

EXHIBIT C

General Plan Biological Resources Policy Update / Oak Resources Management Plan

Summary of Written and Oral Public Comments Submitted 3/13/17 – 4/27/17

WRITTEN COMMENTS

1. EIR Analysis/Methodology regarding Greenhouse Gas Emissions (GHG)

Comment: Commenter asserts several deficiencies in EIR analysis/methodology regarding Greenhouse Gas Emissions (GHG). Commenter also states that the EIR must explain how GHG mitigation proposals result in less than significant GHG emissions consistent with state 2020, 2030 and 2050 GHG reduction targets.

County Response: The EIR concludes that the ongoing implementation of the General Plan under the proposed project would result in a significant and unavoidable impact related to GHG emissions. Thus, it is not necessary to demonstrate that “the GHG mitigation proposals result in less than significant GHG emissions consistent with state 2020, 2030, and 2050 GHG reduction targets”.

As explained in the EIR, the project would not lead to new sources of GHG emissions. Rather, the EIR accounts for the emissions that would be generated from consumption of the vegetative materials that would be removed from oak woodlands as General Plan implementation proceeds. These materials would be consumed as firewood and landscaping mulch. Much of the material would be used by existing residences where woodburning and landscaping activities are already occurring. They could also be used by new residences that would be constructed as part of future development projects, which would be subject to project-specific environmental review. In other words, the biogenic emissions from use of firewood and landscaping materials from converted oak woodlands within El Dorado County would either already be occurring (i.e., associated with existing residents) or would be associated with continued implementation of the General Plan.

Because there are no development projects proposed as part of the project, the impacts on GHG emissions are examined at a programmatic level in the EIR. As individual development projects are proposed within the County, the project-specific environmental review would be required to include analysis of that project’s contribution to GHG emissions, including emissions associated with vegetation removal and increased residential woodburning.

The EIR evaluates both anthropogenic and biogenic GHG emissions but does not evaluate these sources individually, as discussed in Responses to Comments 1-2, 1-4, and 1-5 (pp. 3-170, 3-172, 3-173) in Section 3.4 (Individuals) of the Final EIR.

2. Soil Organic Carbon (SOC) Emissions Modeling Methodology

Comment: Commenter suggests that the EIR analysis does not adequately consider the potential loss of carbon sequestration because it does not evaluate the loss of soil organic carbon (SOC).

County Response: The comment does not provide evidence to support the statement that 25 percent to 30 percent of SOC is released during earth disturbing activities; and Dudek’s research on carbon releases

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from SOC did not find support for this statement. While it is true that some amount of SOC is released during disturbance, the actual amount varies widely based on site conditions and the specific disturbance activities.

Further, the proposed project does not involve any specific land development projects and therefore it would not directly lead to increases in ground disturbing activities. As individual development projects are proposed within the County, the project-specific environmental review would be required to document any GHG emissions associated with ground disturbing activities and vegetation removal due to construction of the project.

3. Black Carbon Emissions Modeling Methodology

Comment: Commenter disagrees with the modeling methodology used to analyze black carbon emissions.

County Response: While the comment is correct that the 2016 ARB Short-Lived Carbon Pollutants (SLCP) Strategy states that emissions of black carbon from residential woodburning must be controlled, there is nothing in the proposed project that would affect the rates or mechanisms of residential woodburning. Rather, future development in the County that occurs under the policies and standards proposed in the Biological Resources Policy Update and ORMP project would generate materials that can be used for residential woodburning but it would not increase the amount of woodburning that occurs in the County. Thus there is no nexus between the proposed General Plan policy update and the future use of woodburning devices in existing and new homes that would allow the County to regulate emissions from residential woodburning as part of the current Biological Resources Policy Update and ORMP project.

The SLCP Strategy notes that “The [black carbon] BC emission reduction per household depends on how much wood is burnt per year, the density and moisture content of the wood, the old device type, and the new device type” and “There are a variety of ways to reduce [residential wood combustion] RWC emissions, and multiple air districts have already put measures in place. Past incentive programs to replace old polluting woodburning devices with the cleanest EPA-certified devices have been popular and effective. However, rural districts that rely most heavily on RWC for their primary source of heat are largely located outside of regions that provide incentives. Additionally, past incentive programs have not acquired sufficient funding to achieve the substantial emission reductions proposed in this strategy” (page 103). This demonstrates that controlling black carbon emissions from residential woodburning is most appropriately addressed at the individual residence level, and that due to the variations in black carbon emissions based on specific conditions at the point of use, it is not feasible to estimate black carbon emissions from residential woodburning at the programmatic level of analysis for the proposed project.

