

MEMORANDUM

To: Shawna Purvines, Principal Planner, El Dorado County
From: Cathy Spence-Wells, Principal
Subject: Biological Resources Policy Update: Draft Policies and Draft Oak Resources Management Plan (ORMP)
Date: May 11, 2015
Attachment(s): Draft Biological Resources Policies – Changes Tracked
Draft Biological Resources Policies – Clean
Draft ORMP – Changes Tracked
Draft ORMP – Clean

1.0 INTRODUCTION

The purpose of this memo is to introduce the revised draft biological resources General Plan policies and revised draft Oak Resources Management Plan (ORMP).

On September 24, 2012, the Board of Supervisors (Board) considered six options for implementation of Policy 7.4.4.4. The Options Memo prepared by County staff provides a description of all the options considered. At the conclusion of the Board hearing, the Board directed staff to proceed with Option 6 outlined in the staff report. Option 6 described the intent to amend General Plan Policies 7.4.4.4, 7.4.4.5, 7.4.5.1, 7.4.5.2, 7.4.2.8, and 7.4.2.9 and their related Implementation Measures.

In preparation for this update, staff and Dudek prepared a History/Background memo on the biological resource policies and a Policy Options memo outlining the broad alternatives for updating the policies. Both memos were presented at the July 28, 2014 Board of Supervisors hearing. Both documents can be found on the County's website at:

<http://www.edcgov.us/Government/LongRangePlanning/Environmental/BioPolicyUpdate.aspx>.

In October 2014, staff and Dudek presented the Board with four possible approaches to the policy update process and the Board elected to proceed with a mitigation/conservation approach. This approach would keep the ORMP (previously titled the Oak Woodlands Management Plan, or OWMP) but would eliminate the County's Integrated Natural Resources Management Plan (INRMP), which had been a key component of the existing General Plan biological resources policies. Instead of the INRMP, the mitigation/conservation approach would provide the County with policies and implementation measures that will work in concert with each other to provide the County with a feasible, effective, and comprehensive program for mitigating biological

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resources impacts anticipated under the General Plan. There was considerable discussion during meetings last fall regarding the timely implementation of the OWMP, specifically related to Option B of General Plan Policy 7.4.4.4 (oak woodland in-lieu fee option). Board direction was given to ensure the updated OWMP provides for re-establishment of the in-lieu fee program. The Board further directed, at the December 7, 2014 Board hearing, that staff should rely on the approach, methodology, format, and structure of the existing OWMP to the extent feasible, with updates and revisions as necessary to reflect current conditions and ensure compliance with state law.

Dudek then outlined ten Decision Points, which constituted the components of the mitigation/conservation approach related to oak resources and other special-status biological resources as described in Dudek's Policy Options memo (May 29, 2014). The Board considered the Decision Points in four workshops between January and March 2015. The Board's direction on each of the Decision Points has provided the basis for the proposed draft biological resources policies and ORMP. Information and documents prepared in support of the Decision Points can be found [here](#).

The draft biological resources policies and ORMP are now presented for Board and public review and comment. This memo summarizes the major changes made in the proposed draft policies and ORMP, while the full text of the policies and ORMP are attached. The attachments are presented in both "track changes" and "clean" formats. The ORMP presented at this time includes standards for mitigation of oak woodland and individual oak tree impacts. A fee nexus study is currently being prepared to determine the appropriate in-lieu fee amount to provide for acquisition of conservation lands and/or easements to mitigate impacts to oak woodlands. The fee amount information will be presented to the Board in June 2015.

Based on the comments received on these draft policies and ORMP, staff and Dudek will work to revise the policies and ORMP and will present those revised drafts to the Board and public for review and comment in June 2015. Following that review, the revised drafts will be used to define the project description that will be used to initiate the environmental review process under CEQA.

2.0 DRAFT GENERAL PLAN POLICY UPDATE

The policies and implementation measures have been revised to lay out the requirements for analysis and mitigation of impacts to biological resources, define the roles of project developers and the County in implementing mitigation, and prioritize mitigation opportunities.

