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#1

**June 22, 2015 Biological Resources Workshop, File No. 12-1203**

1 message

**Cheryl** <Cheryl.FMR@comcast.net>

Sat, Jun 20, 2015 at 7:09 AM

To: "bosone"@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us

Cc: "Shawna.purvines"@edcgov.us, edc.cob@edcgov.us

Supervisors—

I've attached comments for the June 22, 2015 Biological Resources Workshop, File No. 12-1203.

Please note, however, that I'm also requesting that this item be continued due to the short time frame for public review of the Dudek materials.

Thank you in advance for your consideration of this request.

Cheryl Langley

Shingle Springs Resident

**CL.BOS Workshop June 22, 2015 File No. 12-1203.pdf**

650K

Cheryl Langley  
Shingle Springs Resident

## DID YOU KNOW ?

1. The Napa County Oak Woodlands Management Plan anticipates losing less than **150 acres** of woodland to development from 2005 to **2030**.<sup>1</sup> In El Dorado County, however, the El Dorado Hills Specific Plan draft EIR (1987) indicated nearly **700 acres** of blue oak/live oak woodland would be lost following plan completion **for that project area alone**.<sup>2</sup>
2. Blue oak habitat is mostly at the 500 to 2,000 foot elevation on the western slopes of the Sierra Nevada.<sup>3</sup> This elevation coincides with that region of El Dorado County (the Western Slope— 4,000 foot elevation and below) that is most likely to experience residential/commercial development within the next few years.<sup>4</sup>
3. The blue oaks depicted below are **10-16 years old**.<sup>5</sup>



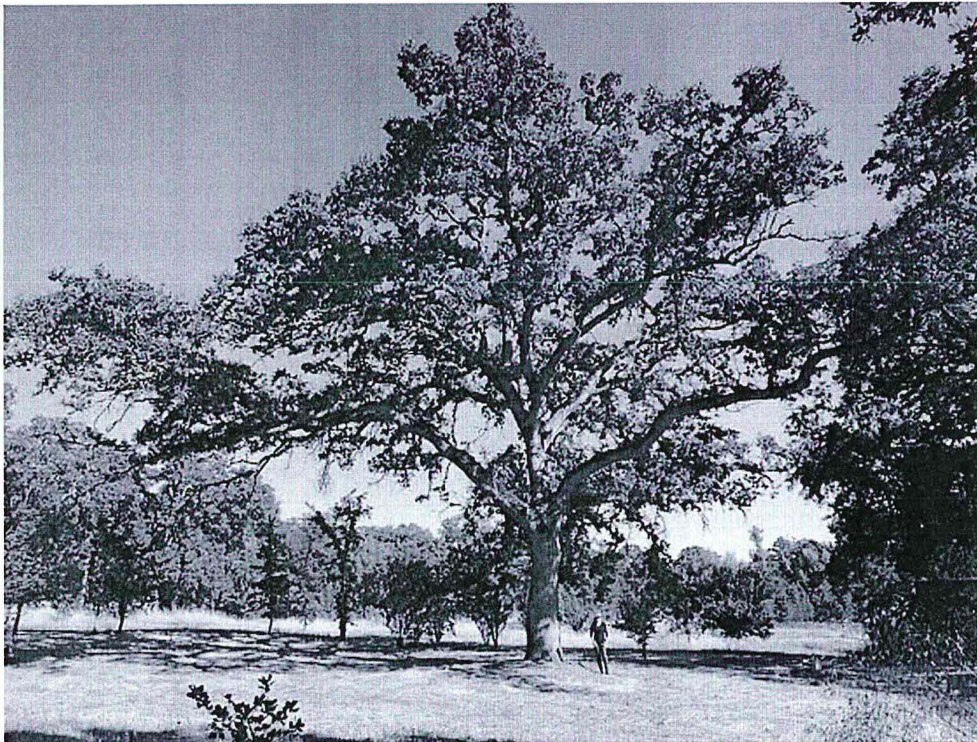
The oak seedling at left is 8 to 10 inches tall and **12 to 16** years old. Below is a 6 to 8 inch tall seedling estimated to be **10 to 15** years old.