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Further, as the proposed project does not involve any specific land development projects, it would not increase the amount of residential woodburning that currently occurs within the County. As individual development projects are proposed within the County, the project-specific environmental review would be required to document any GHG emissions associated with operation of that land use, including emissions from residential woodburning.

The comment also states that the EIR mistakenly assumes that the entire impacted oak tree would be turned into firewood. This is incorrect. Text was added to page 8-19 of the EIR to discuss emissions associated with decomposition of slash debris (which is assumed to be removed from a development site, chipped, and used for landscaping materials) and the GHG emissions associated with this decomposition are shown in Table 8-5 in the EIR. *Refer to Final EIR, Chapter 4 (Text Changes to the Draft EIR), pdf pp. 27-28 of 66.*

4. EIR Analysis of Natural Lands Conversion Mitigation

Comment: Commenter asserts that the EIR relies on conserved natural lands as mitigation for the GHG emissions associated with the project.

County Response: This is not correct. The EIR recognizes that the total amount of oak woodlands lost to development will vary based on the amount of on-site retention and provides estimated ranges of GHG emissions under three scenarios: 0% retention, 25% retention, and 50% retention, with the retention percentage applied equally to all oak woodland impacts. In other words, the emissions estimates presented in the EIR provide a range of potential emissions reflecting the potential range of the amount of oak woodlands that could be lost due to future development. To the degree that on-site retention occurs, the total amount of oak woodlands that are lost would be reduced, and the total amount of sequestered carbon released due to loss of oak woodlands would also be reduced.

The use of the word “mitigation” in the discussion under the heading “Estimated Range of Indirect GHG Emissions” starting on page 8-22 of the EIR refers to the oak woodland mitigation that would be required under the proposed project. The discussion does not state that on-site retention or off-site conservation would mitigate for the project’s indirect contribution to GHG emissions in the County. Rather, it provides context for how the various levels of possible oak woodland loss and associated potential GHG emissions are calculated. *Refer to Final EIR, Chapter 4 (Text Changes to the Draft EIR), pdf pp. 30-32 of 66.*

While the discussion notes the amount of carbon that could be stored within retained oak woodlands, this stored carbon is not used to offset or reduce the GHG emissions to which the project could contribute.

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5. Forest Land Conversion Emissions Analysis/Methodology

Comment: Commenter disagrees with the forest land conversion emissions analysis/methodology in the EIR.

County Response: The EIR does not assert that projects that would convert oak woodlands to agricultural land are exempt from analysis and mitigation of GHG impacts. Rather it states that such projects would be exempt from the mitigation requirements of the proposed ORMP. Thus the fact that the referenced General Plan goal predates the Global Warming Solutions Act of 2006 is irrelevant.

Where a project that would convert oak woodlands to agricultural activities is subject to discretionary County approvals, it would require project-specific environmental review under CEQA. This project-specific environmental review would be required to evaluate the project's GHG emissions and mitigate those emissions to the extent feasible.

The EIR identifies the total area of land that could support agricultural projects that might meet the proposed ORMP's agricultural exemption but does not quantify GHG emissions and loss of sequestered carbon from such projects because the amount of future agricultural development within oak woodlands is unknown. As discussed in Master Response 5 in the Final EIR, there is no evidence that continued agricultural activities would lead to a large-scale loss of oak woodlands. In fact, data shows that while the agricultural exemption has been in place under current General Plan policy, there has not been a substantial increase in the amount of land used for agricultural activities and there has not been a substantial decrease in the County's total amount of oak woodlands. Specifically, the County Agricultural Department's Annual Crop Reports from 2010 to 2015 demonstrate that there has been minimal to no net increase of agricultural crops/products, or land use activities associated with those crops/products, that would impact oak woodlands. Further, the California Department of Forestry and Fire Protection's Fire Research and Assessment Program (FRAP) oak woodland coverage data for the ORMP study area shows only a 0.8% reduction in oak woodland acreage between 2002 and 2015.

Refer to Final EIR, Chapter 2 – Master Responses, Master Response 5 (Agricultural Activities Exemption), pp. 2-16 through 2-19.

6. Request for additional information regarding forest land conversion and GHG emissions

Comment: Commenter requested additional information regarding the impact of forest land conversion on GHG emissions.

County Response: Because there are no development projects proposed as part of the project, the impacts on GHG emissions are examined at a programmatic level in the EIR. The amount of forest land conversion was estimated based on the development projections for the County and regional-scale data regarding the woodland resources within the projected development footprints. It is beyond the scope of the programmatic analysis included in the EIR to evaluate site-specific conditions, which would be

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necessary to determine the total biomass weight of the overstory and understory at each project site and determine the specific amount of vegetation loss from future development projects as the amount and types of vegetation loss will depend on the future development site plans. As individual development projects are proposed within the County, project-specific environmental review would be required to include analysis of that project's contribution to GHG emissions, including emissions associated with the total biomass weight of vegetation removal, the means of biomass disposal for that project, and the potential for the project to release SOC.

