El Dorado County.

II. BACKGROUND

The gabbro soils of the Rescue Series in western El Dorado County provide habitat for eight rare plant taxa and a rare natural community. These taxa and the natural community are endemic to the soils of the area:

Species / Community

Calystegia stebbinsii Stebbins' morning glory

Ceanothus roderickii Pine Hill ceanothus

Galium californicum ssp. sierrae El Dorado bedstraw

Fremontodendron californicum ssp sierrae Pine Hill flannelbush

Senecio layneae Layne's butterweed

Chlorogalum grandiflorum Red Hills soaproot

Wyethia reticulata El Dorado Mule ears

FESA and CESA Status

State Endangered Federal Endangered

State Rare Federal Endangered

State Rare Federal Endangered

State Rare Federal Endangered

State Rare Federal Threatened

Disclosure of Impacts
Required under CEQA

Disclosure of Impacts
Required under CEQA

Bisbee Peak rush rose Helianthemum suffrutescens Disclosure of Impacts Required under CEQA

The rare plants and the chaparral community are threatened with extinction due to landuse changes in western El Dorado County. The Gabbroic Northern Mixed Chaparral Natural Community of western El Dorado County has been identified by State and Federal organizations as an area of top priority for habitat protection.

A system of five ecological preserves are proposed for western El Dorado County as follows:

Proposed Preserve	Proposed Preserve Size	Public Land Already in the Preserve	
Salmon Falls (1)	1,765 acres	656 acres 306 (DFG); 350 (BLM)	
Pine Hill (1)	700 acres	360 acres 240 (DFG); 80 (CDF) 40 (BLM)	
Cameron Park (1)	400 acres	0 acres	
Martel Creek (2)	400 acres	400 acres	
Penny Lane Ridge (2)	185 acres	185 acres	
Total	3,450 acres	1,305 acres	

(1) One of the "core" Preserves which contain the highest density and diversity of the rare species.

(2) One of the "satellite" Preserves, which have two or three of the rare species but are considered good habitat, and are half or entirely owned by the Bureau of Land Management.

The DFG has recommended permanent protection of approximately 400 acres within the Cameron Park Ecological Preserve.

III. OBJECTIVES

The general objectives of this Agreement are as follows:

- A. to recognize the significance of the rare plant and unique chaparral community resources of certain lands in the vicinity of the proposed Cameron Park Ecological Preserve.
- B. to recognize the urgent need for establishing a Cameron Park Ecological Preserve and importance of preserving the area in a natural condition for long-term protection of the rare plant populations and unique chaparral community.
- C. to better coordinate and prioritize each agency's work relative to the protection of lands within the proposed Cameron Park Ecological Preserve.
- D. to coordinate the responsibility of each agency in providing purchase funding and management authority.

IV. TERMS OF AGREEMENT

The EDC, USBR, BLM, FWS, ARC, EID, CNPS and DFG mutually agree:

- A. to recognize the significance of the rare plants and unique chaparral community within the proposed Cameron Park Ecological Preserve and to recognize the urgent need of establishing a Cameron Park Ecological Preserve.
- B. to acknowledge and accept a total of 3,450 acres in the five ecological preserves presented in the above table as necessary for the protection of the rare plants and the unique chaparral community.
- C. that pursuing the proposed Cameron Park Ecological Preserve is an immediate concern, to which the Parties will assign a priority for staff effort and coordination
- D. that it is in the best interest of the proposed Cameron Park Ecological Preserve to encourage private and other public entities to support the project to the extent they are capable.