4. Large blue oaks are likely **153 to 390 years old** (White, 1966). Growth is extremely slow or even ceases after trees reach **26 inches dbh** (McDonald, 1985).<sup>6</sup> (dbh=diameter at breast height: 4 feet 6 inches from ground.)
5. Blue oak regeneration is a problem in many areas of the State. In fact, *"Few areas can be found in California where successful recruitment of blue oaks has occurred since the turn of the century"* (Holland, 1976).<sup>7</sup>
6. Because blue oaks are slow growers, **Tuolumne County** has worked to establish a separate standard for blue oaks under their *old growth oaks* 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>8</sup>



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**.

7. **Black Oaks are protected under Forestry rules.** Harvesting of California black oak and Oregon white oak on private and state forestlands requires the preparation of a **timber harvesting plan** because these species are considered **commercial species** by the Board of Forestry.<sup>9</sup>
8. While **commercial firewood cutting operations** would be required to obtain a permit under the proposed plan, **there is no mention of minimum retention standards.** Shasta and Tehama counties adopted resolutions calling for **30% crown cover retention** following firewood harvest.<sup>10</sup>



**Photo Source:** Standiford, et al., 1996. *Impact of Firewood Harvesting on Hardwood Rangelands Varies with Region.* California Agriculture, March-April, 1996.

9. The following photos were taken of **mitigation plantings** by Serrano Village D2 in “tree shelters.” (This village was built around 2001-2003.) Photos taken **June, 2015.**



This is a photo of a “tree shelter” around a blue oak; it was probably planted around the time of adjacent village construction (2001-2003). Photo taken June, 2015.



Note the low success rates for blue oak plantings, even with tree shelters



The tree shelters in this area (as seen in foreground) are mostly devoid of trees.

## What I'm Requesting...

- Redefine **Heritage Tree** as 24" dbh—if not for all oaks, for **blue oaks**.
- Require **sapling/specimen tree replacement** for oak mitigation; **eliminate the option for acorn planting**.
- Establish a **minimum retention standard** for commercial firewood cutting operations.
- **Retain the Option A retention schedule.** Other alternatives should be utilized only after it has been determined the project cannot meet the Option A retention schedule through any reasonable means.
- Include **site concurrence by the California Department of Fish and Wildlife** in the process for establishing **conservation easements**. At least one county (Tuolumne) recommends dedication of such lands to a land conservation group **approved by the county with concurrence** by the California Department of Fish and Wildlife.<sup>11</sup> Such concurrence would ensure easements provide the maximum benefit to wildlife.
- Broaden the definition of "**Oak Woodland**" to include not only standing living oaks, "*...but also trees of other species, damaged or senescent (aging) trees, a shrubby and herbaceous layer beneath the oak canopy, standing snags, granary trees, and downed woody debris in conjunction with [oaks].*"<sup>12</sup> Evaluate existing oak woodlands under these criteria and, *if on-site retention is not possible*, **mitigate for the loss of all woodland components** through either conservation easement or fee title acquisition in perpetuity to ensure replacement of viable woodland/wildlife habitat. (Napa County, for instance, employs a 60/40 retention in *sensitive water drainages*: 60% tree cover; 40% shrubby/herbaceous cover.)<sup>13</sup>
- Eliminate **deed restrictions** as mitigation tools. Such restrictions do not guarantee woodland retention in perpetuity.
- Establish an **advisory body** (like PAWTAC) to review mitigation plans, mitigation implementation, and efficacy. Enable the advisory body to make recommendations based on their evaluations. The advisory body could also be responsible for homeowner education regarding the protection of oaks in the landscape.
- "**Personal use**" of oak resources on an owner's property must be defined/restricted. Otherwise, "pre-clearing" of a site under the guise of personal use is actually encouraged.
- Allow **willing sellers** in Community Regions and Rural Centers to "sell" their property into **conservation easement** status.