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The environmental review for individual projects would rely on the General Plan policy requirements for project-specific mitigation measures and rely on the ORMP, Priority Conservation Areas (PCAs), and Important Biological Corridors (IBCs) to address cumulative impacts. The ORMP, PCAs, and IBCs would provide the data and tools necessary to support a detailed cumulative impacts analysis in the General Plan Amendment EIR. This is anticipated to support a streamlined environmental review process for individual projects.

The proposed draft policies comply with state and federal law and are self-implementing because they define special-status biological resources, terms of impact analysis, and allowable mitigation strategies. This provides individual property owners a clear understanding of the requirements of the County's biological resource mitigation program applicable to their properties. The policies define a County-wide biological resource mitigation program, including the ORMP and the PCAs and IBCs. These tools would facilitate the identification of mitigation opportunities for developers by allowing the County to maintain a database of willing sellers, and would allow the EIR for this policy update to address cumulative impacts from habitat loss and fragmentation in a more robust manner than relying on the General Plan build-out scenario. With these revisions, the County has the ability to direct the management of conservation lands, whereas, under the INRMP, the County would potentially hold the land in fee title and bear the obligation to manage conservation lands in perpetuity.

Substantial revisions are proposed for Policy 7.4.2.8 to present a Biological Resources Mitigation Program (Program) that meets the goals of the original INRMP. The policy includes requirements for biological resource technical reports to identify and assess biological resources at a project site, defines the types of resources that would be regulated by the County under the General Plan, and identifies the mitigation ratios specific to each vegetation community. The mitigation ratios for wetlands are consistent with requirements typically associated with state and federal wetlands permits while the mitigation ratios for uplands are consistent with requirements of regional habitat conservation plans adopted or proposed in adjacent or nearby communities.

The Program is comprehensive and establishes specific mitigation ratios for impacts to vegetation communities within the County. This will provide individual development projects with a mechanism to demonstrate that the project's contribution to cumulative impacts is mitigated, and therefore streamline the environmental review of such projects under CEQA.

Revisions are also proposed for General Plan Policy 7.4.2.9 to remove currently-identified provisions related to IBCs and replaced with IBC overlay standards to address wildlife habitat value, function, and connectivity.

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Finally, General Plan Policies 7.4.4.4, 7.4.4.5, 7.4.5.1, and 7.4.5.2 have been consolidated, with specific mitigation requirements for impacts to individual oak trees and oak woodlands (collectively referred to as oak resources) outlined in the ORMP.

Table 1 below provides a summary of each proposed draft policy revision and the reason for it.

Table 1
Summary of Revisions to General Plan Objectives, Policies, and Implementation Measures

General Plan Policy/Objective/ Implementation Measure	Changes Made
Policy 7.4.1.1	Added "where feasible".
Policy 7.4.1.2	Text added to clarify which preserves are addressed by this policy.
Policy 7.4.1.3	Text added to clarify which preserves are addressed by this policy.
Policy 7.4.1.4	Text added to clarify which preserves are addressed by this policy.
Policy 7.4.1.5	Deleted text addressed in Policy 7.4.2.8.
Policy 7.4.1.6	Deleted policy, including reference to agricultural consultation, included in 7.4.2.8.
Policy 7.4.2.1	Deleted language addressed in Policy 7.4.2.8.
Policy 7.4.2.2	Deleted text addressed by Policy 7.4.2.9, but only applies to discretionary projects.
Policy 7.4.2.4	Text changed to clarify that active management is not required.
Policy 7.4.2.6	Deleted language addressed in Policy 7.4.2.8.
Policy 7.4.2.7	Deleting this policy removes the requirement to maintain the PAWTAC but does not preclude the County from re-convening the PAWTAC when necessary. With the establishment of a conservation and mitigation program under the proposed policy update replacing the INRMP process, there is a reduced need for an ongoing advisory role.
Policy 7.4.2.8	Modifications to this policy include: <ul style="list-style-type: none">• Requirement for wildlife movement studies for 4-, 6-, and 8- lane roadway projects (Decision Point 3).• Requirement for a biological resources technical report and establishment of mitigation rations for special-status biological resources (Decision Point 7).• Identification of criteria for conservation lands (Decision Point 9).• Establish a voluntary database of willing sellers (Decision Point 10).
Policy 7.4.2.9	Added provisions for lands within the IBC- overlay (Decision Point 8).
Objective 7.4.3	This objective incorporated into Policy 7.4.1.5.
Objective 7.4.4	Objective 7.4.4 and 7.4.5 consolidated to address oak woodlands and trees together.
Policy 7.4.4.2	Modified to reflect the conservation portion of the mitigation/conservation approach.
Policy 7.4.4.3	Policy language revised to more accurately reflect County's role in development planning.
Policy 7.4.4.4	Identification of oak woodland mitigation requirements combined with oak tree mitigation requirements and moved to the ORMP. Modifications to this policy include: <ul style="list-style-type: none">• Use of 'oak woodland' as a measurement methodology (Decision Point 2).