7. Request for additional information regarding non-forest land vegetation type and soil series conversion and GHG emissions

Comment: Commenter requested additional information regarding the impact of non-forest land vegetation type and soil series conversion on GHG emissions.

County Response: Because there are no development projects proposed as part of the project, the impacts on GHG emissions are examined at a programmatic level in the EIR. The amount of non-forest natural land conversion was estimated based on the development projections for the County. It is beyond the scope of the programmatic analysis included in the EIR to evaluate site-specific conditions, which would be necessary to determine the total biomass weight of the natural vegetation at each project site and determine the specific amount of vegetation loss from future development projects. As individual development projects are proposed within the County, the project-specific environmental review would be required to include analysis of that project's contribution to GHG emissions, including emissions associated with the total biomass weight of vegetation removal, the means of biomass disposal for that project, and the potential for the project to release SOC. The project-specific analysis would also consider whether any proposed landscaping or soil management measures would have beneficial effects for carbon sequestration.

The project proposes changes in the General Plan policies that govern how land development projects must mitigate their impacts to natural vegetation communities. It would not increase the total potential for future development in the County and would not change the locations where development is likely to occur. The project would not alter the amount of natural vegetation lost through General Plan implementation and would not increase GHG emissions associated with future project construction and thus it is not necessary for the EIR to include estimates of GHG emissions associated with converting natural landscapes to developed land uses.

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8. Request for additional information regarding wetlands conversion and GHG emissions

Comment: Commenter requests additional information regarding the impact of wetlands conversion on GHG emissions.

County Response: Because there are no development projects proposed as part of the project, the impacts on GHG emissions are examined at a programmatic level in the EIR. The amount of wetlands that may be lost to future development was estimated based on the development projections for the County. It is beyond the scope of the programmatic analysis included in the EIR to evaluate site-specific conditions, which would be necessary to determine the carbon stocks within each wetland that may be affected by future development. As individual development projects are proposed within the County, the project-specific environmental review would be required to include analysis of that project's contribution to GHG emissions, including emissions associated with the loss of wetlands. The project-specific analysis would also consider whether any proposed wetland restoration, site landscaping, or soil management measures would have beneficial effects for carbon sequestration.

The project proposes changes in the General Plan policies that govern how land development projects must mitigate their impacts to natural vegetation communities. It would not increase the total potential for future development in the County and would not change the locations where development is likely to occur. Thus the project would not alter the amount of wetlands lost through General Plan implementation or associated loss of carbon sequestration and it is not necessary for the EIR to include estimates of GHG emissions associated with converting wetlands to developed land uses.

9. EIR analysis/disclosure of GHG Biogenic Emissions

Comment: Commenter claims the EIR is deficient in its analysis/disclosure of GHG biogenic emissions (cites CEQA Guidelines Section 15064.4(a) requiring a good faith evidence-based analysis).

County Response: As the project does not include any specific land development projects, the focus of the GHG emissions analysis was on the lost carbon sequestration from the removal of oak woodlands as General Plan implementation proceeds. Thus the EIR provides a programmatic-level analysis of this lost source of carbon sequestration. The project would not directly contribute to GHG emissions in the County and would not indirectly affect the total amount of land development anticipated to occur. As discussed in Responses to Comments 1-2, 1-4 and 1-5 in the Final EIR, the EIR considers both biogenic and anthropogenic emissions that may be associated with future combustion and decomposition of vegetative materials removed from oak woodlands.

Refer to Responses to Comments 1-2, 1-4, and 1-5 (pp. 3-92 through 3-101, pp. 3-101 and 3-102 and p. 3-102, respectively) in Section 3.3 (Organizations) of the Final EIR.

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10. Incorporate Policy 7.4.4.4 Option A Oak Retention Standards into ORMP

Comment: Commenter states that 100 percent removal was never the intention of the 2004 General Plan policies, that the EIR should consider an alternative that adds Option A to the proposed project, that the No Project Alternative in the Draft EIR should have assumed Option B was available, and that if this assumption were made, the No Project Alternative would not result in expanding development pressure into the County's rural areas.

County Response: The Option A retention standards were not incorporated into the proposed ORMP because the Board determined, in Decision Point 4, that an incentive-based approach to oak woodland conservation would better meet the County's overall General Plan and land use goals and objectives and the objectives of the Biological Resources Policy Update and ORMP project, as discussed in Response to Comment 6-23 in Section 3.4 of the Final EIR.

