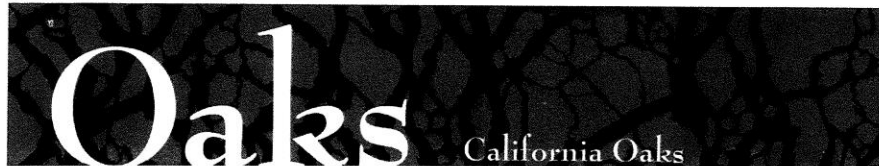


3.3 ORGANIZATIONS

Comment Letter 1



Preserving and perpetuating California's oak woodlands and wildlife habitats

July 22, 2016

Community Development Agency
 Long Range Planning Division
 2850 Fairlane Court
 Placerville, CA 95667
shawna.purvines@edcgov.us

Re: Biological Policy Update Project

Shawna Purvines, Principal Planner:

California Oaks appreciates the opportunity to comment on the Biological Policy Update Project. While acknowledging California Oaks previous greenhouse gas (GHG) concerns, the DEIR has provided no meaningful or cogent responses to the issues raised. Specifically: (1) the failure to feasibly and proportionally mitigate the direct loss of sequestered carbon; (2) the failure to analyze or feasibly and proportionally mitigate the foreseeable indirect carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O) and black carbon emission effects due to removed biomass decomposition or combustion. These DEIR omissions represent a failure to proceed in the manner prescribed by the California Environmental Quality Act (CEQA). The project is also inconsistent with other aspects of California's GHG reduction policy.

Necessity

The stated CEQA purpose of Senate Bill 97 (2007) is "the feasible mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions." The CEQA Appendix G checklist encourages that forest land conversion GHG biogenic emissions be considered. The direct effect biogenic emissions are due to the one-time loss of sequestered carbon. The indirect effect biogenic emissions are the result of biomass utilization or disposal of the carbon stored in the dead vegetation. CEQA recognizes the secondary GHG biogenic emissions in the indirect effects language of Guidelines § 15358(2), "... are later in time or farther removed in distance, but are still reasonably foreseeable."

DEIR: "Buildout of the General Plan could result in the loss of 6,442 acres of forest land by 2035 resulting in a significant and unavoidable impact." (at 7-9).

Comment 1: Please answer the following forest land conversion question:

1. Due to biomass decomposition or combustion, how many metric tonnes of CO₂, CH₄, N₂O and black carbon biogenic emissions are projected with buildout impacts to 6,442 acres by 2035?

DEIR: "The effect each GHG has on climate change is measured as a combination of the mass of its emissions and the potential of a gas or aerosol to trap heat in the atmosphere, known as it "global warming potential" (GWP). GWP varies between GHGs; for example, the GWP of CH₄ is 21, and the GWP of N₂O is 310" (at 8-2).

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California Oaks

Page 2

Comment 2: The DEIR is quoting outdated GWP standards. The California Air Resources Board (CARB) current GWP standards list methane as having 25 times, nitrous oxide 298 times and black carbon 900 times more climate warming potential than CO₂ over a 100-year time horizon.¹

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DEIR: "The El Dorado County Air Quality Management District was part of the committee of air districts in the Sacramento region involved in the development of GHG thresholds of 1,100 metric tons CO₂e per year for the construction phase of projects or the operational phase of land use development projects ..." (at 8-12).

Comment 3: The El Dorado County air district and SMAQMD project GHG thresholds are knock offs of the 2010 Bay Area Air Quality Management District (BAAQMD) standards. They mimic the same forest conversion biogenic emissions accounting deficiencies as the BAAQMD project threshold. The following quote from the current Ciminelli vineyard conversion DEIR in Napa County (CAL FIRE lead agency) correctly recognizes that the BAAQMD project threshold excludes GHG biogenic emissions quantification:

"Although the [BAAQMD] Guidelines provide clear guidance on how to analyze GHG emissions from biogenic sources, which result from natural biological processes such as the decomposition or combustion of vegetative matter (wood, paper, vegetable oils, animal fat, yard waste, etc.), the Guidelines do not require the quantification of biogenic GHG emissions as part of the quantification of project-related GHG emissions and does not provide a GHG emission threshold for these sources for either operation and construction activities. The Guidelines require that only exhaust from construction equipment be included in the climate change analysis, similar to the analysis for criteria pollutants" (Ciminelli DEIR at 4.7-7).

1-4

The El Dorado County air district project threshold excludes forest land conversion biogenic emissions quantification, which is inconsistent with CEQA requirements. This omission is understandable given that forest land oversight is the purview of the State of California not the air districts. The state has chosen not to establish a forest land conversion threshold of significance.

A greenhouse gas project threshold of significance that excludes the entire category of forestry sector emissions cannot be claimed to unequivocally reduce all GHG impacts to less than significant. Since the El Dorado air district project threshold fails to account for forest land conversion biogenic emissions, these GHG emissions must be analyzed and mitigated independent of the air district project threshold of significance standard.

¹ "Black carbon (BC, also referred to as black soot, black carbon aerosols, black carbon particles) refers to a solid particle emitted during incomplete combustion. All particle emissions from a combustion source are broadly referred to as particulate matter (PM) and usually delineated by sizes less than 10 micrometers (PM10) or less than 2.5 micrometers (PM2.5). Black carbon is the solid fraction of PM2.5 that strongly absorbs light and converts that energy to heat. When emitted into the atmosphere and deposited on ice or snow, black carbon causes global temperature change, melting of snow and ice, and changes in precipitation patterns. Roughly half of atmospheric BC comes from fossil fuel combustion, and the other half from biomass and biofuel burning. While BC is short-lived in the atmosphere (1-4 weeks), it is linked to strong regional climate effects and a large share (~30%) of recently observed warming in the Arctic."
<http://www.unep.org/transport/gfei/autotool/understandingtheproblem/Black%20Carbon.pdf>

1-3
Cont.

DEIR: "A development that converts natural vegetation to a developed site results in potential release of sequestered carbon to the atmosphere as CO₂, which would not have been released had there been no change in land cover ... To evaluate the effect of oak woodland conversion on the Countywide GHG emissions inventory, this analysis uses available carbon sequestration data for oak woodlands to determine the loss of sequestration associated with the oak woodland impacts that would occur under the 2025 and 2035 General Plan buildout scenarios ... The analysis of the loss of carbon sequestration uses sequestered carbon content data derived from the Carbon Online Estimator (COLE) (Van Deusen and Heath 2016)" (at 8-16).

Comment 4: Stored carbon in dead biomass not only releases CO₂ into the atmosphere but also CH₄, N₂O and black carbon. Programmatic models like COLE are designed to measure the biomass carbon stocks for a given area. The end user takes the model's site-specific biomass information and translates it into GHG emissions. These models don't know what regulations, rules or laws they are being applied under. The end user has to adjust for those regulatory nuances. In California we have the uniqueness of CEQA, which recognizes GHG indirect biogenic emissions, which are delineated in Guidelines § 15358(2). COLE is a federal product from the USDA Forest Service. USDA neither knows nor cares about CEQA legal nuances so COLE doesn't address indirect biogenic emissions. Thus, the Cole programmatic model being used doesn't know how the biomass will be utilized or disposed.

1-5

1. Please explain how the DEIR can claim to make a "good faith effort" to measure forest conversion GHG biogenic emissions due to potentially removing 140,000 acres of oak woodland biomass when the programmatic model being used doesn't know how the biomass will be utilized or disposed?

DEIR: "These calculations assume a one-time loss of sequestered carbon resulting from conversion of existing oak woodlands to developed uses. This analysis also assumes that sequestered carbon from removed vegetation will be returned to the atmosphere; that is, the wood from the removed oak woodlands would not be re-used in another form that would retain carbon (e.g., furniture). This analysis of sequestered carbon impacts does not account for CO₂ emissions estimates associated with vegetation clearing or removal activities, or the transport and disposal of vegetative biomass. GHG emissions generated during project-specific construction activities, including clearing, tree removal and disposal, and grading, would be evaluated at the project level.

The ORMP requires mitigation in the form of conserving off-site oak woodlands and replanting (up to a maximum of 50% of the required mitigation). As outlined in the ORMP, mitigation ratios for oak woodland impacts may be 1:1, 1.5:1, or 2:1, depending on the extent of on-site impacts. The following summarizes potential mitigation scenarios under the 2035 General Plan buildout scenario:" (at 8-18).

1-6

Comment 5: The off-site conservation of existing forest coupled with the proposed replanting standards are inconsistent with scientific fact and 2008 AB 32 Scoping Plan forest sector policy targets. The already existing "conserved" trees aren't suddenly going to begin growing faster and sequester more carbon to reduce soil/vegetation GHG biogenic emission impacts in a timely manner. The appropriate means to feasibly and proportionally mitigate forest conversion biogenic emissions is by planting/maintaining the requisite number of replacement trees in El Dorado County to reduce emissions 80 percent by 2050.

1. Please explain how the DEIR biogenic emissions mitigation measures will provide consistency with Executive Orders S-3-05 to reduce GHG emissions 80 percent by 2050.² See *Cleveland National Forest Foundation, et al. v. San Diego Association of Governments, et al.* ___ Cal.App.4th ___, 2014 and the 2015 California Supreme Court citation in *Center for Biological Diversity v. Department of Fish and Wildlife* (Exhibit A). Here the Supreme Court is giving CEQA practitioners a heads-up regarding an issue in its upcoming *Cleveland National Forest Foundation v. SANDAG* decision. The Court indicates it will confirm that the climate change executive order timeline thresholds established by Governors Schwarzenegger and Brown should be fully considered in CEQA documents. Pending Senate Bill 32 (Pavley) codifies Governor Brown’s Executive Order B-30-15 establishing a midterm target to reduce GHG emissions by 2030, to 40 percent below 1990 levels.
2. Please explain and demonstrate mathematically how the proposed off-site conservation/replanting standards are consistent with the 2008 AB 32 Scoping Plan goals of “no net loss” for forest land carbon sequestration and “stretch targets” of increasing forest land CO₂ storage by 2 million metric tonnes by 2020 and 5 MMT by 2050.
3. Please explain and demonstrate mathematically how the off-site conservation of existing forest land feasibly and proportionally mitigates direct or indirect forest conversion biogenic emissions in a manner consistent with the state’s 2020, 2030 and 2050 timeline thresholds.
4. Please explain how the DEIR GHG mitigation measures will provide consistency with the 2016 CARB Short-Lived Climate Pollutants Policy. The goal is by 2030 to cut yearly emissions of several pollutants from 2013 levels. CARB seeks to shrink black carbon pollution to 19 million metric tons of carbon dioxide equivalent (MMTCO₂e) from 39 MMTCO₂e (50% reduction) by 2030 and methane to 71 MMTCO₂e from 118 MMTCO₂e (40% reduction). Pending Senate Bill 1383 (Lara) codifies these GHG reduction standards.
5. The DEIR appears to be piecemealing the project’s near- and long-term GHG biogenic emissions by not fully estimating the countywide forest conversion biogenic emission impacts but instead delaying comprehensive GHG emission calculations to future “project-specific” analysis. Please explain why the piecemealing perception is incorrect and how the DEIR approach provides consistency with the state’s 2020, 2030 and 2050 timeline thresholds.

DEIR: “In addition to the estimated oak woodland impacts from buildout of the General Plan with residential, commercial, retail, and industrial uses, there is a potential for an additional 138,704 acres of woodland that could be lost without mitigation under the exemptions in the ORMP. This could contribute an additional 1,070,210 MT CO₂e annually from release of sequestered carbon to the atmosphere. However, 132,281 acres of oak woodlands would be impacted without mitigation as a result of expanded agricultural production activities ...” (at 8-19).

² Both forests and GHGs are analyzed over a 100-year planning horizon. However, California has climate change planning timelines that only extend out to the year 2050. So while for CEQA discussion and consistency purposes 80 percent of emissions must be reduced by 2050, in fact 80 percent of a project’s forest conversion biogenic emissions are actually mitigated over a 100-year period. This allows enough time for feasible and proportional forest conversion biogenic emissions mitigation to occur.

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428 13th Street Suite 10A / Oakland, CA 94612 / ph 510/763-0282 / fax 510/208-4435 / www.californiaoaks.org

Comment 6: Forest GHG emissions are measured over a 100-year planning horizon; not on an annual basis. The “additional 1,070,210 MT CO₂e annually” translates into 107,021,000 MMT CO₂e over 100 years. That’s not counting the CO₂, CH₄, N₂O and black carbon emissions due to removed biomass decomposition and combustion over time.

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Apparently El Dorado County has a reading comprehension problem. If the county is going to claim forest land conversion GHG biogenic emission exemptions it will need to provide statutory law citations to justify each exemption category. The Natural Resources Agency has already said no twice to agriculture regarding a forest land conversion CEQA GHG exemption. El Dorado County needs to take no for an answer:

Natural Resources Agency (2009)

“Moreover, the text of the questions themselves demonstrate that the concern is *any* conversion of forests, not just conversions to other agricultural operations.”

“Second, analysis of impacts to forestry resources is already required. For example, the Legislature has declared that “forest resources and timberlands of the state are among the most valuable of the natural resources of the state” and that such resources “furnish high-quality timber, recreational opportunities, and aesthetic enjoyment while providing watershed protection and maintaining fisheries and wildlife.” (Public Resources Code, § 4512(a)-(b).) Because CEQA defines “environment” to include “land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance” (Public Resources Code, section 21060.5), and because forest resources have been declared to be “the most valuable of the natural resources of the state,” projects affecting such resources would have to be analyzed, whether or not specific questions relating to forestry resources were included in Appendix G. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 (“in preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect”).) In effect, by suggesting that the Appendix G questions be limited to conversions to “non-agricultural uses,” the comment asks the Natural Resources Agency to adopt changes that are inconsistent with CEQA, which it cannot do” (Responses to Farm Bureau and Wine Institute).

1-13

Please answer the following forest land conversion questions:

1. Due to biomass decomposition or combustion, how many metric tonnes of CO₂, CH₄, N₂O and black carbon biogenic emissions are projected with impacts to 138,704 acres?
2. Due to biomass decomposition or combustion, how many metric tonnes of CO₂, CH₄, N₂O and black carbon biogenic emissions are projected due to forest land conversion impacts by 2025?
3. Due to biomass decomposition or combustion, how many metric tonnes of CO₂, CH₄, N₂O and black carbon biogenic emissions are projected due to forest land conversion impacts by 2035?
4. Due to biomass decomposition or combustion, how many metric tonnes of CO₂, CH₄, N₂O and black carbon biogenic emissions are projected due to forest land conversion impacts by 2050?

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EIR: "The proposed project would result in a significant and unavoidable impact related to GHG emissions. There is no feasible mitigation that would substantially reduce or avoid this impact. The proposed project would result in no impacts related to conflicts with plans, policies, and regulations related to GHG emissions and climate change, and, therefore, no mitigation is required for this impact" (at 8-22).

1-18

Comment 7: In fact there is feasible and proportional project mitigation available by planting/maintaining the requisite number of replacement trees in El Dorado County to reduce forest conversion GHG biogenic emissions 80 percent by 2050. The question becomes whether El Dorado County would have land available for planting oaks after developing 140,000 acres of oak woodland. The assertion that the DEIR is not in conflict with state climate change policy and law is specious.

Summary

The DEIR chose to apply the El Dorado air district project threshold and COLE model for its forest land conversion GHG emissions analysis. However, as the Ciminelli DEIR factually observes biogenic emissions exist but the El Dorado air district project threshold excludes direct and indirect biogenic emissions quantification. The COLE model doesn't account for indirect GHG biogenic emissions and the end user apparently wasn't cognizant of CEQA regulatory requirements. The DEIR doesn't account for the GHG biogenic emissions associated with biomass decomposition and combustion, which result in CO₂ emissions in combination with the much more potent CH₄, N₂O and black carbon emissions. At a time when the state is acting aggressively to significantly reduce methane and black carbon emissions, the DEIR is oblivious to the importance of immediately addressing these powerful GHG emissions. The project greenhouse gas impacts remain significant and appropriate mitigation/alternatives to reduce these impacts have not been adequately considered.

1-19

Greenhouse gas emissions, especially forest conversion emissions, stand out from all other CEQA effects. This is because only GHG emission impacts have been decreed a serious threat to the well-being of all Californians and the state itself. Further, forests are the only state GHG sector that sequesters carbon. The constant among court decisions regarding GHG analysis is that project emissions must be accurately and fully rendered in a CEQA document. This DEIR appears designed to obfuscate and minimize project forest land conversion GHG biogenic emissions, rather than a bona fide attempt to comply with CEQA's focus of ascertaining "the feasible mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions."

1-20

Substantial evidence has been presented that project biogenic GHG emissions due to forest land conversion will result in potentially significant environmental effects that have not been sufficiently analyzed or feasibly mitigated. The project has not made "a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project" (CEQA Guidelines § 15064.4(a)). Therefore the DEIR is deficient as an informational document, in that it fails to apprise decision-makers/public of the full range and intensity of the adverse GHG emission effects on the environment that may reasonably be expected if the project is approved.

1-21

Sincerely,

Janet Cobb, Executive Officer
California Wildlife Foundation/California Oaks

Exhibit A

California Supreme Court - Center for Biological Diversity v. Department of Fish and Wildlife (2015)
A qualification regarding the passage of time is in order here. Plaintiffs do not claim it was improper for this EIR, issued in 2010, to look forward only to 2020 for a guidepost on reductions in greenhouse gas emissions, and we therefore do not consider the question whether CEQA required the EIR to address the state's goals beyond 2020. Nevertheless, over time consistency with year 2020 goals will become a less definitive guide, especially for long term projects that will not begin operations for several years. An EIR taking a goal consistency approach to CEQA significance may in the near future need to consider the project's effects on meeting longer term emissions reduction targets.⁶

⁶ Executive Order No. S-3-05, signed by Governor Schwarzenegger on June 1, 2005, set reduction targets of 1990 levels by 2020 and 80 percent below 1990 levels by 2050. A.B. 32 codified the 2020 goal but did not indicate any intent to abandon the 2050 goal; indeed, the Legislature cited the executive order and indicated its intent that the climate policy efforts the order initiated continue. (Health & Saf. Code, § 38501, subd. (j).) More recently, in an update to the Scoping Plan, the Air Board noted the need for steep post-2020 reductions and proposed the state adopt a strong mid-term target for the year 2030, in the range of 35-50 percent below 1990 levels. (Air Resources Board, First Update to the Climate Change Scoping Plan: Building on the Framework (May 2014), p. 34.) Executive Order No. B-30-15, signed by Governor Brown on April 29, 2015, endorsed the effort to set an interim target of emission reductions for 2030. Pending legislation would codify this additional goal, directing the Air Board to establish a 2030 limit equivalent to 40 percent below 1990 levels. (Sen. Bill No. 32 (2015-2016 Reg. Sess.)