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- E to acknowledge that a preserve of approximately 400 acres in size has been determined by the State Department of Fish and Game within its biological opinion, herein referenced and included as Exhibit A (the "Biological Opinion") as necessary to insure the long-term viability of these species and to work towards the ultimate purchase of a 400 acre preserve.
- F. that ARC has completed a Purchase Option Agreement for the purchase of four (4) parcels totalling 315 acres within the proposed Cameron Park Ecological Preserve and has provided the Parties with a Preliminary Title Report herein included by reference as Exhibit "B" and an Appraisal herein included by reference as Exhibit "C". The Purchase Option Agreement calls for the purchase of these 315 acres over three phases as outlined below:

Phase	Closing Date	AP#	Acreage	Appraised Value
1	7/31/97	83-010-01	118	\$ 2,786,000
2	7/31/98	83-020-12	152	\$ 3,643,000
3	7/31/98	83-020-11 83-020-18	28 17	\$ 1,071,000
*2 *2 *3 *4 **	Total		315 acres	\$ 7,500,000

- G to accept the value of each of the four parcels as provided in the Appraisal as the fair market value.
- H to provide the funding for the acquisition of the above described Subject Property as follows:
 - 1. Phase 1 Acquisition 117 acres \$2,786,000 Placer Title Co. Escrow # 201-27925-JY
 - a. USBR/FWS will place \$1,000,000 into the above escrow account

no later than July 25, 1997. This amount represent the total \$1,500,000 commitment to the purchase c Property (all 3 phases).

- b. EID/EDC will place \$1,500,000 into the above escralater than July 25, 1997. This amount represents ≡ the total \$3,643,000 commitment to the purchase ⊂ Property (all 3 phases).
- c. DFG will place \$ 286,000 into the above escrow acclater than July 25, 1997. This amount represents at the total \$936,000 commitment to the purchase of Property (all 3 phases).
- 2. <u>Phase 2 Acquisition</u> 153 acres \$3,643,00C Placer Title Escrow # 201-27924-JY
 - a) EID/EDC will place \$2,143,000 into the above escrelater than July 25, 1998. This amount represents a the total \$3,643,000 commitment to the purchase Property (all 3 phases).
 - b) USBR/FWS will place \$ 500,000 into the above escrno later than July 25, 1997. This amount represent the total \$1,500,000 commitment to the purchase C Property (all 3 phases).
 - c) DFG will place \$ 650,000 into the above escrow acc a later than July 25, 1997. This amount represents at the total \$936,000 commitment to the purchase of Property (all 3 phases).
 - d) ARC will place \$350,000 (from EEM grant) into the account no later than July 25, 1997. This amount reportion of the total \$350,000 commitment to the puthe Subject Property (all 3 phases).

- 3. Phase 3 Acquisition 45 acres \$1,071,000 Placer Title Escrow #201-27989-JY
 - a) BLM will place \$1,071,000 into the above escrow account no later than July 25, 1997. This amount represents 100% of the BLM's commitment to the purchase of the Subject Property (all 3 phases).
- I. to provide the funding for the management of the Cameron Park Preserve as follows:

EID/EDC will provide \$357,000 into the management trust account for the Cameron Park Ecological Preserve.

ARC will provide \$100,000 into the management trust account for the Cameron Park Ecological Preserve.

J. to provide oversight through staff participation on a Cameron Park
Preserve management committee. The following agencies would agree
to provide one staff representative to participate:

DFG, FWS, BLM, EDC, CNPS, ARC, 3 Local Residents (9 Total)

- K. that the authority to participate in this effort is covered by existing federal or State statutes, organizational charters or other delegations of authority or responsibility. Nothing herein shall be construed as limiting or affecting in any way the authority of the parties of this MOU.
- L. that each and every provision in this MOU is subject to the laws of the State of California, the laws of the United States and to the delegated authority assigned in each instance;

that nothing in this MOU shall be construed as obligating any agency hereto in the expenditure of funds, or for the future payment of money in excess of appropriations authorized by law;

that no member of, or delegate to Congress, or Resident Commissioner, shall be admitted to any share of this agreement, or to any benefit that

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may arise therefrom;

to accomplish all cooperative work under the provisions of this Agreement, supplemental agreement or management plans without discrimination against any employee, or applicant for employment, because of race, creed, color or national origin;

M that this Agreement shall become effective when signed by the designated representatives of the parties hereto and shall remain in force until terminated by mutual agreement, or be any party upon thirty (30) days notice in writing to the others of its intention to terminate upon a date indicated. Amendments to this Agreement may be proposed by any party and shall become effective upon approval by all parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to in effect as of the date last signed below:

The County of El Dorado	Title		Date
	x		
The Bureau of Reclamation	Title	 -	Date
The Bureau of Land Management	Title	1 / p 2	D-1-
	- Title		Date
The U.S. Fish and Wildlife Service	Title		Date
The state of the s			
The American River Conservancy	Title	, 30 h 1	Date
The El Dorado Irrigation District	Title		Date
The Calif. Native Plant Society	Title	- R	Date
	11 Y = 2 K		
The Calif. Dept. of Fish and Game	Title	,	Date



DEPARTMENT OF FISH AND GAME

1701 NIMBUS ROAD, SUITE A RANCHO CORDOVA, CALIFORNIA 95670 Telephone (916) 358-2900



September 29, 1997

Board of Supervisors El Dorado County 330 Fair Lane, Building A Placerville, California 95667

Board of Directors El Dorado County Water Agency 330 Fair Lane, Building A Placerville, California 95667

Board of Directors El Dorado Irrigation District 2890 Mosquito Road Placerville, California 95667

Dear Gentlemen:

The California Department of Fish and Game applauds the recent efforts of El Dorado County, El Dorado Irrigation District and the El Dorado County Water Agency (El Dorado entities) to establish, manage, and finance a five-preserve system to conserve eight rare plant species and the habitats that they are associated with.

At this time, there is an unique opportunity to acquire a 315-acre rare plant preserve in Cameron Park with substantial funding by federal and state agencies. We are hopeful the El Dorado entities will each fund their share of Phase 1 of the acquisition by mid-October 1997, because this rare plant preserve will provide enormous, positive benefits for El Dorado County.

Moreover, a commitment to the acquisition and management, in perpetuity, of the entire five-preserve system will also resolve a broader issue. Presently, the Department opposes the acquisition of additional water supplies for the El Dorado Irrigation District service area and opposes development projects if there is inadequate mitigation for the adverse, growth-inducing impacts on rare and endangered plants associated with the gabbroic and serpentine soils located in western El Dorado County. However, if the El Dorado entities implement the acquisition and

¹Numerous botanical investigations have been conducted on the gabbroic and serpentine soils in western El Dorado County over the last two decades. The attached table lists the rare and endangered species that have been identified in this area.

Board of Supervisors, et al September 29, 1997 Page Two

maintenance of the entire five-preserve system, the mitigation for these rare plants on these soils will be accomplished.

In the opinion of the Department, the following steps would be necessary to implement the five-preserve system.

- a. Within six months, El Dorado County shall amend the County General Plan to add a fifth "southern preserve" to the four preserves already designated.
- b. By mid-October 1997, the El Dorado entities shall appropriate and authorize to spend the funds necessary to acquire the first 117 acres of the Smith-Gabbert property, which shall constitute a portion of the 315-acre southern preserve.
- c. The El Dorado entities shall commit to timely appropriation and authorization to spend the funds necessary to acquire the second 153 acres of the Smith-Gabbert property, as contemplated under the existing option agreement, which shall constitute a portion of the 315-acre southern preserve.
- d. The El Dorado entities shall not oppose efforts by federal agencies, state agencies, and conservation groups to raise monies to acquire up to 85 additional acres in the vicinity of the fifth preserve.
- e. Within six months, El Dorado County shall adopt a development impact fee and the El Dorado Irrigation District shall adopt a facilities connection charge or another equivalent charge to completely fund the acquisition and maintenance of the entire five-preserve system as outlined in the fee study. ²

Assuming the acquisition and maintenance of the entire five-preserve system, as described in the recent workshops and the fee study, is implemented as proposed, the Department considers the rare plant preserve system sufficient to mitigate, under the California Environmental Quality Act, the impacts of growth on identified rare or endangered plants associated with the gabbroic and serpentine soils within western El Dorado County. The Department considers the proposed five preserve system to be sufficient to prevent jeopardy to the rare and endangered plants associated with the gabbroic and serpentine soils in western El Dorado County, and barring material unforseen circumstances, the Department shall not request additional mitigation for the take of the identified species due to development projects in western El Dorado County.