While 100 percent of oak tree removal was not intended in the 2004 General Plan, current policies would allow 100 percent when both Option A and B are in place. Under Objective 7.4.4, the General Plan calls for the protection and conservation of "forest and woodland resources for their wildlife habitat, recreation, water production, domestic livestock grazing, production of a sustainable flow of wood products, and aesthetic values" and under Objective 7.4.5, the General Plan call for protection of native trees. Policy 7.4.4.2 direct the County to "encourage the protection" of native trees but does not state that the County must require on-site retention. Further, policy 7.4.5.2 states that it is the policy of the County to preserve native oaks "while at the same time recognizing individual rights to develop private property in a reasonable manner." Under Policy 7.4.4.4, the General Plan describes two options for mitigating loss of oak woodland. Option A requires a minimum amount of on-site oak canopy retention while Option B allows for payment of fees to "to fully compensate for the impact to oak woodland habitat." The policy does not state that Option B may only be applied where a developer can demonstrate that Option A is not feasible. It states simply that "the County shall require one of two mitigation options." Further, there is no requirement for any amount of on-site retention of individual trees expressed in policies 7.4.5.1 or 7.4.5.2. Thus, under the existing General Plan objectives and policies, there are no provisions that preclude or prohibit 100% removal of oak resources from a project site.

Similarly, the proposed policies and ORMP would allow 100 percent removal but it is not expected that this would be the norm, or even would occur frequently or commonly. Based on past practices and development patterns in the County, the recognized role that mature vegetation plays in property values, and the incentive-based mitigation ratios in the ORMP, it is expected that some portion of natural landscapes will be retained on many properties.

As discussed in Responses to Comments 6-5 and 8-2 in Section 3.4 (Individuals) of the Final EIR, the EIR considers a reasonable range of project alternatives, as required by CEQA. The suggested alternative of

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adding the Option A retention standards to the proposed ORMP was not considered because it would not meet the project objectives, as discussed in Response to Comment 6-23 in Section 3.4 (Individuals) of the Final EIR.

The Draft EIR defines the No Project Alternative as being limited to Option A because Option B is not currently available and the County must develop and implement an Integrated Natural Resources Management Plan (INRMP) to allow for the use of Option B. To evaluate the environmental effects under a scenario that includes development and implementation of an INRMP and use of Option B would require speculation as to the content and requirements of the INRMP and the in-lieu fee amount under Option B. CEQA provides that EIR preparation should not include such speculation, thus the No Project Alternative in the EIR has been properly defined and evaluated.

Further, as discussed in Response to Comment 4-35 in Section 3.2 of the Final EIR, the majority of the oak woodland impacts in the County are projected to occur in the Community Regions. Where oak canopy retention requirements lead to a reduction in the maximum density that parcels within the Community Regions can support, it is reasonably expected that the additional demand for residential and non-residential development may be met in the County's Rural Centers and rural regions.

Refer to Response to Comment 6-5, 6-23 and 8-2 (pp. 3-219 through 3-220, pp. 3-234 through 3-336, pp. 3-353 through 3-354) in Section 3.4 (Individuals) of the Final EIR.

11. Concerns with Alternative 2 (Minimum Oak Retention Alternative)

Comment: Commenter states that the 30 percent retention requirement is more rigid than Option A and does not relate to the present habitat value on a project site. Commenter requests both Option A and B be available for flexibility requested by the development community, and the protective qualities sought by those interested in protecting oaks and wildlife habitat.

County Response: As discussed in Response to Comment 6-5 in the Final EIR, 30 percent was selected as the retention requirement to be evaluated under the Minimum Oak Woodland Retention Alternative (Alternative 2) because it has the potential to reduce impacts while still achieving the basic project objectives. Further, the 30 percent retention standard would be meaningfully different from the proposed project and the No Project Alternative by setting the retention requirement at a midpoint between the proposed project and the No Project Alternative. This difference is important in meeting the requirement of the CEQA Guidelines that "the range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making" (14 CCR 15126.6(f)).

In considering both the No Project Alternative and the Minimum Oak Woodland Retention Alternative, the Draft EIR found that the oak canopy retained on individual development sites would not be likely to function as a cohesive habitat block. Higher habitat values are found when large contiguous areas of

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habitat are conserved, as discussed in Master Response 2 in the Final EIR. The individual areas of oak canopy retained at each project site would have lower habitat values compared to their existing conditions, thus a requirement to retain some amount of oak resources on each project site, such as with Option A in the No Project Alternative and under the retention standard described in the Minimum Oak Woodland Retention Alternative, would not provide better protection of the County's oak resources than the proposed ORMP.