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Response to Comment Letter 1

California Oaks

Janet Cobb

July 22, 2016

- 1-1** The comment states that the Draft Environmental Impact Report (EIR) does not meaningfully address greenhouse gas (GHG) issues raised in California Oaks' previous comments. Specifically, the commenter asserts that the Draft EIR does not mitigate impacts from the loss of carbon sequestration and fails to analyze and mitigate increased carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and black carbon emissions due to biomass decomposition or combustion. The comment states that the Draft EIR does not meet the requirements of the California Environmental Quality Act (CEQA) and that the proposed General Plan Biological Resources Policy Update and Oak Resources Management Plan (project) is inconsistent with "other aspects of California's GHG reduction policy."

Loss of Carbon Sequestration

The Draft EIR evaluates potential impacts for the loss of carbon sequestration on page 8-21, assuming all vegetative material removed from oak woodlands is either burned as firewood or chipped and used for mulch or other landscaping materials, which would then decompose. Some of the potential mitigation measures are evaluated as part of the project alternatives analysis presented in Chapter 10 (Alternatives) of the Draft EIR, whereas other potential mitigation measures were determined to be infeasible. This comment does not identify any deficiencies or errors in the analysis of potential mitigation measures presented on page 8-21.

Emissions from Biomass Decomposition or Combustion

As discussed in detail in Response to Comment 1-2 in this section (Section 3.3, Organizations), it is not expected that continued implementation of the General Plan would introduce new sources of nitrous oxide or black carbon that could contribute to adverse climate change effects and thus it is not necessary for the Draft EIR to estimate emissions of these GHGs. As also discussed in Response to Comment 1-2, the estimates of emissions in the Draft EIR have been revised to account for methane emissions, but these revisions do not alter the Draft EIR's conclusions regarding the severity of the project's potential impacts associated with climate change.

Consistency with California GHG Reduction Policy

This comment does not identify specific inconsistencies between the project and California's GHG reduction policy. The Draft EIR evaluates the project's consistency with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs under Impact 8-2, which is presented on pages 8-21 and 8-22 of the Draft EIR. The comment does not identify any errors or deficiencies in this analysis. The analysis in the Draft EIR finds that the project is consistent with applicable plans and policies. In particular, on page 8-22, the Draft EIR concludes that the Biological Resources Policy Update and Oak Resources Management Plan (proposed project) is consistent with the Assembly Bill (AB) 32 Scoping Plan Update recommendation that local land use planning efforts should "more fully integrate and emphasize land conservation and avoid conversion of croplands, forests, rangelands, and wetlands, as well as [emphasize] expansion and promotion of urban forestry, urban agriculture, and green infrastructure" (CARB 2014). Although implementation of the General Plan is expected to result in loss of oak woodlands, the proposed General Plan policies and Oak Resources Management Plan (ORMP) would require conservation in perpetuity of other oak woodlands, at ratios ranging from 1:1 to 2:1. With adoption of the proposed project, the El Dorado County (County) General Plan and County Code would more fully integrate biological resource management and conservation into the County's land development and planning decisions, consistent with the AB 32 Scoping Plan Update.

- 1-2** The comment references Senate Bill (SB) 97, which requires that CEQA analyses consider and mitigate GHG emissions. The comment states that the project would result in direct biogenic emissions due to the one-time loss of sequestered carbon and indirect emissions as biomass is used or disposed of. The comment notes that CEQA requires evaluation of indirect emissions that are reasonably foreseeable and asserts that the Draft EIR does not evaluate indirect emissions. The comment requests that the EIR identify how many metric tons of CO₂, methane, nitrous oxide, and black carbon would be emitted due to the loss of 6,442 acres of oak woodlands.

As discussed in detail in this response, the Draft EIR does evaluate the indirect GHG emissions that may be generated by continued implementation of the General Plan under the proposed project. Some information discussed in this response has been added to Chapter 8 (Greenhouse Gases) in the Draft EIR to clarify and project a more detailed discussion of the project's contribution to GHG emissions. None of the additional information indicates that impacts would be more severe than was originally evaluated in the Draft EIR. The additional information refines the impact analysis by evaluating the portion of identified GHG emissions that could result from

combustion compared to the portion of GHG emissions that could result from decomposition. Additionally, the total estimated GHG emissions have been reduced consistent with the reduction in total loss of oak woodlands projected to occur with continued implementation of the General Plan, as discussed in Master Response 9 in Chapter 2 (Master Responses) of this Final EIR. For example, in the first bulleted paragraph on Draft EIR page 8-22 as revised, shown in Chapter 4 (Text Changes to the Draft Environmental Impact Report) of this Final EIR, the estimated GHG emissions due to loss of oak woodlands was reduced from the original estimate of 507,822 metric tons to 389,382 metric tons.

Biogenic Emissions

The Draft EIR evaluates the release of sequestered carbon that would result from removal of oak woodlands. The one-time loss of sequestered carbon does not occur immediately upon removal of an oak woodland. Other than in cases of wildfire, the sequestered carbon is released over time through various processes, and thus are indirect emissions that would result from the proposed project, as noted in this comment. As defined by the U.S. Environmental Protection Agency (EPA), biogenic emissions are those that result from the combustion, harvest, digestion, fermentation, decomposition, or processing of biologically based materials, and those that occur as part of the natural carbon cycle (EPA 2016a). The Draft EIR calculates the total amount of carbon sequestered in the oak woodlands that could be lost to development and assumes it is released to the atmosphere through combustion (use as firewood) and decomposition (use for landscaping applications). Thus, the Draft EIR does evaluate the biogenic emissions associated with the proposed project – these are the indirect emissions that would result from combustion and decomposition of the vegetative materials that come from the removed oak woodlands.

GHG Emission Assumptions

As presented on pages 8-16 and 8-17 of the Draft EIR, the GHG analysis was conducted by using the Carbon Online Estimator (COLE) (Van Deusen and Heath 2016) data to determine the total carbon content of the oak woodlands anticipated to be impacted by future development in the County and converting carbon content to metric tons (MT) of carbon dioxide equivalent (CO₂E), which is a unit of measurement that considers the relative global warming potential of each type of GHG, as described on page 8-2 of the Draft EIR.

The Draft EIR analysis is based on the reasonable assumption that biomass from converted oak woodlands would be burned as firewood or chipped into mulch, which would slowly decompose. To the extent that the use of firewood and

landscaping materials from converted oak woodlands occurs within El Dorado County, the biogenic emissions from the project would either already be occurring (i.e., existing residents) or would be associated with continued implementation of the General Plan. The loss of oak woodlands that may occur as a result of the proposed project would not directly lead to an increased amount of residential wood burning or landscaping activities.

As noted on page 8-16 of the Draft EIR, the COLE data includes carbon content from live trees, standing dead trees, understory vegetation, downed dead wood, and forest floor litter; thus, it provides an estimate of the total carbon content in a woodland habitat, not just the carbon content associated with live trees. The forest floor values generated by COLE include litter (undecomposed and partially decomposed loose plant material on the ground surface) and duff (sufficiently decomposed plant material between litter and mineral soil), which would be suitable materials for landscape mulch.

The analysis in the Draft EIR assumes that all of the carbon currently sequestered in the oak woodlands would be converted to CO₂. The comment is correct that burning firewood and decomposing vegetation can produce other GHG emissions, including methane and black carbon. The following discussions evaluate the extent to which the proposed project's indirect emissions could include these other GHGs and whether such other GHG emissions would lead to an increase in the severity of the impact identified in the Draft EIR.

For the following discussion, the COLE data was reviewed to identify the specific amount of material within oak woodlands that would likely be used for landscaping materials and the amount that would likely be used for firewood. For the purposes of this analysis, it is assumed that all forest floor materials (litter and duff) would be used for landscape materials that would release sequestered carbon via decomposition. This analysis also assumes that the remaining woodland biomass (live trees, standing dead trees, understory vegetation, and downed dead wood) would be used as firewood, which would release sequestered carbon via burning. The COLE data identifies that the following percentages of carbon content for each oak woodland type is contained in forest floor litter:

- Blue oak woodland – 34% forest floor
- Blue oak–foothill pine, montane hardwood, and montane hardwood conifer – 26% forest floor
- Valley oak woodland – 21% forest floor

These percentages were applied to the total carbon stocks per acre for each forest type to determine the amount of carbon that would be released through decomposition and the amount of carbon stock that would be released through burning, as shown in Table 3-5. Note that the information in Tables 3-5 through 3-8 in this section (Section 3.3, Organizations) has been added to Chapter 8 (Greenhouse Gases) of the Draft EIR. Refer to Tables 8-4 through 8-7 in Chapter 4 (Text Changes to the Draft Environmental Impact Report) of this Final EIR.

Table 3-5
Carbon Stock Release per Acre by Process

Oak Woodland Type	% of Forest Floor Litter	Carbon Stocks (MT CO ₂ E per Acre)		
		Total	Carbon Stocks Released through Decomposition (Landscaping)	Carbon Stocks Released through Burning (Firewood)
Blue oak woodland	34	137.7	46.8	90.9
Blue oak–foothill pine	26	129.9	33.8	96.1
Coastal oak woodland*	N/A	N/A	N/A	N/A
Montane hardwood	26	204.4	53.1	151.3
Montane hardwood–conifer	26	211.8	55.1	156.7
Valley oak woodland	21	209.4	44.0	165.4

Notes: MT = metric tons.

* As noted in the ORMP, coastal oak woodland is likely a misclassification in the Fire and Resource Assessment Program vegetation data set. No impacts to the woodlands classified as coastal oak woodland would occur under the 2025 or 2035 El Dorado County General Plan buildout, so analysis of this type was not conducted.

The per acre MT CO₂E content amounts shown in Table 3-5 were used to estimate the total CO₂ and methane emissions that could result from the proposed project, based on the total acreage of impact to each forest type. As discussed in Master Response 9 in Chapter 2 (Master Responses) in this Final EIR, during preparation of this Final EIR it was determined that the Draft EIR overstated the anticipated impacts to oak woodlands and other vegetative communities. Rather than a maximum loss of 6,442 acres of oak woodland by 2035, the Draft EIR has been revised to reflect a maximum loss of 4,848 acres of oak woodland by 2035. The revised total woodland impact acreages and the carbon content release by process type identified in Table 3-5 were used in calculating the estimates of methane emissions associated with the proposed project, as presented in the following sections.

Emissions from Decomposition of Landscaping Materials

Methane is produced when decomposition of vegetative materials, such as wood pellets and wood chips, occurs in the presence of anaerobic (lacking oxygen)

conditions. These conditions are typically found in the middle of large storage piles, such as at biomass to energy facilities. “On the other hand, similar behavior [occurrence of anaerobic conditions] was not observed from garden waste, which contained a lot of lignin. In this case more air could get into the compost and anaerobic conditions cannot occur, because compost is loosely packed” (Jamsen 2015). Thus, it is expected that decomposition of the materials harvested from oak woodlands and used for landscaping applications would not be a source of new methane emissions and that the majority of GHG emissions from decomposition would be in the form of CO₂.

Based on the carbon content of the forest floor litter, as discussed previously and identified in Table 3-5 above, the amount of CO₂ emissions anticipated from decomposition of landscaping materials as an indirect effect of the proposed project is identified in Table 3-6 below.

Table 3-6
GHG Emissions from Decomposition of Landscaping Materials

Oak Woodland Type	Forest Floor Litter Carbon Stock per Acre (MT CO ₂ E)	Maximum Impacted Acres	Maximum GHG Emissions (MT CO ₂ E)
Blue oak woodland	46.8	2,023	94,713
Blue oak–foothill pine	33.8	2,009	67,852
Montane hardwood	53.1	568	30,186
Montane hardwood–conifer	55.1	26	1,432
Valley oak woodland	44.0	222	9,762
Total	—	4,848	203,945

Notes: GHG = greenhouse gas; MT CO₂E = metric tons carbon dioxide equivalent.

As discussed in the Draft EIR, the actual impacts may be less than the maximum impacts indicated in Table 3-6, depending on the amount of on-site retention of oak woodlands that occurs as individual development projects proceed. Thus, it is expected that actual GHG emissions from decomposition of landscaping materials would be between 101,973 (the emissions that would occur if 50% of the existing amount of each type of oak woodland is retained) to 203,945 (the emissions that would be generated if no on-site retention occurs). Further, these emissions would occur over the 19 years between 2016 and the General Plan’s 2035 planning horizon. Thus decomposition of landscaping materials would be responsible for between 5,367 and 10,734 MT CO₂E of GHG emissions annually.

It is noted that the GHG emissions from decomposing landscaping materials would not represent a new source of GHG emissions in the County. The use of materials

from oak woodlands for landscaping applications would be similar to the existing condition, in which organic matter on the ground (forest floor litter) releases carbon as it decomposes.

Emissions from Burning Firewood

Production of CO₂ and methane from burning firewood occurs at various rates depending on the methods and equipment used. The California Emissions Estimator Model (CalEEMod) program air pollutant emission modeling program was used to develop an estimate of the GHG emissions from burning firewood. Modeling was conducted for a hypothetical scenario of 350 single-family dwelling units to identify the proportion of CO₂ and methane emissions from wood burning using various fireplace and woodstove types, and the resulting MT CO₂E emission levels. As this modeling represents a hypothetical scenario, it is not specific to any particular location within the County. The results are provided in Table 3-7 below.

Table 3-7
Relative GHG Emissions from Various Wood-Burning Devices

Wood-Burning Device	CO ₂	CH ₄	MT CO ₂ E
	<i>Metric Tons per Year</i>		
Conventional fireplace	809.67	0	831.81
Catalytic woodstove	702.98	2.76	760.99
Non-catalytic woodstove	702.98	3.81	782.99
Conventional woodstove	702.98	7.14	853.00

Notes: CO₂ = carbon dioxide; CH₄ = methane; MT CO₂E = metric tons carbon dioxide equivalent.

As shown in Table 3-7 above, when wood is burned in conventional woodstoves, approximately 10% of the emissions (by mass) would occur as methane, and 90% as CO₂. With both catalytic and non-catalytic woodstoves, the methane emissions are reduced to about half that of the conventional woodstove. With the conventional fireplace, all of the emissions are reported as CO₂, with no methane emissions; however, the amount of CO₂ emissions is higher than that of the woodstoves. As also shown in Table 3-7, the total MT CO₂E for the hypothetical scenario ranges from a low of 760.99 to a high of 853. The MT CO₂E for the conventional fireplace (from which all emissions are CO₂) is higher than the average MT CO₂E for all four types of wood-burning appliances (the average is 807 MT CO₂E). In actuality, all four types of wood-burning devices are in use throughout the County and are expected to remain in use throughout implementation of the General Plan. Thus the assumption in the Draft EIR that all emissions would be in the form of CO₂ provides a reasonable estimate for this

programmatic analysis because assuming that emissions would be a mixture of CO₂ and methane would not result in a substantially higher or lower total MT CO₂E.

Using the carbon content values identified in Table 3-5 above and the recalculated total area of impact as discussed in Master Response 9 in Chapter 2 (Master Responses) in this Final EIR, Table 3-8 below identifies the maximum MT CO₂E emissions if all of the emissions from burning firewood occurred as CO₂.

Table 3-8
Carbon Stock Used for Firewood

Oak Woodland Type	Non Forest Floor Litter Carbon Stock per Acre (MTCO ₂ E)	Maximum Impacted Acres	Maximum MT CO ₂ E Emissions from Burning Firewood
Blue oak woodland	90.9	2,023	183,854
Blue oak–foothill pine	96.1	2,009	193,117
Montane hardwood	151.3	568	85,913
Montane hardwood–conifer	156.7	26	4,075
Valley oak woodland	165.4	222	36,725
Total	—	4,848	503,684

Notes: MT CO₂E = metric tons carbon dioxide equivalent.

Estimated Range of Indirect GHG Emissions

Combining the emissions from decomposition of landscaping material with the emissions from burning firewood, and in consideration of the various on-site retention scenarios that may occur as each individual development project proceeds, the proposed project could have indirect GHG emissions that range from 389,382 MT CO₂E to 707,629 MT CO₂E in total, or approximately 20,494 MT CO₂E and 37,244 MT CO₂E annually, as detailed below. The following paragraphs are taken from pages 8-18 and 8-19 of the Draft EIR, which has been revised to reflect the analysis described in this response. The revised Draft EIR text is presented below in clean formatting, whereas the text revisions are shown in Chapter 4 (Text Changes to the Draft Environmental Impact Report) of this Final EIR in ~~strikeout~~/underline:

- Retention of 50% or more of oak woodlands results in a 1:1 mitigation ratio. Under the 2035 buildout scenario, and assuming on-site retention on each development site of 50% other than those that are exempt from mitigation requirements (single-family residential lots and affordable housing), 2,181 acres of oak woodland would be retained within the development area and 2,667 acres would be impacted

(removed). Assuming the 50% retention is applied equally to each oak woodland type, loss of 2,667 acres of oak woodland could result in the release of 112,281 MT CO₂E through decomposition and 277,101 MT CO₂E through firewood burning, with a total of 389,382 MT CO₂E.

- Retention of more than 25% but less than 50% of oak woodlands results in a 1.5:1 mitigation ratio. Under the 2035 buildout scenario, and assuming on-site retention on each development site of 25% other than those that are exempt from mitigation requirements (single-family residential lots and affordable housing), 1,091 acres of oak woodland would be retained and 3,757 acres would be impacted. Assuming the 25% retention is applied equally to each oak woodland type, loss of 3,757 acres of oak woodland could result in the release of 158,170 MT CO₂E through decomposition and 390,352 MT CO₂E through firewood burning, with a total of 548,522 MT CO₂E.
- Retention of less than 25% of oak woodlands results in a 2:1 mitigation ratio. Under the 2035 buildout scenario and assuming no on-site oak woodland retention occurs, 4,848 acres of oak woodland would be impacted and could result in the release of 203,945 MT CO₂E through decomposition and 503,684 MT CO₂E through firewood burning, with a total of 707,629 MT CO₂E.

Averaged over the 19-year buildout timeline, the proposed project would result in between 20,494 and 37,244 MT CO₂E emissions annually from release of sequestered carbon to the atmosphere.

As reported in the Draft EIR, this would represent a substantial contribution to the overall GHG inventory for the County.

Black Carbon Emissions

Black carbon is a component of fine particulate matter air pollution. The comment correctly recognizes that there has been increasing understanding of the high global warming potential of short-lived GHG gasses, such as black carbon, and an associated increased in focus on controlling black carbon emissions. Much of the concern at the national and international levels over black carbon emissions is related to the use of biomass energy and the degree to which various types of biomass fuel and various processes for converting biomass to energy can produce black carbon emissions. In

contrast, the primary potential source of black carbon associated with the proposed project would be emissions from residential firewood burning.