### Requests for Information from Planning Staff: (Please clarify during the workshop...)

- **Define exactly what the in-lieu fee will be used for.** The definition in the plan says it will act as a "*...substitute to oak woodland conservation easement placement or acquisition or replacement planting.*"
- Please identify **other counties that utilize acorn planting** for mitigation and **describe the success rate** for each species of oak for these plantings.
- **Provide information on the TGPA/ZOU impact to oak woodlands.** That is, will the EIR for the ORMP include impacts from TGPA/ZOU implementation (including its impact on oak woodlands in regard to the expansion of agricultural-zoned lands, reduction in open space requirements, allowance of construction on sites with > 30% slope, the depletion of groundwater that oak woodlands rely upon, etc.)?
- Please identify which **conservation organizations** may be responsible for managing conservation easements.
- A more **detailed map** of the IBCs and Priority Conservation Areas (PCAs) is necessary to provide the public with the information required to determine exactly which parcels are included—or excluded—from the IBCs and PCAs. Please provide the public with information on how to access detailed maps of the IBC and PCAs (past and proposed).

## Regarding the June 22 Workshop Materials...

- The workshop materials were posted Thursday for a Monday Board meeting; Dudek's document is 230+ pages. For residents who care about this process—and who work full-time jobs—this is simply not enough time to review the document and comment. I assume Board members are in the “same boat.” **Please continue this agenda item to allow members of the public adequate time to review the materials.**

That said, I have the following comment on the (very little) portion of the Dudek document I have had time to review.

- **While the Figure 2 map (page 228) is difficult to decipher**, it appears the Important Biological Corridor (IBC) in the Shingle Springs area that traverses parcels that include the proposed **San Stino** project has been modified to exclude those specific properties, despite their actual “biological function.” This is an *artificial* exclusion. The probable—yet invalid—reasons for their deletion from IBC status most likely include:
  - 1) The parcels are located within a **Community Region**. This Community Region designation is currently being **disputed**. This map—I believe—assumes an outcome in this dispute which is at this time uncertain.
  - 2) The proposed biological policies would not allow **willing sellers** to offer their land for conservation easement purchase/status in Community Regions.

This reduction in the IBC has **no basis in science**, and has reduced this IBC to a virtual non-corridor. **This IBC needs to be revised to reflect its biological function.**

- **I would like to be given time to review the in-lieu fee calculation.** Once again, please continue this agenda item.

## References

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- <sup>1</sup> Napa County. 2010. *Napa County Voluntary Oak Woodlands Management Plan*. October 26, 2010; page 34, under the header “Rural Residential and Urban Development.” 5. Available at:  
<http://www.countyofnapa.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=4294973990>
- <sup>2</sup> Jones & Stokes Associates, Inc. 1987. *Draft Environmental Impact Report, El Dorado Hills Specific Plan*. State Clearing House Number 86122912, October 1987, pages 12-25 and 12-27. Available at: [https://www.edcgov.us/Government/Planning/Local\\_Land\\_Use\\_Plans.aspx](https://www.edcgov.us/Government/Planning/Local_Land_Use_Plans.aspx)  
(Under: Specific Plans/El Dorado Hills Specific Plan/Draft Environmental Impact Report)
- <sup>3</sup> 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>4</sup> El Dorado County. 2014. *TGPA/ZOU*. Available at: [http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU\\_Main.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx)
- <sup>5</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>6</sup> 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>7</sup> 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>8</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>
- <sup>9</sup> Harper, J.M., et al, editors. 2015. *California Oaks and Deer*. University of California, Oak Woodland Management. Available at:  
[http://ucanr.edu/sites/oak\\_range/Oak\\_Articles\\_On\\_Line/Oak\\_Woodland\\_Wildlife/California\\_Oaks\\_and\\_Deer/](http://ucanr.edu/sites/oak_range/Oak_Articles_On_Line/Oak_Woodland_Wildlife/California_Oaks_and_Deer/)
- <sup>10</sup> Standiford, et al., 1996. *Impact of Firewood Harvesting on Hardwood Rangelands Varies with Region*. California Agriculture, March-April, 1996. Available at: <http://ucce.ucdavis.edu/files/repositoryfiles/ca5002p7-69759.pdf>
- <sup>11</sup> Michael Brandman Associates. 2012. *Tuolumne County Biological Resources Review Guide*. December 4, 2012; page 36. Available at:  
<http://www.tuolumnecounty.ca.gov/DocumentCenter/View/204>
- <sup>12</sup> Michael Brandman Associates. 2012. *Tuolumne County Biological Resources Review Guide*. December 4, 2012; page 32. Available at:  
<http://www.tuolumnecounty.ca.gov/DocumentCenter/View/204>
- <sup>13</sup> Napa County. 2010. *Napa County Voluntary Oak Woodlands Management Plan*. October 26, 2010; page 20. Available at:  
<http://www.countyofnapa.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=4294973990>



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## Public Comment on draft Biological Policy, BOS meeting 6/22/15, file no. 12-1203

1 message

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**Natasha** <natashaspitzer@gmail.com>

Sun, Jun 21, 2015 at 7:25 PM

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>  
Cc: "shawna.purvines@edcgov.us" <shawna.purvines@edcgov.us>

I SINCERELY hope that you listen to our pleas.