The Draft EIR also found that to the extent that on-site oak canopy retention requirements would reduce development intensities on individual parcels, additional development pressure in other areas of the County could result in additional habitat loss and fragmentation (across all habitat types, not just oak woodlands) County-wide. Both alternatives were found to have the ability to reduce impacts related to habitat loss at the project-level scale but there is no substantial evidence that either alternative would result in a net reduction in the total amount of habitat loss County-wide.

Option A is the only option currently available within the County. Continued use of Option A was appropriately evaluated as the No Project alternative. As discussed in the Draft General Plan Biological Policies Background Memo presented at the July 28, 2014 Board meeting and Response to Comment 6-3 and 6-23 in Section 3.4 (Individuals) of the Final EIR (pp. 3-218 and 3-219, pp. 3-234 through 3-236), Option A has limited the County's ability to achieve the goals and objectives identified in the General Plan.

In the Board's discussion on Decision Point 4, the Board determined that an incentive-based approach to oak woodland conservation would better meet the County's overall General Plan and land use goals and objectives and the objectives of the Biological Resources Policy Update and ORMP project.

The proposed ORMP will be effective at protecting oak resources in the County in the long-term. It allows a combination of on-site retention and off-site conservation. The on-site retention would contribute to maintaining aesthetic resources in the County's communities while the off-site conservation, which would be directed by the site selection criteria identified in Section 4.0 of the ORMP and is intended to occur in large, contiguous habitat patches, would contribute to maintaining the County's biological resources. Thus, the project offers protection for the resources at a level that is commensurate with existing policy, while meeting the County's objectives of developing policies and an ORMP that are self-implementing and allow the County to implement its General Plan.

The comment points to language in the Interim Interpretive Guidelines that permits the County to grant relief from the Option A retention standards. However, the process by which relief may be granted requires a high degree of subjective interpretation as to what is a "reasonable use" of property and what is "feasible" in terms of project design and the amount of oak woodland that could be retained onsite. The incentive based mitigation standards can be applied consistently to all property within the ORMP boundaries without need for subjective interpretation.

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12. Add a PAWTAC (Plant and Animal Wildlife Technical Advisory Committee) to the ORMP

Comment: Commenter suggests PAWTAC should have an active role to oversee future ORMP mitigation and monitoring, based on County's alleged prior poor performance with monitoring oak mitigation efforts.

County Response: This is a Board policy decision. The ORMP Section 2.5 (Oak Resources Technical Reports) provides specific guidelines for the content of oak resources technical reports, including stipulating that the technical reports must include project-specific mitigation and monitoring requirements. The technical report must be prepared by a Qualified Professional, which allows the project-specific mitigation and monitoring requirements to respond to the site-specific conditions that may influence tree establishment and growth. Section 6.0 Definitions of the ORMP further clarifies these requirements in the definition of Mitigation Maintenance, Monitoring and Reporting, which states that these efforts must include:

1. Annual monitoring and maintenance of Replacement Trees during the 7-year period after planting and
2. Monitoring reports documenting the success of Replacement Tree planting submitted to the County annually for all oak woodland mitigation and at the conclusion of the 7-year monitoring report for both oak woodland mitigation and individual native oak tree and heritage tree mitigation.

In addition, section 130.39.090 of the Oak Resources Conservation Ordinance defines two monitoring and reporting obligations of the County. This includes a requirement to report annually to the Board of Supervisors regarding all Oak Tree and Oak Woodland Removal Permits issued, and any enforcement actions for such permits. It also includes a requirement for the County to monitor the deposits into and expenditures from the Oak Woodland Conservation Fund and recommend fee adjustment(s), as appropriate, to the Planning Commission and Board of Supervisors bi-annually.

13. Change Heritage Tree size designation from 36 inches to 24 inches (if not for all oak species, then for Blue Oak)

Comment: Commenter asserts supporting evidence, including slow growth rates of Blue Oaks.

County Response: *Refer to Response to Comment 6-40 through 6-43, and Response to Comment 8-144 (pp. 3-244, 3-245, 3-408) in Section 3.4 (Individuals) of the Final EIR.*

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14. Add Mitigation Performance Standards to ORMP and recommends retaining current Interim Interpretive Guidelines mitigation monitoring periods of 10 years (for oaks) and 15 years (for acorns) rather than the proposed ORMP period of 7 years

Comment: Commenter suggests adding mitigation performance standards to the ORMP and also recommends retaining the current Interim Interpretive Guidelines mitigation monitoring periods of 10 years for oaks and 15 years for acorns rather than the proposed ORMP period of seven (7) years.