The AB 32 Scoping Plan Update (CARB 2014) identifies the relative statewide contribution of various sources of black carbon emissions in 2010. As shown in Figure 2 of that document, the main sources of black carbon in California are wildfires (52%), off-road vehicles (locomotives, marine vessels, tractors, excavators, dozers, etc., at 15%), on-road vehicles (cars, trucks, and buses, totaling 12%), fireplaces (9%), agricultural waste burning (2%), and prescribed burning (planned burns of forest or wildlands, 2%). Given these sources, the efforts to reduce black carbon have been largely focused on regulations regarding diesel fuel and associated stationary equipment. The focus for residential wood burning has been on reducing overall particulate emissions, which includes black carbon. In 2015, the EPA issued new air emission requirements for new residential wood heaters, setting specific particulate matter limits for several types of wood heaters, including woodstoves, pellet stoves wood-fired hydronic heaters, and wood-fired forced air furnaces (EPA 2015). It is also important to note that residential wood burning produces organic carbon, which has been shown to have cooling effects on the Earth's climate because it absorbs light; therefore, eliminating residential wood burning to reduce black carbon emissions would not have a substantial effect on climate change (Zimmer 2013). Specifically, data used by the EPA indicate that the ratio of black carbon emissions to fine particulate matter (PM_{2.5}) emissions from residential sources is 0.06 (EPA 2016b, Table 4-2) and that residential wood combustion produces substantially more organic carbon than black carbon (about 9.5 times the amount of black carbon). Organic carbon has been shown to have cooling effects on the Earth's climate. The new EPA emissions limits for wood-burning devices apply to all new residential wood-burning heaters, but will not reduce emissions from existing wood-burning heaters. As shown in the CARB Short Lived Climate Pollutant Strategy (CARB 2016), regulatory restrictions and woodstove conversion programs are anticipated to reduce black carbon emissions in the state by 3 MT CO₂E by 2030.

As reported in the Scoping Plan Update, CARB estimates that annual black carbon emissions in the state decreased about 70% between 1990 and 2010, in direct proportion to declining diesel particulate matter emissions. The Scoping Plan Update also notes that a variety of other air quality regulations, such as diesel controls and burning restrictions, are expected to further reduce black carbon emission in the state. For example, on February 3, 2015, the EPA adopted more stringent clean air standards for residential wood heaters. These requirements have already begun to be phased in and will require manufacturers to take advantage of improved wood heater technology to make heaters significantly cleaner. The new rules are anticipated to

improve air quality in communities where people burn wood for heat by reducing emissions of particulate matter, carbon monoxide (CO), volatile organic compounds (VOCs), black carbon, and air toxics such as benzene (EPA 2015).

Given the existing regulations that seek to reduce particulate matter emissions from mobile sources and from residential wood burning, the high proportion of organic carbon released in residential wood burning, and the fact that the proposed project would not lead to increased rates of residential wood burning in the County, black carbon emissions from wood burning that could be associated with the proposed project would not make a substantial adverse contribution to regional or statewide GHG emissions or to global climate change. Therefore, it is not necessary for the EIR to estimate the total black carbon emissions associated with the proposed project.

Nitrous Oxide Emissions

Nitrous oxide is emitted “during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste” (EPA 2016c). Nitrous oxide emissions also occur naturally through a variety of processes involved in the nitrogen cycle, but “mainly from bacteria breaking down nitrogen in soils and the oceans” (EPA 2016d). The materials harvested from oak woodlands removed in association with the proposed project would not be used for agricultural or industrial activities and do not constitute fossil fuels and solid waste. The proposed project would not contribute to increased nitrous oxide emissions and it is not necessary for the EIR to include an estimate of nitrous oxide emissions.

- 1-3** The comment states that the global warming potential standards stated on page 8-2 of the Draft EIR are outdated.

The text on page 8-2 has been modified to reflect the current global warming potentials for methane and nitrous oxide. However, as discussed in detail in Response to Comment 1-2 above in this section (Section 3.3, Organizations), the emissions estimates for the proposed project are assumed to all be CO₂. Because the global warming potential of CO₂ has not changed, the revised global warming potential standards do not affect the Draft EIR’s conclusions.

- 1-4** The comment discusses the use of the GHG threshold recommended by the El Dorado County and Sacramento Metropolitan Air Quality Management Districts. The comment states that this threshold mimics that of the Bay Area Air Quality Management District (BAAQMD). The comment also states that the BAAQMD CEQA Guidelines do not require quantification of biogenic emissions (such as from

decomposition or combustion of vegetation) and that there is no GHG threshold specific to this source of emissions.

The comment is correct that the BAAQMD guidelines do not distinguish between biogenic and non-biogenic emissions and that there is no GHG threshold specific to biogenic emissions. However, the BAAQMD guidelines were not relied on in the Draft EIR. Rather, the Draft EIR includes quantification of biogenic emissions in Table 8-3 and the text on pages 8-18 and 8-19. Note that the values in Table 8-3 and the text on pages 8-18 and 8-19 have been revised, as discussed previously in Response to Comment 1-2 above in this section (Section 3.3, Organizations).

The GHG threshold recommended by the Sacramento Metropolitan Air Quality Management District and used in the Draft EIR analysis is not specific to any particular source of emissions. The Draft EIR analysis considers all biogenic emissions associated with the project. The threshold identifies a total volume of emissions above which a significant impact would occur. Thus, the threshold has been properly applied to the analysis of GHG emissions associated with the proposed project.

- 1-5** The comment states that the COLE model accounts only for biomass carbon stocks contained within vegetation and does not provide any information related to indirect biogenic emissions. Further, the comment notes that the COLE model does not reflect the manner in which the vegetation is utilized or disposed of. The comment questions how the COLE model can be applied to the EIR analysis of GHG emissions when it does not account for the manner in which the vegetation is utilized or disposed of.

As stated previously, the COLE model calculates the total amount of carbon sequestered within a forest community. The comment is correct that the COLE model does not predict the methods by which the carbon would be released from the vegetation. As presented on page 8-7 of the Draft EIR, the analysis assumes that no utilization of wood products will occur and that all sequestered carbon from removed vegetation will be returned to the atmosphere. As described in Response to Comment 1-2 above in this section (Section 3.3, Organizations), the Draft EIR analysis is based on the reasonable assumption that biomass from converted oak woodlands would be burned as firewood or chipped into mulch, which would slowly decompose. In other words, the COLE model was used only to determine the total amount of carbon that is currently sequestered in oak woodlands. The Draft EIR applied additional analysis regarding how that carbon would be released back to the atmosphere.

- 1-6** The comment cites text in the Draft EIR that references the mitigation requirements under the proposed ORMP and asserts that the conservation of existing off-site woodland habitat should not be described as a reduction in the project's GHG

emissions, because those forests are already existing and carbon uptake (sequestration) rates would not increase. The comment states that mitigation for the project's GHG emissions should occur through tree planting to meet an 80% reduction in GHG emissions by 2050 and the 2008 AB 32 Scoping Plan forest sector policy targets.

The discussion on pages 8-18 and 8-19 of the Draft EIR does not count off-site conservation as a reduction in the project's GHG emissions. Rather, the discussion focuses on the amount of on-site retention that may occur within the woodland areas that would be impacted under General Plan implementation by 2035. As discussed in Master Response 9 in Chapter 2 (Master Responses) in this Final EIR and in Response to Comment 1-2 above in this section (Section 3.3, Organizations), the total area of potential impact has been recalculated. Where the Draft EIR originally identified a potential for impacts to 6,442 acres of oak woodland, the revised calculations indicate a potential for impacts to 4,848 acres of oak woodland. Therefore, the discussion on pages 8-18 and 8-19 has also been revised. The bulleted list item starting on the bottom of page 8-18 considers a scenario where 50% on-site retention is achieved on every project site. This would reduce the amount of oak woodland impacts from 4,848 acres to 2,667 acres (accounting for residential development that would be exempt from the ORMP mitigation requirements) and thus reduce the amount of carbon released to the atmosphere. The second bulleted list item in this discussion assumes that 25% on-site retention is achieved on every project site, which would reduce the amount of oak woodland impacts to 3,757 acres (accounting for residential development that would be exempt from the ORMP mitigation requirements). The third bulleted list item assumes that no on-site retention is achieved and calculates the total GHG emissions associated with loss of the full 4,848 acres. Based on these calculations, the analysis identifies the likely range of GHG emissions associated with the loss of carbon sequestration from General Plan implementation through 2035.

The Draft EIR discusses potential mitigation for the project's GHG emissions on page 8-21. This includes consideration of requirements for more on-site retention of oak woodlands, evaluated as Alternative 2, and changes in development density, intensity, and patterns to allow for greater amounts of retention. The comment does not identify any deficiencies or errors in that analysis, which concluded that these potential mitigation measures would not be feasible.

The comment asserts that tree planting is sufficient to meet the Scoping Plan goal of reducing GHG emissions 80% by 2050.

As discussed further below, the AB 32 Scoping Plan and associated documents do not mandate that an 80% reduction in GHG emissions be achieved by 2050 in all economic sectors and by each individual project. Rather, they provide a comprehensive, strategic plan for reducing statewide GHG emissions and protecting our natural and built environments from the effects of climate change.

For example, the Scoping Plan Update states “Buildings represent the second largest source of statewide GHG emissions, when accounting for electricity, natural gas, and water consumption” (CARB 2014). Given this, the Scoping Plan focuses heavily on reducing emissions associated with buildings by recommending actions associated with green building, such as achieving zero net carbon buildings, as a key approach in reducing GHG emissions statewide. Another key strategy in the Scoping Plan Update is the state’s Cap-and-Trade Regulation, which “a hard and declining cap on approximately 85 percent of total statewide GHG emissions” (CARB 2014).

Although the Scoping Plan Update recognizes that natural and working lands (including forests) have an important role to play in the state’s GHG reduction plans, it is anticipated that a large portion of GHG reduction will occur in the building sector, transportation, sector, and other market sectors. The Scoping Plan does not include a goal of reducing forest sector emissions 80% by 2050, or mandate the use of tree planting to achieve this reduction. Instead, the 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).

The initial Scoping Plan included a Sustainable Forest Target, which identified a goal of maintaining net carbon sequestration on forest lands. “This was to be achieved using the mechanisms provided by the Forest Practice Rules, timberland conversion regulations, fire safety requirements, forest improvement assistance programs, and the California Environmental Quality Act (CEQA), which requires avoidance or mitigation of impacts affecting forest site productivity or forest carbon losses to conversion” (CARB 2014, p. 70). The proposed project would meet one of the secondary recommendations of the Scoping Plan, which is to prevent the conversion of forestlands through publicly and privately funded land acquisitions. With respect to tree planting, the initial Scoping Plan recommended consideration of the following but did not identify specific goals or performance standards for these actions:

- Planting trees on lands that were historically covered with native forests
- Establishing forest areas where the preceding vegetation was not forest
- Planting trees in urban areas

- Maintaining and enhancing forest stocks on timberlands through forest management practices subject to the Forest Practice Act

Although the Scoping Plan Update does recognize the importance of tree planting, noting that “Near-term investments in activities such as planting trees will help us reach our 2020 limit, but will also play a greater role in reaching our mid-term and longer-term 2050 targets especially if action is taken in the near-term” (CARB 2014, p. 72), the Scoping Plan Update does not require any specific amount of tree planting and does not require that all projects associated with natural and working lands achieve a specific GHG emission reduction target. Thus, the comment is not correct that mitigation for the project’s GHG emissions must occur through tree planting and the comment is not correct that the project must meet an 80% reduction in GHG emissions by 2050 under the 2008 AB 32 Scoping Plan forest sector targets.

The proposed mitigation options for loss of oak resources include, but do not require, replanting and/or restoration. As discussed in Section 2.4 (Replacement Planting Guidelines) of the ORMP, planting and restoration efforts must only be undertaken at sites that would be appropriate to supporting oak trees and oak woodlands. The availability of such sites cannot be known or reasonably estimated at this time within the context of the programmatic analysis of the effects of the proposed project. Thus, it is not feasible at this time to identify a specific amount of tree planting that can be accommodated as mitigation for loss of oak resources.

Additionally, landscaping is a required component of new development projects under the County’s General Plan policies and County Code Title 130 (Zoning Ordinance). Section 130.33.020 (Landscaping Standards, Applicability) states:

“All ministerial and discretionary development for industrial, research and development, commercial, multi-unit residential, civic, or utility uses shall provide landscaping for the areas of a lot that do not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).”

The County’s landscaping requirements will ensure that future development projects include planting of new vegetation that will partially offset some of the GHG emissions associated with continued General Plan implementation under the proposed project.

The proposed project is also consistent with other natural and working lands policies, actions, and strategies identified in the Scoping Plan Update. Specifically, the

Scoping Plan Update notes that “Natural and working landscapes in California are composed of widely varied, vibrant, and often interconnected biological systems” and recommends that resource management policies and decisions reflect an ecosystem approach that would provide carbon benefits as well as protecting the health and resiliency of these lands. This ecosystem approach is precisely the County’s goal for the proposed project.

- 1-7** The comment requests that the EIR explain how the project can attain consistency with the California Executive Order S-3-05 to reduce GHG emissions 80% by 2050.

Executive Order S-3-05 identifies the goals of reducing GHG emissions such that statewide emissions in 2020 are equal to the state’s 1990 emission levels and that statewide emissions in 2050 are 80% below 1990 levels. The 2020 target was also identified in AB 32 (adopted in 2006), whereas the 2050 target has not yet been identified in state legislation or regulation. As noted in the comment, SB 32, adopted in 2016, added a requirement to state law that the state’s GHG reduction rules and regulations “shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030.” This legislation is consistent with the GHG reduction goals identified in Executive Order B-30-15, as referenced in the comment.

In compliance with AB 32, the California Air Resources Board (CARB) has adopted the AB 32 Scoping Plan (CARB 2008) and the Scoping Plan Update (CARB 2014), which identify specific measures that can be taken in various economic sectors to ensure that the 2020 GHG reduction targets are met. However, as discussed previously, the AB 32 Scoping Plan and associated documents do not mandate that an 80% reduction in GHG emissions be achieved by 2050 in all economic sectors and by each individual project. Rather, they provide a comprehensive, strategic plan for reducing statewide GHG emissions and protecting our natural and built environments from the effects of climate change. This includes recognizing the effect of several federal and state laws and regulations on reducing GHG emissions, such as fuel efficiency standards; the statewide Renewables Portfolio Standard, which sets a minimum requirement for energy providers to obtain energy from renewable sources; and other regulations, such as AB 1492, which was adopted in 2012 and provided the basis for establishing a fee on certain types of lumber and wood products in California that now helps fund forest management programs related to timberlands. As of September 2016, the CARB website indicated that the state is on target for meeting the established 2020 GHG emission reduction goal (CARB 2016).

Additionally, the Scoping Plan Update states that specific policies, actions, and strategies for maintaining and increasing carbon storage in forestlands would be promulgated in a Forest Carbon Plan, which is still in preparation. In the meantime, CARB released a Forest Carbon Plan Concept Paper (March 2016) that documents the goals and strategies on which the Forest Carbon Plan is expected to be based. Both the Forest Carbon Plan Concept Paper and the Scoping Plan Update recognize that tree removal and loss of woodlands will continue to occur. Neither document requires that each and every project attain an 80% reduction in GHG emissions or calls for wholesale tree replanting efforts as effective and feasible mitigation for the GHG emission implications of the ongoing tree and woodland removal.

Furthermore, neither document states that the GHG emissions reduction targets established under state law or executive order directly apply to these types of effects. Rather, the Scoping Plan Update and Forest Carbon Plan Concept Paper discuss ways in which natural and working lands can be made to more effectively store carbon and contribute to other goals, including resilience to climate change effects, healthy watershed and water supplies, long-term economic benefits, and production of wood products and biomass for energy while maintaining ecosystem health and biodiversity. The Forest Carbon Plan Concept Paper emphasizes the creation of healthy ecosystems to avoid the stresses that overly dense forest land faces – such as the presence of water-stressed individual trees that succumb to disease or other issues, or overcrowding, which leads to fires that burn longer and more intensely than the normal fire regime and results in releasing more carbon into the atmosphere than a normal fire regime.

The project would not directly lead to introduction of new sources of GHG emissions in the County and would not contribute to increased amounts of landscaping activities and burning firewood, which are the two sources of GHG emissions that would be indirectly associated with the project. The Draft EIR analysis is based on the reasonable assumption that biomass from converted oak woodlands would be burned as firewood or chipped into mulch, which would slowly decompose. To the extent that the use of firewood and landscaping materials from converted oak woodlands occurs within El Dorado County, the biogenic emissions from the project would either already be occurring (i.e., associated with existing residents) or would be associated with continued implementation of the General Plan.

As discussed in the Draft EIR, the proposed project is consistent with the Scoping Plan and Scoping Plan Update because it would provide the County with policies and a management strategy for protecting and conserving natural habitat in the County, which is a key element of the Scoping Plan and Scoping Plan Update goals for natural

and working lands. Thus, the project would contribute to statewide achievement of the forest sector strategies identified in the Scoping Plan and Scoping Plan Update and would not impede achievement of the GHG reduction goals established in California Executive Order S-3-05.

- 1-8** This comment requests a mathematical demonstration of how the proposed off-site conservation/replanting standards are consistent with AB32 Scoping Plan Goals of “no net loss” for forestland and carbon sequestration and “stretch targets” of increasing forest land CO₂ storage.

Neither the Scoping Plan nor the Scoping Plan Update identifies a goal of no net loss of forestland, and neither uses the term “stretch target.” There are no requirements in the Scoping Plan, Scoping Plan Update, or other GHG reduction policies and regulations that require no net loss of forestland. Rather, the Scoping Plan identified a Sustainable Forest Target of maintaining net carbon sequestration on forest lands, focusing on working forest lands (those that are subject to commercial harvesting and therefore the state’s Forest Practice Rules). The Scoping Plan Update reiterates the goals of maintaining and increasing carbon storage in the state’s forests, but provides that specific actions to achieve these goals will be set forth in the Forest Carbon Plan. It is expected that a key focus of the Forest Carbon Plan would be to recommend revisions to the Forest Practice Regulations, such as requiring that Sustained Yield Plans demonstrate that the planned activities would increase levels of carbon sequestration within that forest. Another action anticipated in the Forest Carbon Plan is to incentivize the sustainable use of biomass obtained from forest management practices to produce energy. The proposed project would have no effect on the state’s ability to develop these anticipated strategies and would not conflict with implementation of regulations that may be promulgated in support of these strategies.

The Scoping Plan Update reflects the state’s understanding of the complex role of natural and working lands in the overall GHG reduction strategy, noting that:

“Natural and working lands act as both a source of GHG emissions and a carbon sink that removes CO₂ from the atmosphere. For example, vegetation growth and associated carbon sequestration in response to favorable growing conditions in one year can be followed by reduced growth or mortality during extended periods of drought. Emissions from wildfire, pest, and disease, are all natural ecosystem processes that can fluctuate from year to year and greatly influence the relationship between source and sink. However, when sustainably managed, the potential for natural and working lands to reduce GHG

emissions and sequester carbon is significant and will be critical to reaching California's long-term climate goals.