Dear Supervisors:

Please do not eliminate the oak canopy retention standards from the draft biological policies. We value the oak woodland in our area and do not want it to be replaced elsewhere! Allowing 100% tree removal is not acceptable.

Thank you for your consideration.

~Natasha Spitzer



EDC COB &lt;edc.cob@edcgov.us&gt;

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## Public Comment on draft Biological Policy, BOS meeting 6/22/15, file no. 12-1203

1 message

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**Cathy Spitzer** <pcss3@sbcglobal.net>

Sun, Jun 21, 2015 at 11:09 PM

Reply-To: Cathy Spitzer <pcss3@sbcglobal.net>

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Supervisors:

Please do not eliminate the oak canopy retention standards from the draft biological policies. We value the oak woodland in our area and do not want it to be replaced elsewhere! Allowing 100% tree removal is not acceptable.

Thank you for your consideration.  
Mrs. Cathy Jo Spitzer

FROM: CJ



EDC COB &lt;edc.cob@edcgov.us&gt;

## BOS Special Meeting 6/22/15, file no. 12-1203 Biological Policies

1 message

**Monique Wilber** <monique.w@comcast.net>

Mon, Jun 22, 2015 at 9:00 AM

To: Jim Mitrison <edc.cob@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, Brian Veerkamp <bosthree@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Ron Mikulaco <bosone@edcgov.us>, Michael Ranalli <bosfour@edcgov.us>

Cc: Shawna Purvines <shawna.purvines@edcgov.us>, Susan Britting <britting@earthlink.net>, alicecantelow@gmail.com, cnps@cnps.org, oakstaff@californiaoaks.org

Dear Supervisors,

As you can see, I was just notified Friday at 1:00 pm of the materials that are available for the BOS meeting today, 6/22/15. There was not enough time to review the very lengthy materials (the consultant document itself is over 200 pages) and submit comments to you with enough time for you to review my comments and the documents. Did you spend the whole weekend reviewing the documents? I, as a working person (many working people don't get home to check emails until after 6 pm), did not have enough time to review the documents and submit comments to you - with time for you to read my comments and review the documents in regards to my comments.

PLEASE CONTINUE THIS ITEM. Supervisor Ranalli, you are my representative, and I surely hope that you will call on the other Supervisors to continue this item so that all the public - and the Supervisors - have enough time to read and make sound decisions on this item that will forever change El Dorado County.

I am the former Senior Planner and Project Manager on the Oak Woodland Management Plan (OWMP). I am currently a Senior Environmental Scientist working for the State of California. I submit the following comments into the record; I could not perform an analysis on what staff submitted due to the lack of time provided by the County. These are general comments based on my extensive notes that I retained from managing the OWMP.

### Connectivity:

A 1997 study by CalFIRE of EDC oak policies states that higher canopy retention standards and other policy and scenarios don't mitigate oak woodland fragmentation, because they don't explicitly target critical connectivity areas. The former BOS that approved the changed OWMP (changed from this scientific construct) did not allow connectivity issues, and deferred connectivity to the INRMP, which lacked any teeth and was quietly shelved. Any oak plan will need to be a landscape level tool to target critical regional connectivity areas, while project level reports tracked via GIS can provide a tool for analysis of cumulative impacts. EDC did a similar analysis in arrears for the Pine Hill Plants, requiring a great deal of staff time in identifying parcels that had projects, pulling the physical files, copying maps, reviewing biological reports, and then having an intern map said rare plants impacted.

Small isolated patches of woodland, for the oak species and for wildlife and other flora that depend on it, is not a sustainable practice. When projects and their cumulative impacts are worked with in isolation from regional significance, cumulative impacts cannot be assessed for CEQA.