County Response: The seven year monitoring period was based on Senate Bill 1334 (Kuehl) regarding oak woodlands conservation. Section 21083.4(b)(2)(B) states that “The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.” The ORMP requires that if the required number of trees do not survive for the seven year monitoring period, replacement trees must be planted again and those trees would then be monitored for seven years from the date of planting. The ORMP requires that at the end of the seven year period, the tree survival must match the number of trees that were required to be planted for mitigation of tree or woodland loss. However, the ORMP does allow for over-planting (planting more than the required amount) to allow for some tree mortality to occur over the seven year monitoring and maintenance period, an approach that is typical in restoration and mitigation planting programs. In other words, if a project applicant is required to plant 10 diameter inches of tree but chooses to plant 12 1-inch diameter trees, the applicant would only be required to ensure that 10 of those 12 trees survive at the end of the seven-year monitoring period. *See analysis under Planning Commission Recommendation No. 6 in the Staff Report (Legistar File 12-1203, Attachment 24A).*

15. Eliminate acorns as tree replacement mitigation

Comment: Commenter cites professional opinion demonstrating lack of success with acorn replanting.

County Response: The ORMP provides that any tree replacement planting plan must be prepared by a qualified professional and must address site-specific conditions. Thus acorn planting would only be allowed on sites where the soil and irrigation needs for successful tree growth from acorn planting can be met. As described above, if the required number of trees (including those planted as acorns) do not survive for the seven year monitoring period, replacement trees must be planted again and those trees would then be monitored for seven years from the date of planting. *Refer to Response to Comment 6-55 (pp. 3-250 and 3-251) in Section 3.4 (Individuals) of the Final EIR.*

16. Policy 7.4.4.4 Option A Retention Standards

Comment: Commenter asserts that there is “no solid reason” to omit retention standards from updated policies.

County Response: The Final EIR demonstrates that it is not necessary to require on-site retention in order to effectively protect the County’s biological resources. *Refer to Final EIR, Chapter 2 – Master*

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Responses, Master Response 2 (Priority Conservation Areas, Habitat Fragmentation and On-Site Retention), pp. 2-5 and 2-6.

17. EIR analysis of Project Alternative 1 (No Project)

Comment: Commenter asserts that the EIR analysis of Project Alternative 1 (no project) should have considered Option B (in-lieu fee payment option).

County Response: The No Project alternative considers the environmental effects of the County not making any changes in the current General Plan policies. Option B is not currently available and cannot be available unless the County develops and implements an Integrated Natural Resources Management Plan (INRMP). To evaluate the environmental effects under a scenario that includes development and implementation of an INRMP and use of Option B would require speculation as to the content and requirements of the INRMP and the in-lieu fee amount under Option B. CEQA provides that EIR preparation should not include such speculation, thus the No Project Alternative in the EIR has been properly defined and evaluated. *Refer to Response to Comments 6-22 and 6-23 in Section 3.4 (Individuals) of the Final EIR.*

18. Agricultural Activities Exemption

Comment: Commenter asserts that agricultural activities should not be exempt from retention; Requests (Planning Commission) recommend to the Board that they maintain existing Option A oak retention standards.

County Response: As discussed under comment 5 above, evidence included in the EIR indicates agricultural and other activities have not resulted in large-scale permanent oak woodland conversion. *Refer to Draft EIR, Chapter 6 – Biological Resources, pp. 6-59 and 6-60. Also refer to Final EIR, Chapter 2- Master Responses, Master Response 5 (Agricultural Activities Exemption), p. 2-18.*

19. Cattle Grazing in PCA's

Comment: Commenter asserts that cattle grazing in PCA's restricts (oak) regeneration capability.

County Response: As discussed in Response to Comment 6-9 (pp. 3-223 through 3-225) in Section 3.4 (Individuals) of the Final EIR, there is no substantial evidence that cattle grazing is detrimental to oak woodlands, particularly when site-specific management is used to control grazing intensity and season of use.

20. Valley Oaks & Blue Oaks

Comment: Commenter asserts that Blue Oaks should receive the same protection as Valley Oaks.

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County Response: Valley oaks are provided a higher degree of protection than other species because valley oak woodland is more rare than other oak woodland communities in the County and is designated by the California Department of Fish and Wildlife as a Special-Status Vegetation Community, as shown in Draft EIR, Chapter 6 – Biological Resources, Table 6-5 (Sensitive Habitats in El Dorado County), pp. 6-18 through 6-22, and also discussed on pages 6-80 and 6-81 within the same chapter. In comparison, blue oaks are much more common in the County and continued implementation of the General Plan is expected to impact a smaller proportion of the County’s existing blue oaks than valley oaks, as shown in Draft EIR, Chapter 6 – Biological Resources, Table 6-6 (Acreage of Oak Woodlands Types Potentially Converted Under General Plan Buildout Scenarios), p. 6-48. *Also refer to Response to Comment 8-56 (pp. 3-379 and 3-380) in Section 3.4 (Individuals) of the Final EIR regarding Blue Oak regeneration.*

21. Nexus to TGPA/ZOU

Comment: Commenter refutes Response to Comment 6-7 in Section 3.4 (Individuals) of the Final EIR (pp. 3-220 through 3-222); commenter also claims it is possible to predict specific locations where expansion of agricultural activities would adversely affect oak woodlands based on 3,100 parcels recently rezoned within IBC’s as part of the TGPA/ZOU Project.