Efforts to reduce GHG emissions and enhance carbon sequestration on natural and working lands also have significant economic, social, and environmental co-benefits, and can aid progress on efforts to prepare for climate change risks. A few key co benefits include protection of water supply and water quality, air quality, species habitat, recreation, jobs, wood and related products, flood protection, nutrient cycling and soil productivity, reduced heat-island effect, and reduced energy use. However, to ensure resilience, carbon management of these lands must be integrated with a broader suite of resource management objectives for those lands (CARB 2014, p. 70).”

- 1-9** This comment requests a mathematical demonstration of how the off-site conservation of existing forest land feasibly and proportionally mitigates fire or indirect forest conservation biogenic emissions in a manner consistent with the state's 2020, 2030, and 2050 timeline thresholds.

As discussed previously, the Scoping Plan and Scoping Plan Update do not assume that each individual policy action and development project must independently reduce its own GHG emissions consistent with the statewide 2020, 2030, and 2050 GHG reduction targets. Rather, the Scoping Plan, Scoping Plan Update, and other GHG reduction planning efforts provide a comprehensive strategy for achieving those reductions and protecting our natural and built environments from the effects of climate change. The comprehensive strategy includes recognizing the effect of several federal and state laws and regulations on reducing GHG emissions, such as fuel efficiency standards, the Renewables Portfolio Standards program, and AB 1492, which established a fee on certain types of lumber and wood products in California that now help fund forest management programs related to timberlands. Both the Forest Carbon Plan Concept Paper and the Scoping Plan Update recognize that tree removal and loss of woodlands will continue to occur. Neither document requires that each and every project attain a specific reduction in GHG emissions, and neither calls for wholesale tree replanting efforts as effective and feasible mitigation for any project that results in loss of trees or woodland habitat. Therefore, the mathematical demonstration requested in this comment is not warranted or required.

- 1-10** This comment requests an explanation as to how the Draft EIR GHG mitigation measures will provide consistency with the 2016 CARB Short-Lived Climate

Pollutants Policy. This comment then describes the contents of the 2016 CARB Policy and states that pending SB 1383 would codify the GHG reduction standards.

SB 1383 (Lara, 2016) was signed into law in September 2016. This bill added Sections 39730.5, 39730.6, and 39730.7 to the state's Health and Safety Code and added Chapter 13.1 to the California Public Resources Code. The bill requires the state to reduce methane by 40%, hydrofluorocarbon (HFC) gases by 40%, and anthropogenic black carbon (meaning non-forest sources) by 50% below 2013 levels by 2030. The bill requires the state to adopt a Short-Lived Climate Pollutant Strategy that will contain specific means to achieve these reduction targets. A draft strategy document was published by CARB in April 2016. The draft strategy document indicates that with existing regulations and reduction measures, anthropogenic black carbon emissions are projected to decrease by 57% between 2000 and 2020, and reductions in methane and hydrofluorocarbon emissions are also currently being realized as a result of existing regulations.

The proposed project would not interfere with any of the goals or strategies identified in the draft Short-Lived Climate Pollutant Strategy. Those goals most relevant to the proposed project include the following:

- By 2030, cutting combustion black carbon emissions by half (3 million MT (MMT) CO₂E) through a fireplace and woodstove replacement program
- Reducing or eliminating installation of new wood-burning devices
- Community education on proper burning practices to ensure more complete combustion
- Replacing open burning of harvested vegetative materials with sustainable biomass management

Other goals in the Short-Lived Climate Pollutant Strategy draft document are not relevant to the proposed project. They address methane emissions from livestock and dairy manure management and from the amount of organic material disposed of in landfills.

As discussed previously, the proposed project would not create any new sources of methane or black carbon. It would not directly or indirectly lead to construction of new housing that could include new wood-burning devices. It also would not directly or indirectly create any new sources of hydrofluorocarbon gases, which are typically emitted from air-conditioning units and commercial and industrial refrigeration.

The project is not inconsistent with the Short-Lived Climate Pollutant Strategy draft or with the requirements of SB 1383.

1-11 This comment states that the Draft EIR appears to piecemeal the project's near-term and long-term biogenic emissions by delaying analysis of such emissions to future project-specific analyses. The comment requests an explanation as to why this perception is inaccurate and how the Draft EIR approach provides consistency with the state's 2020, 2030, and 2050 timeline thresholds.

As discussed in Response to Comment 1-2 above in this section (Section 3.3, Organizations), the Draft EIR evaluates all of the emissions that could result from burning or decomposition of the oak woodlands that could be impacted under implementation of the General Plan. This includes the long-term biogenic emissions that could be indirectly attributed to oak woodlands removal that would be permitted under the proposed project. The Draft EIR notes specifically which individual project emissions were not included in this analysis – these are the emissions from use of on-road and off-road motor vehicles to clear land and haul away vegetative material. Such emissions would be a direct result of a specific land development project and it would be speculative to attempt to quantify such actions as part of the Draft EIR's programmatic analysis of the proposed project.

Further, as discussed in Response to Comment 1-7 above in this section (Section 3.3, Organizations), the proposed project is not inconsistent with the state's adopted GHG reduction measures and would contribute positively to the state's overall strategy for GHG reduction. Specifically, the project is consistent with the Scoping Plan and Scoping Plan Update because it would provide the County with policies and a management strategy for protecting and conserving natural habitat in the County and would contribute to statewide achievement of the forest sector strategies the state has identified in these planning documents.

As discussed in Master Response 8 in Chapter 2 (Master Responses) in this Final EIR and described in Chapter 2 (Introduction) of the Draft EIR, the EIR is a program-level document that provides a first-tier analysis of the effects of the proposed project. Program EIRs generally analyze broad environmental effects of the program, with the acknowledgment that site-specific environmental review may be required for particular aspects or portions of the program when those aspects are proposed for implementation (14 CCR 15168(a)). The Draft EIR does not piecemeal the project's near-term and long-term biogenic emissions. It provides an estimate of the biogenic emissions that would result from continued implementation of the General Plan based on the County's development projections. The environmental review required for

future discretionary projects would be required to include evaluation and mitigation of the project-specific contribution to GHG emissions.

- 1-12** The comment quotes text from page 8-19 of the Draft EIR and then states that the forest GHG emissions are measured over a 100-year planning horizon instead of a year-by-year basis. The comment then states that the additional 1,070,210 MT CO₂E annually is equal to 107,021,000 MMT CO₂E over 100 years and does not include CO₂, methane, nitrous oxide, and black carbon emissions.

The comment correctly states that typical forest project GHG emissions calculations are measured over a 100-year timeframe. However, the annual release value of 1,070,210 MT CO₂E discussed on page 8-19 of the Draft EIR is not related to a typical forest project analysis. Rather, this analysis is related to potential oak woodland conversion allowed under the proposed ORMP exemptions. This conversion would occur within the timeframe analyzed in the Draft EIR – 19 years, which is the timeline of the 2035 General Plan buildout. The intent of this analysis in the Draft EIR is to document a worst-case condition whereby all oak woodlands exempted from mitigation requirements (138,704 acres) would be converted over a 19-year period.

However, this wide-scale conversion is not expected to occur. As presented in Section 6.3 (Impacts) of the Draft EIR (Chapter 6, Biological Resources), oak woodland coverage in the County has fluctuated only slightly, with only a 0.8% reduction observed over a 13-year period, during which time some of the same or similar oak resource mitigation exemptions were in place. Consequently, the estimated annual release of 1,070,210 MT CO₂E presented in the Draft EIR likely significantly overestimates emissions that may occur. Additionally, it is noted on page 8-19 of the Draft EIR that the majority of this conversion, 132,281 acres, would be associated with expansion of agricultural activities, which could provide a replacement source of future carbon sequestration, depending on the type of agricultural activities.

The annual carbon release amount identified in the Draft EIR was based on the average carbon stock data for all oak woodland types that occur in El Dorado County and assumes all carbon content in those woodlands would be returned to the atmosphere through burning or decomposition. The Draft EIR analysis properly limits the potential emissions from oak woodland conversion under the proposed ORMP exemptions to the 2035 planning horizon. Because the County's continued growth and land development pressures and patterns beyond 2035 are unknown, it is not necessary for the Draft EIR to evaluate such future activities.

The comment also states that the analysis of annual emissions does not consider CO₂, methane, nitrous oxide, or black carbon emissions from biomass decomposition and combustion. As discussed in Response to Comment 1-2 above in this section (Section 3.3, Organizations), the Draft EIR analysis has been revised to incorporate the potential for methane emissions, but the project would not result in new sources of nitrous oxide or black carbon emissions. When the potential for methane emissions from residential firewood burning is included, the average GHG emissions (in MT CO₂E) per acre of impacted oak woodland decreases slightly. Thus, with the refined analysis as discussed in Response to Comment 1-2, the total annual MT CO₂E emissions associated with the ORMP exemptions would be slightly less than that identified in the Draft EIR.

- 1-13** This comment states that the (California) Natural Resources Agency (CNRA) has denied an agricultural exemption regarding forestland conversion GHG and further states that if the County wishes to claim a forest land conversion GHG biogenic emission exemption, it needs to provide statutory law citations. This comment then quotes CNRA text from 2009.

The Draft EIR does not assert that exemptions from forestland conversion GHG impacts would apply to agricultural projects. When an agricultural project is subject to CEQA, the County would be required to prepare a complete analysis of the project's environmental effects, including those related to GHG emissions.

The quoted text from the CNRA is not related to GHG emissions or reductions. The quoted text is from the CNRA responses to public comments received in response to proposed amendments to the Environmental Checklist Form in CEQA Guidelines Appendix G (CNRA 2009). Specifically, the quoted text comes from the CNRA's response to a comment from the Farm Bureau and Wine Institute, labeled as comment 97-2, and summarized by the CNRA as stating that adding forest resources questions to the Agriculture section in the checklist distorted the section from its original intent of protecting agriculture resources and suggesting that the amendments to the GHG section of the checklist would adequately address any significant GHG impacts.

- 1-14** The comment requests CO₂, methane, nitrous oxide, and black carbon emissions calculations resulting from decomposition or combustion associated with impacts to 138,704 acres (of oak woodland).

CO₂ emissions associated with impacts to 138,704 acres of oak woodland are discussed on page 8-19 of the Draft EIR (Chapter 8, Greenhouse Gases). This discussion presented emissions calculations on an annual basis, occurring between 2016 and 2035 (19 years). The annual emissions total (1,070,210 MT CO₂E)

calculated for a 19-year period equals 20,333,990 MT CO₂E. As discussed in Response to Comment 1-2 above in this section (Section 3.3, Organizations), the Draft EIR analysis has been revised to incorporate the potential for methane emissions, but the project would not result in new sources of nitrous oxide or black carbon emissions. When the potential for methane emissions from residential firewood burning is included, the average GHG emissions (in MT CO₂E) per acre of impacted oak woodland decreases slightly. Therefore, with the refined analysis as discussed in Response to Comment 1-2, the total annual MT CO₂E emissions associated with the ORMP exemptions would be slightly less than that identified in the Draft EIR.

- 1-15** The comment requests CO₂, methane, nitrous oxide, and black carbon emissions calculations resulting from decomposition or combustion associated with impacts resulting from forest land conversion by 2025.

CO₂ emissions associated with 2025 land development projections are expressed as MT CO₂E and are presented in Table 8-3 of the Draft EIR (Chapter 8, Greenhouse Gases, Section 8.3, Impacts). Table 8-3 has been revised as discussed in Response to Comment 1-2 above in this section (Section 3.3, Organizations) regarding potential methane emissions. As stated in Response to Comment 1-2, the project would not introduce new sources of nitrous oxide or black carbon in the County.

- 1-16** The comment requests CO₂, methane, nitrous oxide, and black carbon emissions calculations resulting from decomposition or combustion associated with impacts resulting from forest land conversion by 2035.

CO₂ emissions associated with 2035 land development projections are expressed as MT CO₂E and are presented in Table 8-3 of the Draft EIR (Chapter 8, Greenhouse Gases, Section 8.3, Impacts), which has been revised as discussed in Response to Comment 1-2 above in this section (Section 3.3, Organizations). As stated in Response to Comment 1-2, the project would not introduce new sources of nitrous oxide or black carbon in the County.

- 1-17** The comment requests CO₂, methane, nitrous oxide, and black carbon emissions calculations resulting from decomposition or combustion associated with impacts resulting from forest land conversion by 2050.

As stated in Chapter 4 (Methodology and Assumptions) of the Draft EIR, the baseline and cumulative conditions against which the proposed project is evaluated are consistent with the El Dorado County Targeted General Plan Amendment and Zoning Ordinance Update (GPA and Zoning Ordinance Update) EIR adopted by the County

Board of Supervisors on December 15, 2015, This analysis considers impacts from General Plan implementation in 2025 and 2035. Forest land impact totals and resulting GHG emissions calculations are based on 2025 and 2035 development projections identified in the GPA and Zoning Ordinance Update. Development projections for 2050 are not available; therefore, calculations of emissions resulting from land development between 2036 and 2050 in this year are not feasible. It would be speculative to attempt to quantify forest conversion from future development beyond the planning horizon of the General Plan.

1-18 The comment correctly quotes text from the Draft EIR and asserts that there is feasible and proportional project mitigation available by planting/maintaining the requisite number of replacement trees in the County to reduce forest conversion GHG biogenic emissions 80% by 2050. The comment further states that the question is whether or not the County would have land available after developing 140,000 acres of oak woodland. The comment concludes that the statement that the Draft EIR is not in conflict with the state climate change policy is specious.

As discussed in Response to Comment 1-6 above in this section (Section 3.3, Organizations), the AB 32 Scoping Plan and associated documents do not mandate that an 80% reduction in GHG emissions be achieved by 2050 in all economic sectors and by each individual project. Therefore, the comment is not correct that this level of mitigation is required in order to be consistent with the state's climate change policy. Further, as discussed in Response to Comment 1-7 above in this section (Section 3.3, Organizations), the proposed project is consistent with the Scoping Plan and associated documents because it would provide the County with policies and a management strategy for protecting and conserving natural habitat in the County, in keeping with the natural and working lands strategies identified in the Scoping Plan and Scoping Plan Update.

As discussed in Response to Comment 1-6 above in this section (Section 3.3, Organizations) and in response to Comment 4-26 in Section 3.2 (State and Local Agencies) in this Final EIR, it is not feasible at this time to identify a specific amount of tree planting that could be accommodated as mitigation for loss of oak resources. Tree planting must be done in locations that are capable of supporting the trees, and under the proposed project, mitigation sites must be obtained from willing sellers. Until mitigation sites have been identified, it is not feasible to determine to what extent tree planting can be undertaken successfully.

As discussed in Response to Comment 1-6 above in this section (Section 3.3, Organizations), the County's landscaping requirements will ensure that future

development projects include planting of new vegetation that will partially offset some of the GHG emissions associated with continued General Plan implementation under the proposed project. Additionally, the environmental review required for future discretionary projects would ensure that the project-specific contribution to GHG emissions is evaluated and mitigated to the extent feasible.

The Draft EIR does not identify that 140,000 acres of oak woodland would be developed. With the revisions described in Master Response 9 in Chapter 2 (Master Responses) in this Final EIR, the Draft EIR identifies that future land development is anticipated to affect a maximum of 4,848 acres of oak woodland, while the activities that could occur under the ORMP exemptions could affect up to 138,704 acres of oak woodland. The vast majority of these acres (132,281) are in agricultural production or otherwise support agricultural activities and resources and therefore would not likely be appropriate locations for tree-planting mitigation efforts. Therefore, the level of projected development in the County would not affect the ability of individual project developers to find locations that would be appropriate for tree planting.

Further, tree planting is not the only way in which the indirect GHG emissions that may be attributed to the proposed project could be mitigated. The Scoping Plan and Scoping Plan Update identify other mechanisms by which forests and other natural and working lands can contribute to the statewide GHG reduction targets, including the following:

- Preventing the conversion of forestlands through publicly and privately funded land acquisitions
- Maintaining and enhancing forest stocks on timberlands through forest management practices subject to the Forest Practice Act
- Planting trees in urban areas
- Using urban forest wood waste for bioenergy
- Reducing vegetative fuels that could feed wildfires and using this waste for bioenergy

The proposed ORMP would require conservation in perpetuity of oak woodlands at a minimum ratio of 1:1 when a project has achieved a minimum on-site retention of 50% of the existing oak woodlands. Where a project retains less than 25% of the existing oak woodland on-site, off-site conservation at a 2:1 ratio would be required. This provides substantial conservation of oak woodlands throughout the County, consistent with the first strategy noted above.

Finally, it is also noted that the indirect GHG emissions that can be attributed to the proposed project would consist of emissions from decomposing landscaping materials and from residential firewood burning, as discussed in Response to Comment 1-2 above in this section (Section 3.3, Organizations). These emissions would either be associated with existing residential development, and thus would not represent new sources of GHG emissions, or would occur as a result of new residential development. Where new residential development requires discretionary project approvals from the County, the project would also be subject to CEQA review, which would include analysis and mitigation of the project's direct GHG emissions.

- 1-19** This comment states that the El Dorado air district threshold excludes quantification of biogenic emissions and the COLE model does not account for indirect GHG biogenic emissions. The comment states that due to use of this threshold and data source, the Draft EIR does not account for emissions associated with biomass decomposition and combustion. The comment further states that the Draft EIR understates the importance of immediately addressing GHG emissions and fails to adequately consider appropriate mitigation/alternative to reduce significant impacts.

As discussed in Response to Comment 1-2 above in this section (Section 3.3, Organizations), the comment is correct that neither the air district threshold nor the COLE model address biogenic emissions. However, the Draft EIR has addressed biogenic emissions, specifically those from decomposition and burning of biomass harvested from the oak woodlands that may be impacted as the County's General Plan is implemented. The Draft EIR considers mitigation and project alternatives that could reduce significant impacts but finds that mitigation that would substantially reduce this impact is infeasible.

- 1-20** This comment states that the Draft EIR appears to obfuscate and minimize project forest land conversion GHG biogenic emissions, rather making a bona fide attempt to comply with CEQA. This comment further states that a constant among court decisions regarding GHG analysis is that project emissions must be accurately and fully rendered in a CEQA document.

As documented in these responses to the comments from the California Oaks foundation, the GHG analysis in the Draft EIR provides a detailed and thorough analysis of the potential GHG emissions that may be indirectly attributed to the proposed project. The revised impact calculations described in Master Response 9 in Chapter 2 (Master Responses) in this Final EIR and the additional information regarding methane emissions presented in Response to Comment 1-2 above in this section (Section 3.3, Organizations) further inform the GHG analysis, and

appropriate revisions to the Draft EIR text have been completed as described in those responses. Therefore, the EIR complies with CEQA requirements related to GHG impact analyses.