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Table 1
Summary of Revisions to General Plan Objectives, Policies, and Implementation Measures

General Plan Policy/Objective/Implementation Measure	Changes Made
	<ul style="list-style-type: none">• Development of a 2-tiered mitigation approach that incorporates oak woodland mitigation (Policies 7.4.4.4) and oak tree mitigation (including heritage trees (Policy 7.4.5.2) (Decision Point 4). This framework removes the necessity for two oak woodland mitigation options (Option A and B) and removes retention standards by incorporating an incentive-based approach for oak woodland impact avoidance.• Revisions to projects or actions exempt from oak woodland and oak tree mitigation requirements (Decision Point 5).• Addition of criteria for conservation area identification outside of PCAs (Decision Point 6).
Policy 7.4.4.5	Policy removed per Board direction to change to an incentive-based approach rather than a requirement to retain oak woodlands (Decision Point 4).
Objective 7.4.5	Objective 7.4.5 merged with Objective 7.4.4 to address oak woodlands and individual oak trees (including Heritage Trees). 'Vegetation' removed as non-tree vegetation is addressed in Policy 7.4.2.8.
Policy 7.4.5.1	Policy 7.4.5.1 removed as it is redundant with Policy 7.4.5.2.
Policy 7.4.5.2	Policy 7.4.5.2 merged with Policy 7.4.4.4 to comprehensively address oak woodlands and oak tree resources in a 2-tiered framework. This mitigation framework has been moved to the ORMP.
Measure CO-L	Updated to reflect changes to Policy 7.4.2.8.
Measure CO-M	Updated to reflect changes to Policy 7.4.2.8.
Measure CO-N	Updated to reflect changes to Policy 7.4.2.9.
Measure CO-P	Updated to reflect changes to Policy 7.4.4.4 and the ORMP.
Measure CO-U	Updated to reflect changes to Policy 7.4.2.8.

3.0 DRAFT OAK RESOURCES MANAGEMENT PLAN UPDATE

As noted, the ORMP was revised to address mitigation requirements for oak resources, which include individual native oak trees, Heritage Trees, and oak woodlands. Key changes and updates to the ORMP include:

- Re-titling the plan to Oak Resources Management Plan, consistent with General Plan Implementation Measure CO-P and its inclusion of measures to address impacts and mitigation to individual native oak trees, Heritage Trees, and oak woodlands;
- Inclusion of all relevant information from the previous plan (2008) and the County's Interim Interpretive Guidelines for General Plan Policy 7.4.4.4 (Option A);

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- Oak woodland impacts measured by oak woodland extent, not canopy cover;
- Heritage Trees more specifically defined, based on tree species and trunk diameter measurement;
- Exemptions and mitigation reductions refined and consolidated to apply to all oak resources impacts, with minor exceptions (i.e., affordable housing reductions applied only to oak woodlands and no exemptions for Heritage Tree);
- Canopy cover retention requirements removed and replaced with an incentive-based approach that requires higher mitigation ratios with increased level of oak woodland impacts;
- A two-tiered mitigation approach was established clearly outlines mitigation requirements for impacts to individual native oak trees, Heritage Trees, and oak woodlands;
- Mitigation options clarified to include tree planting, conservation, and in-lieu fee payment;
- Update to the oak woodland in-lieu fee amount and identification of an in-lieu amount for individual tree mitigation;
- Identification of permit requirements for impacts to oak resources;
- Addition of standards for identifying oak woodland mitigation areas outside of PCAs; and
- Definitions and terminology refined for consistency within ORMP and with other General Plan policies.