County Response: The current Biological Resources Policy Update and ORMP project, and associated Program EIR, were processed separately from the TGPA-ZOU Project as allowed by state law and County policy-makers. However, the Program EIR for the current project relied upon the zoning changes proposed in the TGPA/ZOU. Thus the impact analysis presented in the Biological Resources Policy Update and ORMP project EIR reflects the current zoning of all parcels in the County, including the 3,100 parcels noted in this comment. *Refer to Response to Comment 8-75 (p. 3-385) in Section 3.4 (Individuals) of the Final EIR.*

22. GHG Emissions/CEQA Applicability to proposed Project

Comment: Commenter asserts that CEQA applies to oak woodland removal regarding GHG emissions, including on agricultural lands that are otherwise exempt from mitigation.

County Response: Refer to the discussions of comments 1 through 4 above. The EIR does evaluate the GHG emissions associated with the projected levels of oak woodland removal associated with continued General Plan implementation under the proposed Biological Resources Policy Update and ORMP project.

23. Oaks on Agricultural Lands

Comment: Commenter disagrees with the County’s statement that “there is no substantial evidence in the record that current or forecasted agricultural activities will result in large-scale permanent oak woodland conversion.” *Refer to Response to Comment 2-5 (p.3-123) in Section 3.3 (Organizations) in the Final EIR.*

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County Response: Evidence included in the Final EIR indicates agricultural and other activities have not resulted in large-scale permanent oak woodland conversion. *Refer to Final EIR, Chapter 2 – Master Responses, Master Response 5 (Agricultural Activities Exemption) p. 2-18.*

24. Habitat Quality and Continuum of Protections

Comment: Commenter suggests that the General Plan be rewritten to align with a no-net-loss approach to: 1) Prohibit oak removal in areas designated as critical habitat, except for limited removal in order to ensure woodland health; 2) Provide a greater level of oak protections in areas that are important wildlife corridors, habitat for rare/native species richness, irreplaceability or sensitive habitat; 3) Prioritize habitat connectivity; 4) Prioritize creation of open space for recreation and habitat; and 5) Require more stringent protections on lands under conservation easements.

County Response: The No-Net-Loss of Oak Woodlands Alternative was rejected as infeasible because it would constrain development contrary to many existing General Plan policies. *Refer to Response to Comment 12-3 and 12-4 (pp. 3-432 and 3-343) in Section 3.4 (individuals) of the Final EIR.*

Further, the proposed General Plan policies and ORMP provide for protection of the County's identified Important Biological Corridors, prioritizes habitat connectivity in the mitigation site selection criteria, and requires that any oak trees or oak woodlands under a conservation easement be retained. Individual site-specific evaluations will be completed with discretionary projects that will determine impacts to biological resources and necessary mitigation measures.

25. Environmental Hazards

Comment: Commenter requests to retain existing natural features and ecosystem processes for purposes of resiliency to climate change; Cites SB 379 which mandates counties to *include a set of adaption and resilience goals, policies, and objectives* in hazard mitigation and climate adaptation plans; Section (4) (VII)(C) states that guidelines shall include: *Feasible methods to avoid or minimize climate change impacts associated with new uses of land; (v) where feasible, plan shall use existing natural features and ecosystem processes...to increase resiliency to climate change...*

County Response: The AB 32 Scoping Plan Update notes that "carbon management of [natural and working] lands must be integrated with a broader suite of resource management objectives for those lands" to ensure that economic, social, and environmental co-benefits can be fully realized (CARB 2014). *Refer to Response to Comment 1-6 (p. 3-104) in Section 3.3 (Organizations) of the Final EIR.*

26. Project Alternative Selection

Comment: Commenter asserts that Policy 7.4.4.4 Option A should have been evaluated as a Project alternative (cites cases *Citizens of Goleta Valley v. Board of Supervisors* and *Citizens for Quality Growth v.*

EXHIBIT C

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City of Mt. Shasta, Pub Resources Code Sec. 21002 & 15126.6(b) & (c) and CEQA Guidelines Sec. 15126(d.)