- 1-21** This comment states that the Draft EIR is deficient as an informational document because it fails to apprise decision makers and the public of the full range and intensity of the adverse GHG emission effects, as represented in comments 1-1 through 1-20 in Comment Letter 1 (California Oaks) above in this section (Section 3.3, Organizations).

As discussed in Response to Comment 1-20 above in this section (Section 3.3, Organizations), the Draft EIR as revised provides complete disclosure of the full range and intensity of the adverse GHG emission effects that may be indirectly attributed to the proposed project.

- 1-22** This comment refers to the commenter's attached Exhibit A, which quotes from the California Supreme Court decision in the *Center for Biological Diversity v. Department of Fish and Wildlife* (2015), stating that EIRs may need to consider compliance with longer-term emissions reduction targets. The quoted material includes a footnote that discusses Executive Order No. S-3-05 (2005) that included emissions reduction targets for 2050.

The proposed project is the adoption of revised biological resources policies in the County's General Plan and adoption of the proposed ORMP. Both the General Plan policies and the ORMP would guide development within the County as the General Plan is implemented. The County's GPA and Zoning Ordinance Update EIR considered GHG emissions from buildout of the General Plan overall, whereas the EIR for the proposed project properly considered the potential for indirect GHG emissions associated with loss of oak resources under the General Plan planning horizons of 2025 and 2035. These indirect emissions would occur over time as vegetative materials removed from the oak woodlands decompose or are burned for firewood, but the project would not create new sources of GHG emissions that would have ongoing contributions to the County's GHG inventory or would impede attainment of the future GHG emissions reduction targets.

Comment Letter 2

From: **Brien Brennan** <brien.b.b@gmail.com>
Date: Tue, Aug 9, 2016 at 8:50 PM
Subject: Oak Resources Management Plan
To: shawna.purvines@edcgov.us
Cc: boardofsupervisors@amadorgov.org, bos@placer.ca.gov, oakstaff@californiaoaks.org

Brien Brennan
Elder Creek Ecological Preserve
7200 South Fork Drive
Red Bluff, CA 96080
9 August, 2016

Shawna Purvines, Principal Planner
Community Development Agency
Long Range Planning Division
2850 Fairlane Court
Placerville, CA 9567

RE: Draft Environmental Impact Report Biological Resources Policy Update/Oak Resources Management Plan

Dear Shawna Purvines:

I am writing with grave concerns about the proposed Oak Resources Management Plan, particularly Sections 2.1.1, 2.1.5, 2.1.6, 2.1.10, 2.1.11, 3.0 and likewise, Section 130.39.050 of the Proposed Oak Resources Conservation Ordinance, items A, E, F, J and K.

All ecological indicators point to the joint mass extinction underway and the rapid change in climate to be a crisis the like humans have never before encountered. It is well past time to stop business as usual and act with visionary leadership. County governments can do this far more easily than state or federal ones, so I implore you to rewrite your Oak Resources Management Plan accordingly.

Oak woodlands are not only vital to the hydrology of El Dorado County, they are critical to California’s defense against anthropogenic climate disruption (aka climate change). And of course oaks are keystone species and their woodlands—and they are *theirs*, not *ours*—provide vitally important habitat for wildlife and other native plants. Aside from watershed protection, slope stabilization and carbon sequestration, their aesthetic beauty very likely plays an important role, even if subconsciously, in the psyches and well-being of the county’s residents and visitors. Who wants to live in or visit treeless, non-native annual grasslands or chem-sprayed orchards and vineyards?

The plan to negatively impact 59.19% of the oak woodlands that grow below 4,000 feet will destroy regenerative natural capital that the stated mitigation measures (Section 2.2.2) cannot address. Oak restoration, while important, is in reality, a tiny step towards restoring the many “ecosystem services” of a mature oak woodland. Oak seedlings require many years to reach maturity, and they need protection from grazing to do so. Thus, assuming the replanted oaks are cared for adequately to reach maturity, the net result is *many* years of lost soil-building, carbon sequestration and watershed health following the destruction of the oak woodland. Given the crisis of a likely 7-11 degree F rise in temperature this century, removal of any mature community of trees is utter insanity, with the possible exception of certain invasive non-natives. This is because deep-rooted perennials (trees mostly!) are the cheapest way to sequester carbon dioxide from the air.

Further, a great deal of research has documented the importance of maintaining habitat connectivity to ensure sustainable wildlife habitat and healthy watersheds, again especially in light of climate change. El Dorado County’s planned destruction of 147,146 acres of oak woodlands would so dramatically change



the natural characteristics of the county’s rural landscapes that severe long-term negative economic impacts—such as rural communities with degraded natural amenities, more frequent flooding, less groundwater and stream recharge, and loss of pollinators—will accrue across and beyond the county. The Conservation Alternative proposed by the Center for Sierra Nevada Conservation seeks to ensure that the county’s wildlands retain their habitat function.

2-5
Cont.
2-6

There is abundant evidence from across the globe—for thousands of years now—that irrigation agriculture, particularly of climatically inappropriate plants, leads to desertification and impoverishment, both biological and human. History and science show that removing native trees is by far the worst choice a human culture can make for the long-term viability of living in that location. Therefore, greater consideration should be given to the coexistence of oak woodlands and agricultural activities as the county envisions its future. A wise culture would choose to expand the oak woodlands and shrink the agricultural lands, requiring that all agricultural practices conform to the best science of the day, which means bio-intensive agro-ecology, not industrialized farming that manages for short-term profit and oxidation of the soil, which leads to desertification. Not only can an agro-ecologist make multiple times more money per acre, they can do so with a lot less personal economic stress and very little, if any, negative consequences for the life that is the land. The planning documentation states that up to 132,281 acres may converted by expanded agricultural activities in the county. This is sheer madness, doubly so given the climatic situation. Keeping oak woodlands intact would actually continue to benefit the existing agricultural landscape through carbon sequestration, slope stabilization, soil-building, and watershed replenishment.

2-7

A more robust analysis would seek to keep the county’s working landscapes in balance with the natural landscape. Pastoralism, of which ranching is one form, is compatible with oak woodlands and provides local, high quality animal protein. Conservation easements add economic value to working landscapes and retain the ecosystem values of the landscape, benefitting the landowner, the county as a whole, and the region.

2-8

Development and “conversion” are the two worst things you can do to oak woodlands and your community. El Dorado County needs to rewrite its plan. Thank you for your consideration. Please be visionary.

2-9

Sincerely,

Brien Brennan

cc: The Honorable Edmund G. Brown, Jr.
Board of Supervisors, Amador County
Board of Supervisors, Placer County
California Oaks Coalition
The Honorable Senator Fran Pavley

Response to Comment Letter 2

Elder Creek Ecological Preserve

Brien Brennan

August 9, 2016

- 2-1** This comment expresses concern with sections of the proposed Oak Resources Management Plan (ORMP) and Oak Resources Conservation Ordinance, mass extinction, and climate change, and requests a rewrite of the ORMP to provide more visionary leadership.

This comment does not address the accuracy or adequacy of the Draft Environmental Impact Report (EIR); therefore, no response is required. This comment, along with all comments on the Draft EIR, will be considered by the El Dorado County (County) Board of Supervisors in their deliberations on the proposed General Plan Biological Resources Policy Update and Oak Resources Management Plan (project).

- 2-2** This comment states that oak woodlands are important to hydrology as well as defending against climate change, providing vital habitat for wildlife and other native plants, and providing an aesthetic contribution to the County, among other values.

This comment does not address the accuracy or adequacy of the Draft EIR; therefore, no response is required. This comment, along with all comments on the Draft EIR, will be considered by the Board of Supervisors in their deliberations on the proposed project.

- 2-3** This comment notes that 59.19% of the County's oak woodlands would be negatively impacted as a result of the proposed project and states that the mitigation measures presented in Section 2.2.2 (Oak Woodland Mitigation) of the ORMP cannot address the loss of regenerative capital in oak woodlands. The comment further states that tree planting associated with oak restoration, although important, results in many years of lost "ecosystem services" associated with mature oak woodlands.

The commenter is correct that development activities contemplated under General Plan land use policies would result in a significant and unavoidable impact due to loss of oak woodlands, as disclosed in the Draft EIR. Refer to Master Response 9 in Chapter 2 (Master Responses) in this Final EIR regarding a recalculation of the extent of the anticipated loss of oak woodlands. As discussed in Master Response 9, the Draft EIR anticipated a maximum loss of 6,442 acres of oak woodlands, whereas the revised calculation indicates that there would be a maximum loss of 4,848 acres.

The loss of oak woodlands described in the Draft EIR is a program-level evaluation to analyze effects of the proposed biological resources policies and ORMP and Implementing Ordinance. The Draft EIR analyzes broad environmental effects of the program and makes assumptions on development impacts based on General Plan development scenarios.

The Draft EIR finds that there is no feasible mitigation that would substantially lessen the impact. Also refer to Master Response 9 in Chapter 2 (Master Responses) in this Final EIR regarding recalculated impact totals.

The ORMP emphasizes the value in retention of intact oak woodlands and identifies replacement planting as a mitigation option. Consistent with California Public Resources Code 21083.4, replacement planting is limited to 50% and requires a minimum 7-year monitoring and survival period. The ORMP requires that mitigation for specific projects would be directed by a Qualified Professional as outlined in an Oak Resources Technical Report.

- 2-4** This comment provides opinion regarding oak woodland impacts and potential temperature increases resulting from climate change and that trees are the cheapest method for sequestering atmospheric carbon dioxide. The comment suggests that no removal of any mature community of trees should be allowed.

As discussed in Master Response 1 in Chapter 2 (Master Responses) in this Final EIR, the County must balance competing goals and priorities to meet the County's goals and objectives as identified in the General Plan. Prohibiting removal of any trees would substantially constrain land use and development opportunities in the County and impede attainment of the County's General Plan. The proposed ORMP requires higher mitigation ratios for removal of Heritage Trees, which are defined as trees that are at least 36 inches diameter at breast height. This comment, along with all comments on the Draft EIR, will be considered by the Board of Supervisors in their deliberations on the proposed project.

- 2-5** This comment states that habitat connectivity will ensure sustainable wildlife habitat and healthy watersheds. The comment states that El Dorado County plans for a loss of 147,146 acres of oak woodlands, which will lead to long-term economic impacts, such as rural communities with degraded natural amenities, more frequent flooding, less groundwater and stream recharge, and loss of pollinators.

The Draft EIR was prepared using a conservative approach for estimation of loss of oak woodlands. That approach is described in Chapter 4 (Methodology and Assumptions) on pages 4-6 as follows:

“...for the vacant parcels, the General Plan and zoning designations and the growth projection data discussed in Section 4.3 were used to identify which vacant parcels would be likely to be developed under the 2025 and 2035 analysis scenarios. Where a currently vacant parcel was identified as being expected to develop, the impact analysis in this EIR assumes that all of the biological resources on such a parcel would be removed or otherwise adversely affected by development. In other words, the impact analysis assumes that no natural habitat or vegetation would be retained onsite.”

This same approach was used to evaluate and estimate the potential loss of oak woodlands from exemptions to the ORMP. As described in Chapter 6 (Biological Resources) of the Draft EIR, if all oak woodlands in areas where exemptions could apply were impacted, it would total 138,704 acres of oak woodlands, and impacts associated with ORMP exemptions would result in the loss and fragmentation of oak woodlands wildlife habitat without mitigation. The majority of impacts that could occur under the ORMP exemptions are associated with the Agricultural Activities Exemption. As discussed in Master Response 5 in Chapter 2 (Master Responses) in this Final EIR, there is no substantial evidence in the record that current or forecasted agricultural activities will result in large-scale permanent oak woodland conversion. The Agricultural Exemption has been in place since 2004 and the California Department of Forestry and Fire Protection’s Fire Research and Assessment Program oak woodland coverage data shows that there has only been a 0.8% reduction in oak woodland coverage in the ORMP study area since 2002.

As discussed in Master Response 9 in Chapter 2 (Master Responses) in this Final EIR, the maximum potential amount of oak woodland loss was recalculated. The Draft EIR identified a maximum loss of 6,442 acres, but this amount has been revised to a maximum loss of 4,848 acres of oak woodland as a result of development under the General Plan by 2035. Mitigation would be required for impacts to 4,362 acres (this is the total area of development reduced by the area of development that would meet the proposed ORMP single-family residential and affordable housing exemptions).

Establishment of conservation areas under Policy 7.4.2.8 and the ORMP would offset many of the impacts related to habitat fragmentation. Further mitigation of these impacts would occur through implementation of Mitigation Measure BIO-1

(Conservation Area Monitoring), which would ensure that monitoring of preserved areas is maintained in perpetuity and that monitoring costs would be borne by the individual development project or projects that caused the impact. Still, the loss and fragmentation of wildlife habitat would remain significant and unavoidable.

Pollination is discussed briefly under Impact BIO-1, which is significant and unavoidable. The Initial Study, as discussed in Chapter 2 (Introduction) of the Draft EIR, concludes that the project would have no impacts or less than significant impacts to resources such as Population and Housing (which covers some economic discussions) and Hydrology and Water Quality (which includes groundwater). Therefore, these chapters were not included in the document. Water quality was again discussed briefly in Impact FOR-1 in Chapter 7 (Forestry) of the Draft EIR. Although future development could result in alterations to natural vegetation communities, including oak woodlands, and alter drainage patterns, volumes, and rates within a project site, all projects would be required to meet the applicable water quality and stormwater management requirements of the General Plan and the National Pollutant Discharge Elimination System. These requirements would not be altered as a result of the proposed project. Therefore, project impacts to the water quality value of oak woodlands would be less than significant.

- 2-6** The comment states that the Conservation Alternative proposed by the Center for Sierra Nevada Conservation seeks to ensure that the County's wildlands retain their habitat function.

As described in Chapter 10 (Alternatives) of the Draft EIR, a reasonable range of alternatives were considered for the proposed project. The Conservation Alternative proposed by the Center for Sierra Nevada Conservation has similar components to the No Net Loss of Oak Woodlands Alternative and the Habitat Fragmentation/Wildlife Movement Alternative, both described in Chapter 10. The former was deemed infeasible because it would not allow the County to meet its General Plan goals, and the latter would not reduce or avoid the project's impacts. Refer to Chapter 10 (Alternatives) of the Draft EIR for a complete description of the alternatives selection process. Also refer to Master Response 7 (Center for Sierra Nevada Conservation Alternative) and Master Response 10 (No Net Loss of Oak Woodlands alternative) in Chapter 2 (Master Responses) in this Final EIR.

- 2-7** This comment states that agriculture leads to desertification and impoverishment. The commenter suggests the County should choose to expand oak woodlands and shrink agricultural lands. Keeping oak woodlands intact would continue to benefit the existing agricultural landscape through carbon sequestration, slope stabilization, soil-building, and watershed replenishment. The comment states that according to the

planning documentation, 132,281 acres may be converted by expanded agricultural activities in the County.

The commenter is correct in stating that the Agricultural Activities Exemption could allow for up to 132,281 acres of impact that are exempt from mitigation requirements. As described in Chapter 6 (Biological Resources) of the Draft EIR, the analysis conservatively assumes loss of oak woodlands on all properties that could allow agricultural activities. Response to Comment 2-5 above in this section (Section 3.3, Organizations) includes a brief description on how the impact acres were estimated. It is very unlikely that all acres analyzed will use the agricultural exemption. However, decreasing the amount of agricultural land or development within the County is not within the scope of the proposed project. Refer to Master Response 5 (Agricultural Activities Exemption) in Chapter 2 (Master Responses) in this Final EIR. Also refer to Chapter 8 (Greenhouse Gases) of the Draft EIR for a detailed discussion about greenhouse gases. Regarding slope stabilization, soil-building, and watershed replacement, as described in Chapter 2 (Introduction) of the Draft EIR, based on the Initial Study, the Geology, Soils, and Seismicity chapter and the Hydrology and Water Quality chapter were not included in this EIR because they would have no impact or less than significant impacts.

- 2-8** This comment suggests that a more robust analysis would seek to keep the County's working landscapes, such as pastoralism, in balance with the natural landscape, and would be compatible with oak woodlands. The comment also posits the benefits of conservation easements.

As described in Chapter 10 (Alternatives) of the Draft EIR, the alternatives were selected because they are potentially feasible and would avoid or substantially lessen the significant effects of the proposed project. In order to be feasible, the alternatives must also meet the 2004 General Plan goals, which guide the County's planning through 2035. Increasing pastoralism is not within the scope of the proposed project. Refer to Master Response 1 in Chapter 2 (Master Responses) in this Final EIR. Conservation easements have been incorporated into the ORMP and the General Plan. Mitigation could include on-site and/or off-site conservation (through a conservation easement), replanting, and/or payment of an in-lieu fee.

- 2-9** This comment states that development and conversion are the two worst things for oak woodlands and the community, and states that the County needs to rewrite its plan.

Decreasing development within the County is beyond the scope of the proposed project. Refer to Master Response 1 in Chapter 2 (Master Responses) in this Final EIR. As described in Chapter 10 (Alternatives) of the Draft EIR, the alternatives were selected because they are potentially feasible and would avoid or substantially

lessen the significant effects of the proposed project. In order to be feasible, the alternatives must also meet the 2004 General Plan goals, which guide the County's planning through 2035. Given the General Plan goals, the ORMP is designed to conserve and manage the County's oak resources. Compared to the pattern of development and conservation under existing General Plan policies, the ORMP is expected to result in reduced impacts to sensitive habitats.

Comment Letter 3

8/15/2016

Edcgov.us Mail - Alternative 2 to the General Plan update on Oak Woodlands



Shawna Purvines <shawna.purvines@edcgov.us>

Alternative 2 to the General Plan update on Oak Woodlands

Debra Ayres <drayres@ucdavis.edu>
To: shawna.purvines@edcgov.us

Fri, Aug 12, 2016 at 11:05 AM

El Dorado County Community Development Agency, Long Range Planning
Alternative 2 to the General Plan update on Oak Woodlands
Attn: Shawna Purvines
2850 Fairline Court, Building C
Placerville, CA 95667

August 12, 2016

Dear Ms. Purvines,

One of the greatest threats to the biological richness supported by our native plant communities is a severing of connections among those plant community types. Those connections allow our native plants and animals to migrate to their preferred habitats. It is for this reason that I advocate Alternative 2 to the General Plan update as maintaining 30% of the oaks on all properties will keep those vital connections alive and functioning.

3-1

Best regards,

Debra Ayres, PhD, Vice President, El Dorado Chapter of the California Native Plant Society.