### Canopy Retention:

Avoidance of impacts is the best form of mitigation. Option A, with its 1:1 replacement ratio, provides incentive over Option B with its 2:1 ratio to retain and conserve canopy. This is a financial and environmental incentive. The idea of removing Option A will create a landscape with no oak trees. This will create a significant impact to habitat, connectivity, watersheds/water quality, air quality, aesthetics, and economics (oak trees in the county increase property values and tourism).

Preservation of acreage in areas that are not legally threatened with imminent development or will be in the foreseeable future is not meaningful preservation. Preserving hinterland that is not in danger of being lost does not mitigate the permanent destruction of the loss of connectivity of oak woodlands that are threatened (for example, along the Highway 50 corridor). Calling this mitigation is saying that a developer is mitigating by not

destroying all of a natural resource.

No Net Loss and CEQA:

The EDC General Plan EIR, Biological Resources, page 5.12-60 states that Mitigation Measure 5.12-1(f) is to Require Mitigation for Loss of Woodland Habitat. Let us not forget that GP policies are MITIGATION MEASURES for development occurring from the 2004 GP. This mitigation measure states that Policy 7.4.4.4 is applicable to woodland habitat that is not defined as "Important" under the INRMP mitigation measure. On page 5.12-61, there is clear intent in the EIR that Policy 7.4.4.4 will provide protection for smaller stands or groves of oak trees with at least 10% canopy cover. Is "providing protection" eliminating Option A, which actually does provide protection? Is providing protection, being able to completely clear land of oak woodland? I would also like to point out, that at eleven years post GP implementation, that Mitigation Measure 5.12-1 (g), the Oak Tree Preservation Ordinance, was never implemented.

In order to comply with CEQA the GP must specify measurable performance standards to maintain oak woodland habitat and connectivity. Net loss of woodland occurs over the short term when some trees are protected as a condition for removing other trees (e.g., 1:1 mitigation could lead to a 50% loss). In the long term, there is net loss when mitigation trees/acorns die, as replacements for mature trees.

The EDC GP on page 5.12-31 states that "Standiford et al. (2002), using a modeling approach to evaluate blue oak plantation development, found that average blue oaks were still quite small and that canopy cover was relatively low 50 years after being planted, even with a fairly aggressive restoration effort."

I ask: how has El Dorado County complied with CEQA to insure mitigation by monitoring individual development projects' planting of acorns or replacement trees for successful mitigation? Please provide data. Have annual reports been received from property owners and reviewed by staff, to conform to CEQA? What is the measurable ratio of success of replanting? The Oak Woodland Interim Guidelines require that property owners submit reports on health and survivability of oak tree mitigation. Where are these reports housed? Who on staff is assigned to follow-up with oak woodland mitigation? What is the net loss of oak woodland based on these performance standards that were instituted? Have you mapped parcels that have removed oak woodland? Without implementation, there is non-compliance with CEQA, and it is not mitigation at all. No self-monitoring should be allowed - the County, it appears, is not capable of monitoring itself.

If the answer is: the County has not complied with CEQA by monitoring mitigation, then how can we trust the County to comply with CEQA in moving forward?

I ask: where have the Option B oak woodland funds gone? The County did collect some Option B funds before the OWMP was sued. How were these funds used to mitigate for loss of oak woodland?

Deletion of Option A/Canopy Retention:

I urge the BOS to NOT accept any recommendations for the removal of Option A, Canopy Retention, and accept only an in-lieu fee. There is room for many tools in the oak woodland toolbox, including an incentive to retain oak woodland. County residents, your constituents, do not want to see the aesthetics of this county - the oak woodlands - removed for easy construction of housing tracts and power centers. Our aesthetics - the oak woodlands - are what drew many of us to live here, many of us to remain here, and draw tourists who drive our economic engine. If we pave over and become another suburb of Sacramento, we have lost our aesthetics and sense of place.

Will the draft policies being developed tier off of the 2004 GP? Those policies, which are mitigation measures, were never fully implemented, in violation of CEQA. Or - will the draft policies being developed conform with the TGPA/ZOU, concurrently being developed. These parallel processes seem meant to confuse the issue and the public.

Very Sincerely,  
Monique Wilber  
Shingle Springs

----- Original Message -----

**From:** El Dorado County