County Response: *Refer to Response to Comment 8-107 and 8-108 (pp. 3-395 and 3-396) in Section 3.4 (Individuals) of the Final EIR regarding evaluation of Option A as a Project alternative.*

27. County's Mitigation Enforcement Past Record

Comment: Commenter asserts that the County's (alleged) poor enforcement record for oak mitigation casts doubt on the County's future willingness/ability to enforce oak mitigation as part of the Project. A project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR; cites Laurel Heights case.

County Response: There is no substantial evidence in the record supporting the commenter's claim of poor enforcement of oak mitigation. Refer to Exhibit B (Staff Memo - Supporting Documentation), Section E regarding past County oak tree mitigation and monitoring (Legistar File 12-1203, Attachment 24B), and response to comment No. 28 below. *Also Refer to Response to Comment 12-11 (pp. 3-436 and 3-437) in Section 3.4 (Individuals) of the Final EIR.*

28. Inadequacy of Responses to Comments in the EIR

Comment: Commenter requests the Final EIR include a discussion of (previous) mitigation efforts undertaken by the County, and reasons for mitigation failures and success of oak replanting.

County Response: "Evaluating the efficacy of other mitigation efforts undertaken by the County is beyond the scope of the proposed project and is not required by CEQA..." *Refer to Response to Comment 8-53 (p. 3-379) in Section 3.4 (Individuals) of the Final EIR, and Exhibit B (Staff Memo - Supporting Documentation), Section E regarding past County oak tree mitigation and monitoring (Legistar File 12-1203, Attachment 24B).*

29. Adequacy of Mitigation Measures

Comment: Commenter questions whether the County has: 1) proven it can responsibly manage mitigation oversight; 2) has adopted all "feasible mitigation" and 3) has adequately analyzed proposed mitigation submitted by members of the public.

County Response: *Refer to responses to comments No. 27 and 28 above.* The FEIR evaluated and responded to all comments and proposed mitigation measures received on the Draft EIR.

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Oral Comments Received by the Planning Commission during public comment on April 27, 2017

1. Feasible Mitigation Measures

Comment: Commenter asserts that: 1) feasible mitigation measures have been repeatedly overlooked and the County has not done all it can to reduce impacts as required; 2) Retention option should be evaluated as an alternative; 3) In-Lieu fee element should also include Option A (Retention); 4) Other Feasible alternatives should be included to meet CEQA requirements; and 5) Past mitigation performance matters; EIR must assure full disclosure of potential consequences (cites Laurel Heights court case regarding EIR adequacy).

County Response: Refer to Response to Comment 8-107 and 8-108 (pp. 3-395 and 3-396) in Section 3.4 (Individuals) of the Final EIR regarding evaluation of Option A as a Project alternative; Refer to Final EIR, Chapter 2 - Master Responses, Master Response 2 (Priority Conservation Areas, Habitat Fragmentation and On-Site Retention), pp. 2-5 and 2-6; Refer to responses to comments No. 27, 28 and 29 above; Also refer to Exhibit B (Staff Memo - Supporting Documentation), Section E regarding past County oak tree mitigation and monitoring (Legistar File 12-1203, Attachment 24B).

2. Agricultural impacts to oaks misrepresented

Comment: Commenter asserts that agricultural impacts to oaks has been misrepresented; limited opportunities for clear cutting in agricultural areas (e.g. steep terrain, etc.); Ag Commission adopted BMP's for managing agricultural lands; agriculturalists have been good stewards of the land.

County Response: Commenter states personal opinion/personal experience as to environmental impact(s) of the Project; no response is required.

3. Agricultural Districts

Comment: Commenter disagrees with removal of mitigation exemptions for CUP uses on agricultural lands; current regulations already cover uses on agricultural lands adequately; consider tiering of uses/impacts on agricultural lands (danger of using "broad brush" CUP as distinction).

County Response: Commenter states personal opinion regarding project components; no response is required.

4. Heritage Tree Regulations

Comment: Commenter requests modifying the heritage tree regulations from 36 inches to 24 inches in diameter; noted that the El Dorado Hills CSD rule is 24 inches.

County Response: This is a Board policy decision. See Item 2 under Planning Commission Recommendations in the Staff Report (Legistar File 12-1203, Attachment 24A).

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5. Oak Resources Ordinance Section 130.39.090.B (Bi-Annual Reporting – Oak Woodland Conservation Fund Fees)

Comment: Commenter suggests changing bi-annual reporting to annual reporting.

County Response: This is a Board policy decision. *See Item 3 under Planning Commission Recommendations in the Staff Report (Legistar File 12-1203, Attachment 24A).*