--

Debra Ayres, PhD
Project Scientist, ret.
e-mail: drayres@ucdavis.edu

<https://mail.google.com/mail/u/0/?ui=2&ik=150a3325ea&view=pt&cat=Bio%20Policy%20Update%2FBIO%20EIR%2FPublic-Agency%20Comments%20...> 1/1

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Response to Comment Letter 3

California Native Plant Society

Debra Ayres

August 12, 2016

- 3-1** The comment states that one of the greatest threats to the biological richness supported by native plant communities is a severing of connections among those plant community types. The comment advocates for Alternative 2 to maintain 30% of the oaks on all properties to keep vital connections alive and functioning.

As described in Chapter 10 (Alternatives) of the Draft EIR, Alternative 2 (Minimum Oak Retention Requirement) would reduce loss of oak resources at the individual project level. However, the habitat value of the individual retained areas would be expected to be reduced compared to the existing physical conditions. Further, there is no guarantee that on-site retained areas would be contiguous with other retained areas and thus there is no support for the comment's assumption that on-site retention would result in connections among plant communities. Therefore, the minimum retention standard included in Alternative 2 is not expected to reduce impacts to special-status species compared to the proposed project. The addition of a minimum oak resource retention standard to the ORMP would have no effect on the removal, degradation, and fragmentation of sensitive habitats other than valley oak woodland. The retention requirement would ensure that a greater amount of valley oak woodland is preserved within development areas, but would not increase the total amount of valley oak woodland preserved within El Dorado County. Therefore, Alternative 2 would result in similar impacts to sensitive habitats as the proposed project. Refer to Responses to Comments 4-24 and 4-25 in Section 3.2 (State and Local Agencies) in this Final EIR regarding impacts from retaining less than 5 acres.

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Comment Letter 4

8/16/2016

Edcgov.us Mail - Comments on Biological Resources Policy Update and Oak Resources Management Plan



Shawna Purvines <shawna.purvines@edcgov.us>

Comments on Biological Resources Policy Update and Oak Resources Management Plan

1 message

Mwgraf@aol.com <Mwgraf@aol.com>
To: shawna.purvines@edcgov.us

Mon, Aug 15, 2016 at 4:55 PM

Attached please find comments of Center for Sierra Nevada Conservation, California Native Plant Society (El Dorado Chapter) and the Maidu Group of the Sierra Club on the Biological Resources Policy Update and Oak Resources Management Plan Draft EIR .
I am including two attachments, which will be sent by separate email due to their size.

4-1

Please let me know if you have any problem accessing these documents.

Michael Graf
Law Offices
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tel: (510) 525-1208
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Final Comment Letter.pdf
104K

<https://mail.google.com/mail/u/0/?ui=2&ik=150a3325ea&view=pt&cat=Bi%20Policy%20Update%2FBIO%20EIR%2FPublic-Agency%20Comments%20...> 1/1

**Michael W. Graf
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August 15, 2016

Via Email Delivery

Shawna L. Purvines
El Dorado County Community Development Agency
2850 Fairlane Court
Placerville, CA 95667
shawna.purvines@edcgov.us

RE: Comments on Biological Resources Policy Update and Oak Resources Management Plan Draft EIR

Dear Ms. Purvines:

I am submitting these comments on behalf of the Center for Sierra Nevada Conservation, California Native Plant Society (El Dorado Chapter) and the Maidu Group of the Sierra Club on the Biological Resources Policy Update and Oak Resources Management Plan Draft EIR .

4-2

As discussed below, we have concerns that the changes to the Biological Resources section of the existing General Plan, particularly the elimination of the requirement that the County prepare an Integrated Natural Resources Management Plan (“INRMP”), has the potential for significant environmental impacts on rare and sensitive plants and wildlife and their habitats, including oak woodlands, in El Dorado County.

4-3

The proposed General Plan changes intend to “mitigate” for losses of oak woodland and dependent wildlife by purchasing development rights on rural lands far from where the actual threats to wildlife habitat and movement will occur, along the rapidly developing areas around the Highway 50 corridor. The DEIR does not consider this impact in meaningful detail, nor does it consider an alternative that would identify Priority Conservation Areas (“PCA”) in the corridor region.

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We would request that County consider and choose an alternative that follows up on the considerable analysis already completed as part of the INRMP process to identify lands for acquisition and/or conservation that will ensure adequate habitat for future wildlife refuge and movement. *See e.g.*, El Dorado County Integrated Natural Resources Management Plan - Phase I Final Wildlife Movement and Corridors Report December 7, 2010. (Attachment 1); El Dorado County Integrated Natural Resources Management Plan Phase I- Revised Draft - Overall Approach for Preparing INRMP (Phase II) February 7, 2011 (Attachment 2). In this way, the County may avoid the worst effects of habitat fragmentation, as intended by the existing General Plan. *See e.g.*, Policies 7.4.1.6, 7.4.2.8. *See also* Pub. Resources Code § 21002 (“The Legislature finds and declares

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that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen the significant environmental effects* of such projects....”) (emphasis added.)

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Cont.

Components of this Alternative would include:

- analyzing “corridors” where wildlife might cross highways if able to do so.
- providing mechanisms to raise adequate mitigation funds to preserve this type of valuable habitat.
- linking public lands to form refuges for wild animals.

4-8

Our more specific comments are discussed below.

1. Impacts to Important Habitat and Migratory Corridors Due to the County’s Abandonment of the INRMP.

The 2004 General Plan requires the County to complete the INRMP in order to identify “important habitat in the County” and “establish[] a program for effective habitat preservation and management.” See General Plan Policy 7.4.2.8. Important habitat is to include 1) Habitats that support special status species; 2) Aquatic environments including streams, rivers, and lakes; 3) Wetland and riparian habitat; 4) Important habitat for migratory deer herds; and 5) Large expanses of native vegetation. *Id.* The County should update the important habitat inventory every three years “to identify the amount of important habitat protected, by habitat type, through County programs and the amount of important habitat removed because of new development during that period.” *Id.*

4-9

In coordination with this strategy, the 2004 General Plan relies on the protection and full mitigation of important habitat loss as a means to limit the impacts of future development:

All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the *development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP)* (see Policy 7.4.2.8 and Implementation Measure CO-M).

4-10

See General Plan Policy 7.4.1.6 (emphasis added.)

The INRMP was considered at the time of the General Plan’s enactment to be a critical element of avoiding future habitat fragmentation and worst impacts of General Plan buildout development. The INRMP approach called for the establishment of a “Habitat Protection Strategy,” described as “a strategy for protecting important habitats based on coordinated land acquisitions [] and management of acquired land” in order to “to conserve and restore contiguous blocks of important habitat to offset the effects of increased habitat loss and fragmentation elsewhere in the county.”

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In contrast to the County’s heavy reliance on the future formulation of the INRMP to identify and establish important habitat for wildlife refuge and movement, the proposed General Plan changes eliminates Policy 7.4.1.6 and substantially modifies Policy 7.4.2.8, replacing it with a series of mitigation measures that no longer requires the County to establish a coordinated strategy of protecting important habitat. Instead, the proposed changes 1) defers the assessment of mitigation measures for loss of important habitat to the project level stage; 2) limits the requirements for full mitigation to development within Important Biological Corridors; and 3) limits mitigation for loss of oak woodlands to areas identified in PCAs.

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We believe there are a number of problems with this approach, which constitutes a weakening of the existing General Plan standards for protecting important habitat in the County.

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First, the entire purpose of the INRMP was establish a coordinated strategy for protecting important habitat for wildlife refuge and movement. The deferral of this process to the project specific stage, as described in proposed new General Plan policy 7.4.2.8, in no way ensures that such important habitat will be protected. Instead, the project specific direction simply provides a series of criteria that will allow the elimination of habitat based on preservation of habitat elsewhere, without any coherent strategy for how such replacement habitat will be able to provide the same critical functions for wildlife refuge and movement. *See e.g., Gray v. County of Madera* (2008) 167 Cal. App. 4th 1099, 1118 (“[W]e conclude that here the County has not committed itself to a specific performance standard. Instead, the County has committed itself to a specific mitigation goal.”)

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Second, the County’s reliance on the IBC as a substitute for important wildlife habitat is also not adequate, as the IBC has never been analyzed in any CEQA review document as a mechanism for avoiding significant impacts due to habitat fragmentation. This point can be seen from a comparison of Figure 2 in the proposed Oak Woodland Resources Plan (p. 23) to the identification in the 2010 Phase I Final Wildlife Movement and Corridors Report (Attachment 1) of important corridor areas (see Figure ES-1, p. ES-4). *See also* Discussion in Attachments 1 & 2 regarding selection of size and location of these important habitat areas. Here, the IBC overlay 1) misses several critical crossing areas, including in the ‘Lower Foothills,’ which were found to be important in the INRMP studies; and 2) establishes ‘corridors’ that are in places extremely limited in size, thereby requiring entire wildlife movement to occur in spots across a single small parcel. *See e.g., Oak Woodland Resources Plan, Figure 2* (IBC designation for area just to the east of Shingle Springs.)

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Even beyond the IBC’s inadequate coverage, the proposed new Policy 7.4.2.9’s requirement that the developer demonstrate ‘no net loss of wildlife movement function’ is too vague and general to ensure any ultimate protection of important wildlife habitat for refuge and movement. The new General Plan policies do not provide criteria for how such wildlife movement function will be ensured, nor does the DEIR provide any analysis on this topic, despite the considerable information development in Phase 1 & 2 processes of the INRMP. *See* Attachments 1 & 2. The DEIR’s failure both to discuss and analyze these impacts as well as identify objective criteria for mitigation violates CEQA. *See e.g., Gray v. County of Madera, supra.*

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Finally, for oak woodlands, the General Plan changes propose to do away with the important habitat requirements of existing Policy 7.4.2.8, replacing them with a complete reliance on the Priority Conservation Areas, which are uniformly identified in the Oak Resources Management Plan (“ORMP”) and being located well away from the Highway 50 corridor area. *See e.g.* ORMP, Figure 2, p. 23. The County’s reliance on PCAs to protect important oak woodland habitat for wildlife refuge and movement is disingenuous, given its past previous reliance on INRMP process to identify the important habitat needed to be protected in the future:

Subsequent adoption and implementation of the INRMP, and incorporation of this plan into that document, will ensure connectivity between the PCAs. The INRMP will also address north-south connectivity across Highway 50 and the potential role of oak woodlands less than 40 acres in maintaining connectivity between larger expanses of oak woodlands.

See Oak Woodland Management Plan, April 2008. See also id. (“Oak woodland habitat connectivity will be evaluated with other Policy 7.4.2.8 considerations to identify a final set of corridors that best meet all objectives.”)

The intent of the existing General Plan polices was to ensure that important oak woodland habitat would be identified and preserved, through a coordinated regulatory structure that ensured that the elimination of oak woodlands on parcels would require the preservation of “existing woodlands of equal or greater biological value as those lost.” As discussed below, the new polices do not ensure this result.

2. Impacts to Oak Woodland Habitat

We are concerned that the proposed General Plan changes allow for new impacts to oak woodlands that have not been analyzed in the DEIR.

First, as was true of the prior Oak Woodland Management Plan (“OWMP”), the Oak Resources Management Plan (“ORMP”) relies on the establishment of PCAs far away from the Highway 50 corridor as the basis for offsite mitigation. However, in contrast to the ORMP, the OWMP relied heavily on the INRMP to provide protection for important oak woodland habitat in the County that was not necessarily part of the PCAs. *See OWMP* (“Subsequent adoption and implementation of the INRMP, and incorporation of this plan into that document, will ensure connectivity between the PCAs.”)

Here, as discussed above, the proposed General Plan changes eliminate the INRMP requirement to identify and preserve important habitat in the County. Instead, the proposed General Plan policies rely on vague requirements of ‘no net loss’ of wildlife ‘movement,’ which only is triggered when development occurs in IBCs, a limited subset of potentially important migratory and refuge habitat in the County that has never undergone CEQA analysis.

In the OWMP, the County asserted that parcels under 500 acres would have limited value for habitat preservation and thus PCAs would be required to be located in distant rural areas. However the DEIR here acknowledges that in cases of protecting important refuge and corridor habitat, parcels as small as five acres indeed can have value. See DEIR, p. 6-82 (“Policy requirements would ensure that preserved lands would be on a minimum contiguous block of 5 acres.”) Thus, there is no basis for limiting PCAs for offsite mitigation to areas far from the Highway 50 corridor.

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The ORMP’s reliance on PCAs as off-site habitat mitigation also leads to the same problem the County encountered with respect to its OWMP, which is that the fee mitigation program established by the OWMP (Table 5, p. 19), will not be adequate to provide for full mitigation of oak woodland habitat of equal biological value. Instead, the DEIR should assess a mechanism whereby an In-Lieu fee program will be adequate to preserve important oak woodland habitat in areas of potential development, not just habitat in faraway rural areas that will likely never be developed in the foreseeable future. As discussed in *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1180-1181:

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In formulating the oak woodland management plan, the County’s planner informed the Board that “it is necessary to recognize the concept of connectivity, in the form of corridors, to ensure that the oak woodlands that will be preserved in the future through the mitigation program will also be able to function as habitat. Therefore, oak woodland corridors have now been illustrated on the final map for your Board’s consideration. ... [¶] ... Without corridors, fragmentation of habitat will result. Fragmentation results in the degradation of habitat and ecosystem values.” The initial study for the oak woodland management plan acknowledges, ‘In El Dorado County, Highway 50 presents a major barrier to north-south wildlife dispersal [citation]. The Oak Woodland Technical Advisory Committee that was formed in the County in 1996 ‘concluded that connectivity of woodlands from north to south was an important value to preserve and that it was at risk from future development.’

4-33

In adopting the oak woodland management plan, the Board deferred the issue of ‘[c]onnectivity between the various habitat types, including oak woodlands’ until ‘other components of the [integrated plan] are developed, which will look at the whole ecosystem.’ By excluding the Highway 50 corridor from Option B fund mitigation goals, the County allowed for a fee rate at the lower end of the range due to the lesser cost of rural land and easement acquisition. By specifying that Option B mitigation funds would not be spent on conservation in that corridor, the oak woodland management plan differs from the 2004 program EIR’s emphasis on the importance of protecting connectivity of habitat across the Highway 50 corridor. These decisions on the adequacy of the Option B mitigation goals and fee structuring must be made with the benefit of an EIR.

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Finally, we have concerns about the mitigation options allowed for eliminating oak woodlands, particularly the provision that allows for up to 50% of the mitigation requirement to be accomplished through onsite planting. See ORMP, p. 10. The ORMP and EIR should clarify how on-site planting would be measured in terms of replacing oak woodland habitat lost, i.e., how it would be accomplished in a manner consistent with the ORMP’s recognition that mitigation for lost

oak woodland habitat must be measured in terms of replacement habitat acreage and not simply in numbers or volume of trees.

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3. Issues Related to Pine Hill Plants

We are concerned about two changes made to Policy 7.4.1.1.

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First, there is a change in the code number for the county code related to the ecological preserves, *i.e.*, a change from 17.71 to 130.71. However, the actual county code 130.71 states that the purpose of the fee program is "The purpose of this Chapter is to implement the Pine Hill Endemics rare plant fee payment in lieu of mitigation for Mitigation Areas 1 and 2." *See* County Code § 130.71.010. Further, the county code also states:

| 4-37

130.71.050 Off-site Mitigation or Fee Payment in Lieu of Ecological Preserve Mitigation in Mitigation Areas 1 and 2:

Payment of a fee in lieu of Ecological Preserve Mitigation is encouraged in Mitigation Areas 1 and 2. Developments in Mitigation Areas 1 and 2 shall mitigate impacts by exercising one of the following two options:

| 4-38

A. Pay the appropriate fee in lieu of Ecological Preserve Mitigation for the direct or indirect impacts caused by development on rare plants and rare plant habitat; or

B. Participate in a Rare Plant Off-Site Mitigation Program, upon adoption of such program by the Board.

|

This fee program was found not to be a valid fee program and was set aside by the 3rd District Court of Appeal in *California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026, 1030, due to a lack of adequate CEQA review. Here, the DEIR contains no analysis of the adequacy of the current fee program.

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We ask that the county code be revised to reflect that the options above are not available and that projects must individually evaluate and mitigate impacts to these rare plants.

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Second, the policy is changed by adding the words "where feasible" in reference to consistency with the Recovery Plan. The DEIR indicates that there is an underlying expectation that such consistency is bound by feasibility and that adding this phrase is not a substantive change. If that is the case, we would argue that there is no need to make such a change and making such a change is intended to diminish the need to be consistent with the recovery plan. Consistency with the recovery plan is at issue generally because it is a document created by the US Fish and Wildlife Service to guide the recovery of the federally listed species. Contained in the document are actions that the experts in this agency determined were Priority 1 actions that "must be taken to prevent extinction or to prevent a species from declining irreversibly in the foreseeable future." (Recovery Plan, p. II-37). The acquisition of specific properties was identified in the recovery plan as Priority 1 actions. More specifically, we are aware of the County's interest in developing a road across a

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property in the ecological preserve and that was recommended in the recovery plan as Priority 1 action. Development of this property for a road would not be consistent with the recovery plan. The County also owns a 20-acre property that has not been designated by the County as an ecological preserve, but the acquisition of this property has been identified in the Recovery Plan as a Priority 1 action. In the near future, the County may propose to use the 20-acre property as mitigation for the proposal to construct through the ecological preserve. This would be a net loss of habitat determined by the Recovery Plan to be necessary to "prevent the extinction" of the Pine Hill plants. Actions that the County contemplates today are likely to undermine the Recovery Plan and the ability to prevent extinction or irreversible decline for the Pine Hill plants. The insertion of "where feasible" only serves to highlight an intention to avoid consistency with the Recovery Plan.

↑ 4-46
| Cont.
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| 4-49

Very truly yours,



Michael W. Graf

Final Comment Letter.wpd

Response to Comment Letter 4

**Center for Sierra Nevada Conservation, California Native Plant Society (El Dorado Chapter), Maidu Sierra Club
Michael Graf, Attorney
August 15, 2016**

- 4-1** This comment serves as the email introduction to the commenter’s letter.
- This comment does not address the accuracy or adequacy of the Draft Environmental Impact Report (EIR); thus, no response is required.
- 4-2** This comment states on whose behalf the commenter is responding and serves as the introduction to the commenter’s letter.
- This comment does not address the accuracy or adequacy of the EIR; thus, no response is required.
- 4-3** This comment introduces the commenters’ concerns regarding changes to the Biological Resources chapter of the General Plan, particularly the elimination of the Integrated Natural Resources Management Plan (INRMP), and the potential for significant impacts to sensitive plants and wildlife and their habitats, including oak woodlands.
- The Biological Resources Policy Update and Oak Resources Management Plan (proposed project) includes updates to the biological resources policies in the County’s General Plan and a proposed Oak Resources Management Plan (ORMP) and the Oak Resources Conservation Ordinance (Implementing Ordinance). The commenter is correct that the proposed updated policies eliminate the requirement to prepare an INRMP and is also correct in stating that the proposed project has a potential for significant impacts, as described in Chapter 6 (Biological Resources) of the Draft EIR.
- 4-4** This comment states that the General Plan would mitigate for oak woodland losses and dependent wildlife by purchasing development rights on rural lands far from the actual threats to wildlife habitat and movement near U.S. Highway 50 (Highway 50).
- As discussed in Master Response 2 in Chapter 2 (Master Responses) and Response to Comment 4-30 in Section 3.2 (State and Local Agencies) in this Final EIR, it is not necessary for mitigation to occur close to the area of impact. It is preferable to have conservation occur in areas that are not subject to threats of habitat fragmentation and associated edge effects. Additionally, while the proposed project prioritizes mitigation within the Priority Conservation Areas (PCAs) and Important Biological

Corridors (IBCs), it also allows for mitigation to occur outside these areas, subject to mitigation site selection criteria defined in proposed Policy 7.4.2.8 and the proposed ORMP. Finally, portions of the PCAs and IBCs are located within 4 miles of U.S. Highway 50, as shown on Figure 2 in the ORMP. These areas provide opportunities for mitigation to occur proximate to impacted areas near U.S. Highway 50.