²The Department recognizes that these fees and charges will not reimburse contributions of the federal and state agencies.

September 29, 1997 Page Three

Individual projects may still require authorization for incidental take under sections 2081 and 2835 of the Fish and Game Code. The Department will not thereafter assert adverse impacts on the identified rare and endangered plants associated with the gabbroic and serpentine soils in western El Dorado County as a basis for opposing the acquisition or use of any present or future water supplies in El Dorado County or as a basis for opposing any development project in western El Dorado County.

The Department appreciates the willingness of the El Dorado entities to engage in the protection of these important biological resources in concert with the funding being supplied by federal and state agencies for this purpose.

Sincerely,

Banky E. Curtis Regional Manager

Attachment

cc: Mr. Merv de Haas, General Manager El Dorado County Water Agency 330 Fair Lane Placerville, California 95667

> Mr. William T. Hetland, District Manager El Dorado Irrigation District 2890 Mosquito Road Placerville, California 95667



United States Department of the Interior

FISH AND WILDLIFE SERVICE Sacramento Fish and Wildlife Office 3310 El Camino Avenue, Suite 130 Sacramento, California 95821-6340

October 28, 1997

Board of Supervisors El Dorado County 330 Fair Lane, Building A Placerville, California 95667

Dear Gentlemen:

The U.S. Fish and Wildlife Service supports the efforts of a broad coalition of private, local, County; State and Federal partners to establish, finance and manage the Pine Hill Ecological Reserve (Reserve) system. The Reserve system, which consists of five sites covering 3,450 acres in western El Dorado County, will protect the best quality remaining areas of undisturbed, contiguous habitat supporting five federally-listed plant species associated with gabbro soils. The federally-listed species include Stebbin's morning glory, Pine Hill Ceanothus, El Dorado Bedstraw, Layne's butter weed, and Pine Hill flannelbush. Additional plants occurring at the five sites are listed by the State of California and the California Native Plant Society.

Protection of the Reserve system is essential to the survival and recovery of the five listed plant species. The Service's consultation with the U.S. Bureau of Reclamation (Reclamation) on the interim renewal of Reclamation's Central Valley Project water service contracts recognized this Reserve system as a high-priority action needed to address critical needs of these species.

The Service developed a Cooperative Agreement with The American River Conservancy (Conservancy) in September 1997 to convey \$1,000,000 of Central Valley Project Improvement Act Restoration Funds to the Conservancy to contribute toward implementation of the Reserve system. It is the intent of the Service to approve an additional \$500,000 in fiscal year 1998 to this high-priority effort. The substantial funding amount proposed by the Service clearly reflects the Federal commitment to the protection and recovery of these listed plant species.

The Service appreciates El Dorado County's interest in protecting this important gabbro soils habitat and encourages your partnership support for the Reserve system.

Sincerely. David 2. Haston

Wayne S. White Field Supervisor

Memorandum

: Mr. W. John Schmidt, Executive Director Wildlife Conservation Board 801 K Street, Suite 806 Sacramento, California 95814 Date : March 11, 1998

From : Department of Fish and Game

Subject : Request for Matching Funds for Cameron Park Unit of the Pine Hill Ecological Reserve

This is a request for \$971,500 in State funding to match local and federal funds committed to the acquisition of 152 acres (APN 83-020-12) of rare plant habitat within the Cameron Park unit of the Pine Hill Ecological Reserve. This parcel is a priority #1 acquisition within the approved Pine Hill Ecological Reserve CAP.

Funds would be used to protect an extremely rare natural community tracked by the Natural Diversity Data Base and designated Significant Natural Area ELD#003. The subject parcel contains six of eight rare plant taxa associated with Gabbroic Northern Mixed Chaparral in western El Dorado County, one of the largest concentrations of rare plants in California. A table outlining the current special status of these plants species is attached as Exhibit "A".

As you will recall, the Pine Hill Ecological Reserve CAP identifies five units within a reserve system. A map and table outlining the distribution and current status of these reserve units is attached as Exhibits "B" and "C". From 1990 through 1996 the Department of Fish and Game and the American River Conservancy submitted joint grant applications to the Environmental Enhancement and Mitigation (EEM) Program, the Habitat Conservation Program (HCP), and to the Wildlife Conservation Board. This effort raised approximately \$1,600,000 which supported the acquisition of 306 acres of habitat within the Salmon Falls unit of the Pine Hill Ecological Reserve System.