- 4-5** This comment states that the Draft EIR does not consider negative impacts from locating most of the conservation far from impact areas near the Highway 50 corridor, and does not consider an alternative that would identify PCAs near the corridor.

As shown on Figure 5-1 in the Draft EIR, the majority of oak woodlands surrounding Highway 50 are already characterized as developed. This figure also shows that although development along the Highway 50 corridor is expected to impact various-sized patches of oak woodland habitat, a substantial amount of oak woodland would remain in this area.

As summarized in Response to Comment 4-30 in Section 3.2 (State and Local Agencies) and discussed in detail in Master Response 2 in Chapter 2 (Master Responses) in this Final EIR, the PCAs were established in the INRMP process to identify mitigation areas that would provide the highest habitat value and contribute to the long-term preservation of viable habitat and wildlife populations in El Dorado County (the County). Master Response 2 also explains that the proposed project is consistent with most conservation planning efforts, which include a goal of keeping preserved lands far away from impacted areas to maximize patch size and minimize indirect effects on the habitat and species. These areas would generally be located away from the area of highest impact.

Additionally, conservation can also occur outside of the PCAs. Policy 7.4.2.8 establishes criteria for selection of mitigation lands outside PCAs and IBCs so as to maximize conservation of large blocks of habitat.

- 4-6** The comment requests the addition of an alternative that follows up on the analysis already completed as part of the INRMP process to identify lands for acquisition and/or conservation that will ensure adequate habitat for future wildlife refuge and movement.

As described in Chapter 10 (Alternatives) of the Draft EIR, a reasonable range of alternatives were considered for the proposed project.

The PCAs and IBCs that are prioritized for preservation in the proposed project (proposed Policy 7.4.2.8) were identified through the INRMP process. Policy 7.4.2.8 establishes mitigation standards that prioritize preservation within the PCAs and IBCs

and establishes criteria for selection of mitigation lands outside PCAs and IBCs so as to maximize conservation of large blocks of habitat. Policy 7.4.2.8 also emphasizes maintaining wildlife movement connectivity within IBCs and evaluating and mitigating impacts to wildlife movement connectivity outside IBCs. Finally, Policy 7.4.2.8 also prioritizes locations within preservation of other important ecological areas, as defined in the Updated INRMP Initial Inventory and Mapping (El Dorado County 2010). Refer to Master Response 7 in Chapter 2 (Master Responses) in this Final EIR regarding the suggested Center for Sierra Nevada Conservation Alternative (CSNC).

- 4-7** This comment states that the County may avoid the worst effects of habitat fragmentation by choosing an alternative described in comments 4-6 and 4-8 above in this section (Section 3.3, Organizations).

As described in Chapter 10 (Alternatives) of the Draft EIR, a reasonable range of alternatives were considered for the proposed project. The Conservation Alternative proposed by the CSNC includes similar components to the No Net Loss of Oak Woodlands Alternative and the Habitat Fragmentation/Wildlife Movement Alternative, both described in Chapter 10. The former was deemed infeasible because it would not allow the County to meet its General Plan goals, and the latter would not reduce or avoid the project's impacts. For more information on the alternatives selection process, please refer to Chapter 10. Refer to Master Response 7 (Center for Sierra Nevada Conservation Alternative) and Master Response 10 (No Net Loss of Oak Woodlands Alternative) in Chapter 2 (Master Responses) in this Final EIR.

- 4-8** This comment lists components for a suggested alternative.

Refer to Response to Comment 4-7 above in this section (Section 3.3, Organizations). Also refer to Master Response 7 in Chapter 2 (Master Responses) in this Final EIR regarding the suggested Center for Sierra Nevada Conservation Alternative.

- 4-9** This comment states that the abandonment of the INRMP, as required by the 2004 General Plan, will result in impacts to important habitat and migratory corridors. This comment then states that the County should update the INRMP every 3 years.

Like the INRMP, the proposed project is intended to provide mitigation for habitat fragmentation and other effects of development on biological resources; however, it takes a different approach. The effects of that different approach are analyzed in the Draft EIR. Refer to Master Response 7 in Chapter 2 (Master Responses) in this Final EIR regarding why the INRMP was never implemented.

- 4-10** This comment states that the 2004 General Plan relied on the protection and full mitigation of important habitat loss. The comment quotes text from the 2004 General Plan.

The proposed project is also intended to provide mitigation for habitat fragmentation and other effects of development on biological resources, but using a different approach. The effects of that different approach are analyzed in the Draft EIR. Refer to Master Response 11 in Chapter 2 (Master Responses) in this Final EIR regarding the relationship of the Biological Resources Policy Update Program EIR, the TGPA-ZOU Program EIR and the 2004 General Plan EIR.

- 4-11** This comment states that the INRMP was considered to be a critical aspect of avoiding the worst impacts of the General Plan buildout element.

The comment is correct in that the INRMP was intended to provide mitigation for planned development in the County. Like the INRMP, the proposed project is intended to provide mitigation for habitat fragmentation and other effects of development on biological resources; however, it takes a different approach. The effects of that different approach are analyzed in the Draft EIR.

- 4-12** This comment states that the General Plan Policy Updates eliminate Policy 7.4.1.6 and replace existing Policy 7.4.2.8 with a series of mitigation measures that “no longer requires the County to establish a coordinated strategy of protecting important habitat,” “defers the assessment of mitigation measures for loss of important habitat to the project level stage,” “limits the requirements for full mitigation to development within Important Biological Corridors,” and “limits mitigation for loss of oak woodlands to areas identified in PCAs.”

For information on the establishment of a coordinated strategy to protect important habitat, please refer to Response to Comment 4-14 below in this section (Section 3.3, Organizations). Proposed Policy 7.4.2.8 establishes clear standards for mitigation that must be met by all projects. It also identifies additional requirements that apply within IBCs because they have been modeled as having high importance for wildlife movement. The increased requirements are included in order to confirm a parcel’s importance for wildlife movement and ensure that wildlife movement is maintained. Finally, this proposed policy prioritizes preservation of oak woodlands in PCAs to minimize fragmentation of intact oak woodland. Through preparation of a biological resources technical report for the subject property, a landowner can identify on-site oak woodlands that are viable for preservation to reduce off-site preservation requirements.

For additional information regarding the points raised in this comment, refer to Responses to Comments 4-14 to 4-22 below in this section (Section 3.3, Organizations).

- 4-13** This comment restates that there are several problems with the approach of Policy 7.4.2.8, and that the policy changes weaken existing General Plan standards for protecting important habitat in the County.

The comment introduces the specific comments that follow, which are addressed in Responses to Comments 4-14 to 4-22 below in this section (Section 3.3, Organizations), below.

- 4-14** This comment states that the purpose of the INRMP was to establish a coordinated strategy to protect important habitat for wildlife refuge and movement, and that the process described in Policy 7.4.2.8 does not constitute a coordinated strategy.

Although the INRMP is no longer part of the General Plan policy requirements, it is incorrect to state that the General Plan lacks a coordinated strategy of protecting important habitat. Policy 7.4.2.8 establishes mitigation standards that prioritize preservation within the PCAs and IBCs and establishes criteria for selection of mitigation lands outside PCAs and IBCs so as to maximize conservation of large blocks of habitat, and outlines management of those areas in perpetuity. Policy 7.4.2.8 emphasizes preservation of the most intact and biologically valuable areas of oak woodland within the County, the PCAs. Policy 7.4.2.8 also emphasizes maintaining wildlife movement connectivity within IBCs and evaluating and mitigating impacts to wildlife movement connectivity outside IBCs. Policy 7.4.2.8 prioritizes preservation of other important ecological areas, as defined in the Updated INRMP Initial Inventory and Mapping (El Dorado County 2010). Both the PCAs and the IBCs were identified through a multi-year planning process including biologists, agency staff, and County planners to balance the habitat needs of plants and wildlife with the realities of development within the County. Any mitigation lands outside PCAs and IBCs would be selected based on the criteria described in Policy 7.4.2.8(D) (location within other important ecological areas, diversity of age structure of woodland, forest and shrub communities, presence of or potential to support special-status species, connectivity with adjacent protected lands, etc.).

- 4-15** The comment states that Policy 7.4.2.8 provides a series of criteria that will allow the elimination of habitat based on preservation of habitat elsewhere, without any coherent strategy for how such replacement habitat will be able to provide for wildlife refuge and movement.

Refer to Response to Comment 4-14 above in this section (Section 3.3, Organizations), above, which describes the mitigation strategy defined in proposed Policy 7.4.2.8. The proposed project includes specific performance standards that must be achieved by each development project that would affect vegetation communities in the County. This includes specific mitigation ratios for habitat preservation and creation and specific criteria that mitigation locations must meet.

- 4-16** This comment states that Policy 7.4.2.8's reliance on the IBCs to identify important wildlife habitat is not sufficient because it has never been analyzed in a California Environmental Quality Act (CEQA) document.

The effects of preservation in the IBC overlay were analyzed in the EIR for the 2004 General Plan, and also in this Draft EIR. Further, the IBCs are one of several important elements that would be used to prioritize conservation of habitat, as outlined in Response to Comment 4-14 above in this section (Section 3.3, Organizations). The proposed project does not rely solely on the IBCs to identify important wildlife habitat, nor would preservation in the IBCs be intended to fully mitigate development impacts to that wildlife habitat.

- 4-17** This comment gives a specific example of how the commenter believes the IBC overlay is inadequate for identifying important habitat. It notes that the IBC overlay misses several wildlife crossing areas, including in the "Lower Foothills," which were found to be important in INRMP studies. The comment also states that the IBC overlay establishes corridors in locations that are too narrow, such as an area just east of Shingle Springs.

The IBCs are one of several important elements that would be used to prioritize conservation of habitat, as outlined in Response to Comment 4-14 above in this section (Section 3.3, Organizations). The current IBC overlay includes 64,600 acres, linking PCAs, natural vegetation communities, and/or areas having Natural Resource, Open Space, and/or Agricultural base land use designations in the western portion of the County. Three studies have addressed landscape-level habitat connectivity in the project region: (1) The Potential Impacts of Development on Wildlands in El Dorado County, California (Saving and Greenwood 2002); (2) the California Essential Habitat Connectivity Project (Spencer et al. 2010); and (3) the California Missing Linkages study (Penrod et al. 2001). Saving and Greenwood (2002) modeled the 1996 County General Plan and parcel data with various combinations of development constraints (e.g., slope, oak canopy retention, stream buffers, existing development, regional clustering, public ownership and acquisition programs). They used these models to predict habitat loss and fragmentation of natural vegetation communities.

Saving and Greenwood (2002) found that constraining land uses in various combinations would result in two contiguous patches of wildlife habitat in El Dorado County, located to the north and south, respectively, of Highway 50. Saving and Greenwood (2002) identified a scenario to connect the northern and southern wildlands and restrict select parcels from development in key areas. Specifically, they identified several vacant parcels in the Indian Creek canyon area in proximity to Highway 50. By modeling development restrictions for oak woodlands in this area, they were able to model a north–south connection with some parcels still compatible with development.

In general, the IBCs are consistent with these three studies and implementation of the General Plan would not conflict with the findings of the studies. The models do consistently emphasize the importance of a north–south corridor, which the IBCs provide. Further, the California Essential Habitat Connectivity Project states that it is “a decision-support tool to be refined by finer-scale analyses and local linkage designs.” Refer to Response to Comment 4-21 in Section 3.2 (State and Local Agencies) in this Final EIR which discusses how the IBCs were developed and the reasons that the referenced area in the Lower Foothills extending from Marble Valley to Sawtooth Ridge did not meet the criteria established by PAWTAC and ISAC for identifying IBCs. Additionally, Response to Comment 4-21 in Section 3.2 (State and Local Agencies) notes that as part of the current project, the County’s expert biologists reviewed the IBC mapping and selection process and concurred with the recommendations of the technical specialists that the identified IBCs reflect the best scientific data available at the time they were mapped, and that the proposed policies provide the necessary flexibility and prioritization categories of acquisition of preserved lands to ensure that the County’s Biological Resources Mitigation Program will achieve the County’s goal of maintaining the current range and distribution of flora and fauna. Inclusion of this corridor as an IBC would not substantially affect mitigation of impacts under Policy 7.4.2.9, because wildlife movement in this area is already highly constrained by existing and approved development. Because wildlife movement corridors are inclusive of a variety of land covers and topographic features, rather than focusing on specific narrow movement corridors or pathways such as along specific drainages, the County should be viewed as a broad mosaic of topographic and vegetation features that provide a range of habitats for the different species and support diffuse movement across the landscape. Updated Policy 7.4.2.8 recommends that mitigation occur within the County on a minimum contiguous habitat block of 5 acres.

In order to evaluate project-specific compatibility with the IBC overlay, applicants for discretionary projects would be required to provide to the County a biological

resources technical report that identifies and maps vegetation communities and special-status plants in accordance with the California Department of Fish and Game (CDFG; renamed to the California Department of Fish and Wildlife in 2013) 2009 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities and subsequent updates, and is consistent with the List of Vegetation Alliances and Associations (CDFG 2010) and subsequent updates. The biological resources technical report would also be required to identify special-status species known to occur or potentially occurring on site. The results of the biological resources technical report shall be used as the basis for establishing project-specific land use siting and design measures necessary to achieve the objective of no net loss of habitat function or value for special-status species, as well as large mammals such as cougar (*Puma concolor*), bobcat (*Lynx rufus*), mule deer (*Odocoileus hemionus*), American black bear (*Ursus americanus*), and coyote (*Canis latrans*).

Properties within the IBC that are found to support wildlife movement would be required to provide mitigation to ensure that there is no net loss of habitat/wildlife movement function and value. Mitigation could occur through project design, such as the use of clustering, to retain the portion of the site that provides the wildlife corridor. It could also occur by obtaining conservation easements on adjacent property that could support wildlife movement and is contiguous with the existing wildlife corridor.

- 4-18** This comment states that Policy 7.4.2.9's requirement that a developer demonstrate no net loss of wildlife movement function is too vague and general to ensure effective mitigation.

As described in Response to Comment 4-17 above in this section (Section 3.3, Organizations), the County will evaluate project-specific compatibility with the IBC overlay. Applicants for discretionary projects would be required to provide the County with a biological resources technical report that would identify and map vegetation communities and special-status plants in accordance with the CDFG 2009 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities and subsequent updates, and consistent with the List of Vegetation Alliances and Associations (CDFG 2010) and subsequent updates. The results of the biological resources technical report would be used as the basis for establishing project-specific land use siting and design measures necessary to achieve the objective of no net loss of habitat function or value for special-status species and large mammals, as well as wildlife movement function. Mitigation for wildlife movement function could occur through project design, such as the use of

clustering, to retain the portion of the site that provides the wildlife corridor. It could also occur by obtaining conservation easements on adjacent property that could support wildlife movement and is contiguous with the existing wildlife corridor.

- 4-19** This comment states that the proposed General Plan policies do not provide criteria for how a “no net loss of wildlife movement function” will be determined, and that the Draft EIR does not analyze the policies’ potential effectiveness.

As stated on page 6-75 of the Draft EIR, “Policy 7.4.2.9 would require additional analysis and compliance with a “no net loss” standard for wildlife movement for properties within the County-designated IBCs. No net loss of wildlife movement is defined for purposes of this policy as sustainably maintaining wildlife movement post-development. The site-specific biological resources technical reports will evaluate site-specific methods to sustainably maintain wildlife movement within the IBCs post-development. These site-specific methods may include some combination of siting and/or project design techniques (setbacks, large lot design, and/or clustering, etc.)” Because the methods to maintain no net loss of wildlife movement function would be site specific, project-specific analysis will be required to analyze the effectiveness of each project’s mitigation.

- 4-20** This comment briefly summarizes how updated Policy 7.4.2.8 would replace the requirements of existing Policy 7.4.2.8 and would rely on preservation in the PCAs identified in the ORMP.

The comment provides background information for subsequent comments; therefore, no response is necessary.

- 4-21** The comment claims that the County’s reliance on PCAs to protect important oak woodland habitat for wildlife refuge and movement is not appropriate, because the PCAs were a component of the INRMP.

The PCAs were not set aside as dedicated open space in the Draft INRMP; further, the INRMP was never implemented. For a summary of why the County decided not to pursue the INRMP, refer to Master Response 7 in Chapter 2 (Master Responses in this Final EIR. For clarification of the overall conservation strategy that is proposed under the project, please refer to Response to Comment 4-14 above in this section (Section 3.3, Organizations).

- 4-22** This comment provides background information that supports the previous comment.

The comment provides background information for the previous comment, number 4-21; therefore, no response is necessary.

- 4-23** The comment states that the intent of General Plan policies is to ensure oak woodland habitat preservation by preserving oak woodlands of equal or greater biological value.

The comment provides background information for subsequent comments; therefore, no response is necessary.

- 4-24** The comment states a concern that new impacts to oak woodlands were not analyzed in the Draft EIR.

The comment provides an introduction for subsequent comments; therefore, no response is necessary.

- 4-25** The comment states that the ORMP relies on PCAs as the basis for off-site mitigation.

The ORMP relies on several options for mitigating impacts to oak woodlands, consistent with California Public Resources Code Section 21083.4. Off-site mitigation options include replacement planting, conservation, or in-lieu fee payment, where in-lieu fees will be used by the County to conserve existing off-site oak woodlands. PCAs identify suitable oak woodland areas that may be conserved and were identified due to their size (500 acres) and continuity. However, the ORMP does not rely solely on PCAs for off-site mitigation; replacement tree planting and conservation may also occur outside of PCAs, based on an assessment conducted by a Qualified Professional. For more information on PCAs, refer to Master Response 2 in Chapter 2 (Master Responses) in this Final EIR.