In 1993, El Dorado County designated four of the five units as "Reserved Lands" within its general plan but elected to omit the Cameron Park unit. After a request for reconsideration failed, the Department filed a lawsuit against El Dorado County over its El Dorado Project water rights' application, noting inadequate protection for the Gabbro rare plants. The Court has recently upheld our position on this matter.

In a published consultation between the U.S. Fish and Wildlife Service and the Bureau of Reclamation dated February 27, 1995, the two agencies also determined that a Cameron Park Reserve unit of approximately 400 acres was required to ensure protection of this rare natural community.

Mr. W. John Schmidt March 11, 1998 Page Three

One significant challenge remains in establishing the Cameron Park Reserve. This is the purchase of the Phase #2 property. Because of the expense of the property, a coalition of funding partners is essential. The proposed purchase plan for the Phase #2 parcel is presented as follows with the status of funding commitments noted:

U.S. Fish and Wildlife Service / Bureau of Reclamation	
(Approved CVPIA funding)	\$ 500,000
El Dorado County (Budgeted, but not yet approved)	\$ 500,000
El Dorado County (Budgeted, out not yet approved) El Dorado Irrigation District (Funding request pending) Environmental Enhancement and Mitigation Grant	\$ 500,000
(Approved)	\$ ₹00,000
This Request to the Wildlife Conservation Board Request to Congressman Doolittle / LWCF Funding Total Purchase Funding Required	\$ 971,500 971,500 3,643,000

There are also two management issues that need to be resolved before this purchase is made. The first is the establishment of a nonwasting endowment to provide for the long term management of the reserve. The second is who should assume title of the property. Both of these issues are still under negotiations and need to be finalized before these funds are allocated.

If there are any questions, please contact Mr. Banky E. Curtis, Regional Manager, Sacramento Valley-Central Sierra Regions, 1701 Nimbus Road, Suite A, Rancho Cordova, California, telephone (916) 358-2899, or Ms. Patricia Perkins, Senior Biologist, at telephone (916) 358-2868.

COPY Original Signed by: Jacqueline E. Schafer

Jacqueline E. Schafer Director

Attachment(s)

cc: Mr. Banky E. Curtis
Ms. Patricia Perkins
Department of Fish and Game
Rancho Cordova, California

American River Conservancy 8913 Highway 49 Post Office Box 562 Coloma, California 95613

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Ideally, the operations and maintenance of the Ecological Preserves could be shared between several local, state, and federal agencies, including the EDCWA, EID, DFG, BLM, and possibly the USF&WS. In particular some of the local costs could be covered by the local fire prevention districts. As noted in previous reports, the Pine Hill endemic plant species require periodic controlled burning in order to regenerate. It would be advisable to incorporate the rare plant habitat maintenance with fire prevention efforts in Western El Dorado County such as through controlled brush burns conducted and monitored by the local fire prevention districts and possibly the California Department of Forestry. This approach would achieve two public policy goals in one, by reducing the risk of uncontrolled wildfires in Western El Dorado County, and promoting the healthy regeneration of the rare plants.

NEXT STEPS/IMPLEMENTING AGREEMENT

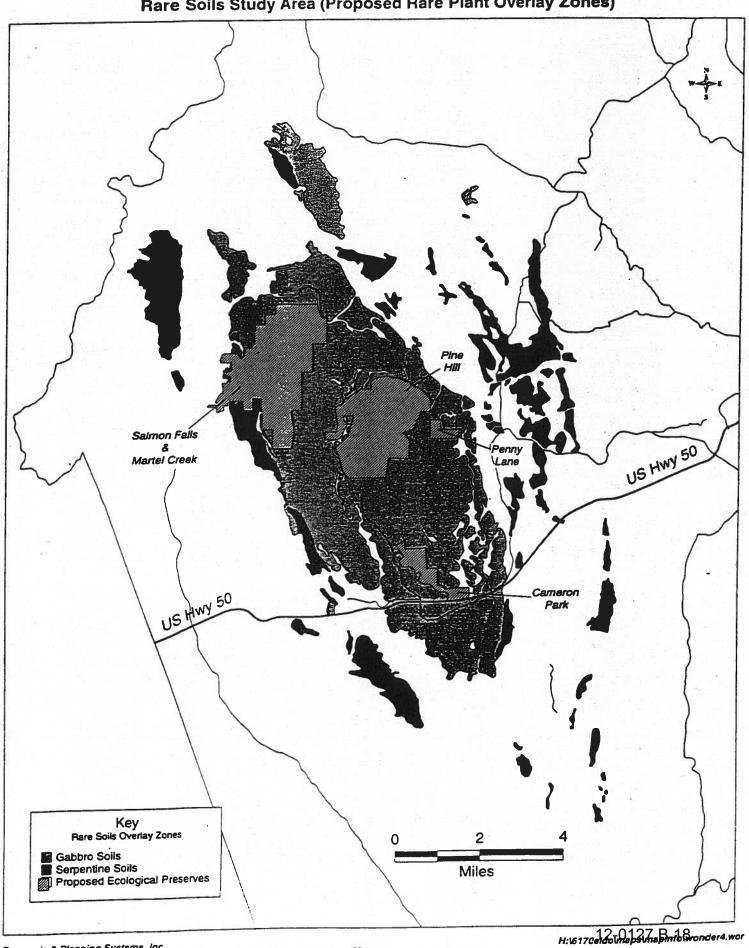
After the adoption of the Ecological Preserve Fee Ordinance (the Ordinance) and the General Plan Amendment (GPA), which expands the Ecological Preserve -EP overlay zone to include the Cameron Park as the fifth preserve, an "implementing agreement" involving all the participating jurisdictions will need to be negotiated. The County will need to adopt an implementing agreement and maintain the habitat mitigation efforts over time consistent with the implementing agreement. If is decided later to prepare a comprehensive countywide Habitat Conservation Plan (HCP) the implementing agreement prepared for the rare plant mitigation program could serve as the basis for a subsequent HCP implementing agreement.

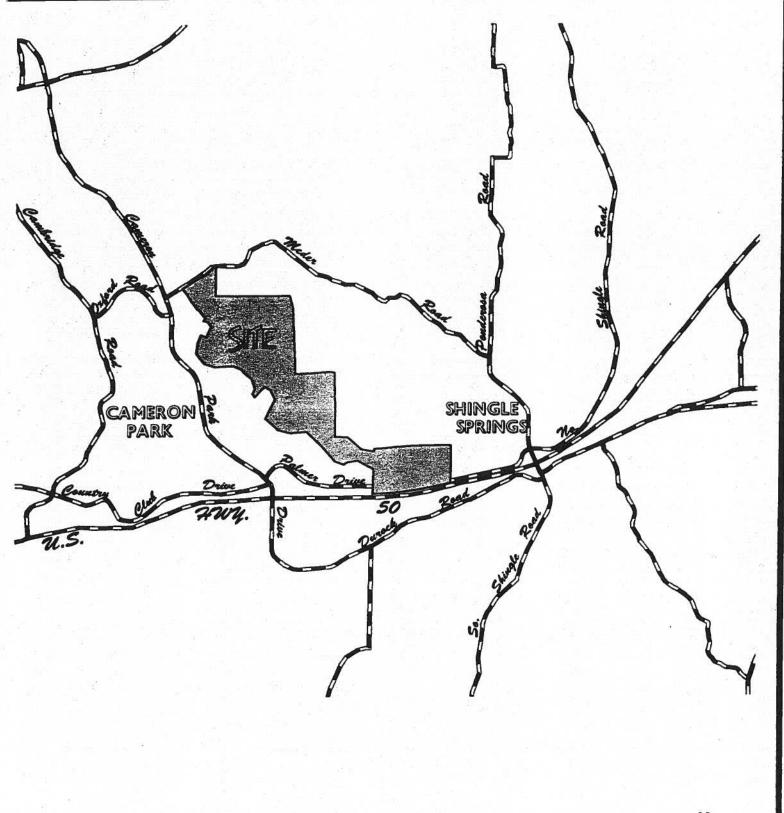
The rare plant mitigation program implementing agreement will most likely drafted as a Memorandum Of Understanding (MOU) between the participating agencies (including the County of El Dorado, the EID, the County Water Agency, the DFG, the USF&WS, the Bureau of Reclamation, and the Bureau of Land Management) and should contain the following elements:

- A Recitals Section. Recitals will describe the intention and the purposes of the Agreement.
- A <u>Definitions Section</u>. Definitions will be provided for the key terms used in the Agreement.
- <u>Term and Renewal Section</u>. The life span of the agreement will be defined and provisions for extending it provided.
- Obligations of the Parties Section. The responsibilities of the County as an urban development permittee in requiring mitigation for loss of rare plant habitat must be described. This section includes the definition of the El Dorado County Rare Plant Off-Site Mitigation Program, the mitigation ratio, the Ecological Preserve In-lieu Fee which includes components for habitat acquisitions (conservation easements), fee administration, and mechanisms for fee adjustments.

- Habitat Management and Protection Section. This section describes how the rare
 plant mitigation program will be administered; how mitigation conservation
 easements will be selected and acquired; how the Ecological Preserves will be
 managed and operated (the Land Manager role); how habitat enhancement, if
 required, will be conducted; and how all these management and operations
 functions will be funded. This section will describe the responsibilities of the
 regulating and resource agencies in implementing the rare plant mitigation
 program.
- <u>Mutual Assurances Section</u>. This section describes what the agreement does and does not assure the parties regarding compliance with the provisions of the Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), and CEQA.

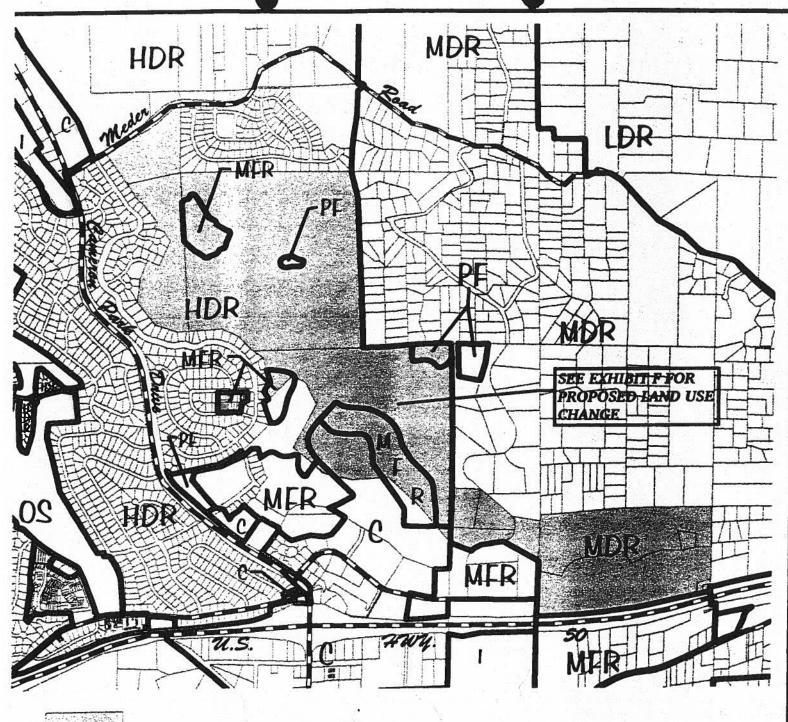
Figure IV-1
Er Dorado County Ecological Preserves
Rare Soils Study Area (Proposed Rare Plant Overlay Zones)





A 97-09 EXHIBIT D **VICINITY MAP**

A Not To Scale



Proposed Ecological Overlay

PROPOSED ECOLOGICAL OVERLAY WITH EXISTING LAND USE

A 97-09 EXHIBIT E Not To Scale