- 4-26** The comment states that the 2008 Oak Woodland Management Plan (OWMP) relied on the INRMP to protect oak woodlands not included in PCAs and provides a quote from the 2008 OWMP stating that the INRMP will ensure connectivity between the PCAs.

For more information on PCAs as well as discussion about connectivity and fragmentation, refer to Master Response 2 in Chapter 2 (Master Responses) in this Final EIR.

- 4-27** The comment states that the proposed General Plan changes eliminate the INRMP requirement to identify and preserve important habitat in the County.

Refer to Response to Comment 4-14 above in this section (Section 3.3, Organizations).

- 4-28** The comment states that the project would replace the INRMP solely with a requirement for no net loss of wildlife movement when development occurs in IBCs.

It is incorrect that the proposed project would only include habitat preservation for impacts to IBCs, and only to mitigate wildlife movement. Policy 7.4.2.8 would establish a biological resource mitigation program requiring compensatory mitigation through off-site preservation and/or habitat creation for impacts to waters, wetlands, and upland habitat types. The locations of mitigation would be prioritized according to the criteria in Policy 7.4.2.8(D), including location within other important ecological areas defined in the Updated INRMP Initial Inventory and Mapping (El Dorado County 2010).

- 4-29** The comment states that, in the 2008 OWMP, the County asserted that parcels under 500 acres would have limited habitat value; therefore, PCAs would need to be located in rural areas.

As discussed in Master Response 2 in Chapter 2 (Master Responses) in this Final EIR, a key goal in establishing the PCAs was to identify areas that would be unlikely to be subject to habitat fragmentation and edge effects. This goal was met by limiting the PCAs to areas that contain 500 contiguous acres of oak woodland habitat. It is noted that the PCAs are not composed of parcels that are a minimum of 500 acres. The minimum parcel size in the PCAs is 40 acres, as described in Section 4.1.4 (Finalization of Priority Conservation Areas) of Appendix A of the ORMP (Appendix C of the Draft EIR).

- 4-30** This comment states that, because the Draft EIR acknowledges that parcels as small as 5 acres have value in protecting refuge and corridor habitat, there is no basis for limiting PCAs for off-site mitigation far away from the Highway 50 corridor.

Although the comment is correct that parcels as small as 5 acres have some wildlife habitat value, a key goal in establishing the PCAs was to identify areas that would be unlikely to be subject to habitat fragmentation and edge effects, as discussed in Response to Comment 4-30 in Section 3.2 (State and Local Agencies) in this Final EIR. Also Refer to Master Response 2 in Chapter 2 (Master Responses) in this Final EIR regarding PCAs and fragmentation. As discussed in Master Response 2 and Response to Comment 4-30, it is not necessary for mitigation to occur close to the area of impact. It is preferable to have conservation occur in areas that are not subject to threats of habitat fragmentation and associated edge effects.

- 4-31** This comment states that the ORMP and its reliance on the PCAs will lead to the same issues as the fee mitigation program in the OWMP because it will not be able to fully mitigate for loss of oak woodland habitat in terms of biological value.

The OWMP was not found to be deficient in regard to the effectiveness of the mitigation. As described in Appendix E of the Draft EIR, the Superior Court determined that the County had not complied with CEQA in reviewing the OWMP and its effects and was required to write an EIR for the OWMP; however, the court did not evaluate the adequacy or effectiveness of the OWMP. Refer to Master Response 3 in Chapter 2 (Master Responses) in this Final EIR regarding development of the proposed in-lieu fee.

- 4-32** This comment suggests that the Draft EIR should analyze a mechanism whereby an in-lieu fee program would adequately preserve important oak woodland habitat in areas of potential development, not just in remote, rural areas.

Refer to Response to Comment 4-35 below in this section (Section 3.3, Organizations) regarding impacts to oak woodland under General Plan Buildout. Also refer to Chapter 2 (Master Responses) in this Final EIR regarding the reasons that conservation would be prioritized in the PCAs and why it is not necessary for mitigation to occur proximate to the area of impact. Also refer to Master Response 3 in Chapter 2 (Master Responses) regarding development and use of the in-lieu fee to mitigate loss of oak woodland.

- 4-33** The comment quotes the *Center for Sierra Nevada Conservation v. County of El Dorado* from 2012, which states that habitat corridors, particularly connecting woodlands from north to south, is important. The comment states that the ORMP differs from the 2004 General Plan EIR's emphasis on the importance of protecting connectivity of habitat across the Highway 50 corridor.

Refer to Master Response 2 in Chapter 2 (Master Responses) and Response to Comment 4-30 in Section 3.2 (State and Local Agencies) in this Final EIR, regarding mitigation areas close to the area of impact and the benefits of having conservation occur in areas that are not subject to threats of habitat fragmentation and associated edge effects.

- 4-34** This comment expresses concern regarding the mitigation options that allow for up to 50% of the mitigation requirement to be accomplished through on-site planting.

As presented in Chapter 6 (Biological Resources) of the Draft EIR, successful replacement planting using acorns and seedlings has been well documented in field research. The Replacement Planting Guidelines included in the ORMP were formulated to allow for mitigation program flexibility that considers the unique characteristics of the planting site. As outlined in Section 2.4 (Replacement Planting Guidelines) of the ORMP, replacement planting plans are required for all replacement

planting efforts, must be prepared by a qualified professional, and must address consistency with accepted native oak tree planting standards, site suitability, planting density, species composition, replacement tree size (including acorns, subject to the requirement that acorn planting may be used for no more than 25% of the total mitigation requirements), planting locations, and maintenance methods and frequency. All replacement oak trees must be regularly monitored and maintained and shall survive for a period of at least 7 years. Reporting to the County on replacement planting efforts is also required. Refer to Master Response 4 in Chapter 2 (Master Responses) in this Final EIR regarding mitigation monitoring.

- 4-35** This comment states that the ORMP and Draft EIR should clarify how on-site planting would be measured in terms of replacing oak woodland habitat acreage.

The ORMP and Draft EIR identify that oak woodland impacts shall be mitigated at specific ratios, based on the percentage of oak woodland impact incurred at the project level. Oak woodland mitigation ratios range from 1:1 to 2:1 and the mitigation options presented in the ORMP include conservation, in-lieu fee payment, or replacement planting (allowable only for up to 50% of the required mitigation total). Replacement planting efforts for oak woodland mitigation must follow the acreage and density standards outlined in Section 2.4 (Replacement Planting Guidelines) of the ORMP, which stipulate that the total number of replacement trees be based on the oak woodland acreage to be mitigated and the density of impacted oak woodlands. The ORMP also requires that the replacement planting area be suitable for tree planting, not conflict with current or planned land uses, and be large enough to accommodate replacement plantings at the required density. Additionally, a deed restriction or conservation easement to the satisfaction of County Counsel and the Community Development Agency Director is required to ensure the long-term conservation of any on-site replacement trees planted. Refer to Response to Comment 4-18 above in this section (Section 3.3, Organizations) in this Final EIR regarding requirements for a site-specific biological resources technical report to be used as the basis for establishing project-specific measures addressing impacts to habitat function or value.

- 4-36** This comment introduces two concerns, as described in comments 4-37 through 4-49.

The comments introduced in this comment are addressed below. No further response is necessary.

- 4-37** The comment notes the change in code number from 17.71 to 130.71, and states that County Code involves a fee program to implement the Pine Hill Endemics rare plant fee payment in lieu of mitigation.

Refer to Responses to Comments 4-6 through 4-9 and 4-14 through 4-16 in Section 3.2 (State and Local Agencies) in this Final EIR regarding Code 130.71 and the fee program.

4-38 This comment describes County Code 130.71.

Refer to Responses to Comments 4-6 through 4-9 and 4-14 through 4-16 in Section 3.2 (State and Local Agencies) in this Final EIR regarding Code 130.71 and the fee program.

4-39 This comment states that the in-lieu fee program was found not to be a valid fee program and was set aside by the Third District Court of Appeal in *California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026, 1030, due to a lack of adequate CEQA review.

The case cited determined that each discretionary project seeking to use the in-lieu fee program must conduct its own review to determine whether use of the in-lieu fee adequately mitigates project impacts. That would continue to be the case under the proposed project. No revisions to the Draft EIR are warranted. Refer to Master Response 3 in Chapter 2 (Master Responses) in this Final EIR regarding in-lieu fees.

4-40 The comment states that the Draft EIR contains no analysis of the adequacy of the current fee program.

Refer to Response to Comment 4-39 above in this section (Section 3.3, Organizations).

4-41 The comment requests that the County modify the County Code to reflect that the payment of in-lieu fees or participation in a rare plant off-site mitigation program are not available, and that projects must individually evaluate and mitigate impacts to these Pine Hill endemic plants.

This comment does not address the accuracy or adequacy of the Draft EIR; thus, no response is required. This comment, along with all comments on the Draft EIR, will be considered by the Board of Supervisors in their deliberations on the proposed project. It is noted that the County is currently seeking proposals for an update to the Ecological Preserve Fee Program.

4-42 Comment notes that Policy 7.4.1.1 was revised by adding the words “where feasible” in reference to consistency with the U.S. Fish and Wildlife Service’s Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan (Recovery Plan; USFWS 2002).

The comment provides background information for subsequent comments; therefore, no response is necessary.

- 4-43** Comment notes that the Draft EIR indicates that there is an underlying expectation that consistency with the Recovery Plan is already bound by feasibility and that adding this phrase is not a substantive change.

The comment provides background information for subsequent comments. As discussed in Responses to Comments 4-7 and 4-10 in Section 3.2 (State and Local Agencies) in this Final EIR, the proposed addition of the phrase “where feasible” to Policy 7.4.1.1 has been omitted from the proposed project.

- 4-44** This comment asserts that if consistency with the Recovery Plan is already bound by feasibility, there is no need to make such a change, and further asserts that making such a change is intended to diminish the need to be consistent with the Recovery Plan. The comment states that consistency with the Recovery Plan is at issue generally because it is a document created by the U.S. Fish and Wildlife Service to guide the recovery of the federally listed species.

As discussed in Responses to Comments 4-7 and 4-10 in Section 3.2 (State and Local Agencies) in this Final EIR, the proposed addition of the phrase “where feasible” to Policy 7.4.1.1 has been omitted from the proposed project..

- 4-45** This comment states that the Recovery Plan includes actions that the agency determined were Priority 1 actions that “must be taken to prevent extinction or to prevent a species from declining irreversibly in the foreseeable future.”

The comment provides background information for subsequent comments; therefore, no response is necessary.

- 4-46** This comment states that the acquisition of specific properties was identified in the Recovery Plan as Priority 1 actions. The commenter states that they are aware of the County’s interest in developing a road across a property in an ecological preserve that was recommended in the Recovery Plan as Priority 1 action. The comment asserts that development of that road would therefore be inconsistent with the Recovery Plan.

The comment provides background information for subsequent comments; therefore, no response is necessary.

- 4-47** This comment notes that the County also owns a 20-acre property that has not been designated by the County as an ecological preserve, and that the acquisition of this property has been identified in the Recovery Plan as a Priority 1 action. In the near future, the County may propose to use the 20-acre property as mitigation

for the proposal to construct through the ecological preserve mentioned in comment number 4-46.

The comment provides background information for subsequent comments; therefore, no response is necessary.

- 4-48** This comment states that the removal of habitat speculated on in comment number 4-46 would be a net loss of habitat determined by the Recovery Plan to be necessary to “prevent the extinction” of the Pine Hill endemic plants.

The proposed project does not involve construction of any roads, other infrastructure, or any land use development. The habitat removal speculated on in comment 4-46 would not occur as a result of the proposed project.

- 4-49** This comment asserts that the insertion of “where feasible” in Policy 7.4.1.1 highlights an intention to avoid consistency with the Recovery Plan.

As discussed in Responses to Comments 4-7 and 4-10 in Section 3.2 (State and Local Agencies) in this Final EIR, the proposed addition of the phrase “where feasible” to Policy 7.4.1.1 has been omitted from the proposed project.

Comment Letter 5

8/15/2016

Edgovus Mail - Public Comment-DEIR-EI Dorado Co Bio Resources Policy Update & Oak Resources Mngmt Plan



Shawna Purvines <shawna.purvines@edcgov.us>

Public Comment-DEIR-EI Dorado Co Bio Resources Policy Update & Oak Resources Mngmt Plan

Mjasper <mjasper@accessbee.com> Mon, Aug 15, 2016 at 1:19 PM
Reply-To: mjasper@accessbee.com
To: shawna.purvines@edcgov.us
Cc: boardofsupervisors@amadorgov.org, bos@placer.ca.gov, oakstaff@californiaoaks.org

Greetings Shawna Purvines:

Please accept the attached comments on the Draft Environmental Impact Report (DEIR) for EI Dorado County's Biological Resources Policy Update and Oak Resources Management Plan.

If you can acknowledge receipt by simply hitting "Reply," it would be greatly appreciated. Thank you,

Marilyn Jasper

Conservation Chair

Sierra Club Placer Group

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EI Dorado-DEIR-Comments-SCPG 8-15-16.pdf
806K

<https://mail.google.com/mail/u/0/?ui=2&ik=150a3325ea&view=pt&cat=Bi%20Policy%20Update%2F%2FBIO%20DEIR%2FPublic-Agency%20Comments%20...> 1/1



PLACER GROUP
P.O. BOX 7167, AUBURN, CA 95604

Sent via email: shawna.purvines@edcgov.us

August 15, 2016

Shawna Purvines, Principal Planner
Community Development Agency
Long Range Planning Division
2850 Fairlane Court
Placerville, CA 9567

RE: DEIR—Biological Resources Policy Update and Oak Resources Management Plan

Thank you for the opportunity to comment on the El Dorado County Biological Resources Policy Update and Oak Resources Management Plan (BRPU and/or ORMP).

Because oak woodland resources have been, and currently are, considered extremely valuable in almost all California communities, and because, in many areas oak woodlands and/or their vitality have diminished, the BRPU/ORMP must be go the extra mile to strictly protect and conserve oak resources in El Dorado County. Whether it is aesthetic beauty, ecosystem diversity, wildlife habitat, or other highly valued attributes, it appears that the BRPU/ORMP is woefully deficient in that it does not adequately recognize unique oak woodland and natural resource values and that it does not propose meaningful, strong, unequivocal, enforceable protection measures.

If/When mature oak woodlands that have taken many decades to establish are destroyed, the BRPU/ORMP's antidote of either in-lieu fees or on/off site mitigation measures (MM), restoration, etc., are inadequate. What is lost with the destruction of mature oak woodlands, especially those with heritage oaks, is never fully recovered—especially if the “swap” lands are remote, unlikely to ever be developed, and create a net loss for wildlife habitat or critical corridors. Viable alternatives that provide wildlife corridors must be considered and analyzed, such as those submitted by the Sierra Nevada Conservation Alliance.

Of particular importance is oak woodlands' ability to lock up carbon and prevent it from escaping and contributing to global warming. (See Exhibit A.) The PRPU/ORMP does not fully analyze the impacts that its “plan” will create nor does it require adequate MM. The California Wildlife Foundation/California Oaks comments covered the GHG issues: The DEIR fails to inform the decision makers and the public of the full extent of the very real potential adverse greenhouse gas emission impacts that the project will create.

Additionally, in order for MM to be fully effective, fully funded performance bonding should be required up front. Five- or ten- or more years of mitigation monitoring can and do fail—either through lack of funds, applicant bankruptcy,¹ incompetence, or mistakes by conservation organization(s) hired to carry out the MM. Also, there are always further oak woodland threats that will be caused by future proposed amendments to General Plans and/or land-use rezoning approvals.

It is almost incomprehensible to grasp the scale of potential destruction of over 138,000 acres of oak woodlands with all the subsequent watershed impacts, wildlife

¹Placer County's oak woodlands MM for an approved project known as “Bickford Ranch” were a complete failure. The oaks were removed (clear cut), but with a bankruptcy (2008), the MM were abandoned.

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habitat (see Exhibit B), along with other more subtle, less obvious negative changes to natural amenities—including but not limited to: reduced soil moisture retention capacity, lower groundwater tables and stream recharge, increased runoff with potential flooding and sediment loads in creeks (some of which may also impact critical anadromous fish habitat). Yet these impacts have not been reviewed in the DEIR.

The BRPU/ORMP needs to analyze opportunities to keep all working landscapes in balance with the natural landscapes, with the top priority being preservation of ecosystem values that benefit all—landowners, citizens, and the region as a whole. Although good models of agricultural operations are proof that they can and do co-exist with oak woodland preservation throughout the state, it is important to keep the focus on oak preservation—not agriculture economic entrepreneurship or sprawling development. Developers, ranchers and farmers can adapt; a clear-cut oak woodland cannot.

The DEIR’s range of alternatives is egregiously inadequate. CEQA requires a range of alternatives to the proposed project that would be reasonable in reaching the project’s primary objectives and would reduce or avoid the significant impacts.² A proper analysis of alternatives is critical in order for El Dorado County to comply with CEQA’s mandate that significant environmental damage be avoided or substantially lessened where feasible.³ As stated in *Laurel Heights Improvement Association v. Regents of University of California*, “[w]ithout meaningful analysis of alternatives in the DEIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the consequences of action by their public officials.”⁴ The DEIR’s discussion of alternatives lists only two.⁵ However, to comply with CEQA, especially with a project this large, with so many potential impacts, many more than only two alternatives are called for and must be considered.

We urge El Dorado County officials to recognize the county’s uniquely beautiful, sensitive, and special natural resources—the very reason many people choose to live in El Dorado County—and send the BRPU/ORMP back to the drawing board.

Thank you for considering our views,



Marilyn Jasper, Conservation Chair

cc: The Honorable Edmund G. Brown, Jr.
Board of Supervisors, Amador County
Board of Supervisors, Placer County
California Oaks Coalition
The Honorable Senator Fran Pavley

Attachments: Exhibits A and B

² Public Resource Code § 21100(b)(4); CEQA Guidelines § 15126(d).

³ Public Resource. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45.

⁴ 47 Cal. 3d 376, 404 (1988)

⁵ DEIR, page 1-5 and in Chpt 10.

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Response to Comment Letter 5

**Sierra Club Placer Group
Marilyn Jasper
August 15, 2016**

5-1 This comment introduces the attached comments.

This comment does not address the accuracy or adequacy of the Draft EIR or the merits of the proposed project. No response is required.

5-2 The commenter states that the proposed General Plan Biological Resources Policy Update and Oak Resources Management Plan (project) must go the extra mile to protect and conserve oak resources in El Dorado County (the County), but that it appears the proposed project is deficient because it does not adequately recognize unique oak woodland natural resource values or propose strong, enforceable protection measures.

This comment pertains to the policies in the proposed project. The Draft Environmental Impact Report (EIR) evaluates the Oak Resources Management Plan (ORMP) and the General Plan biological resources policy revisions as described in the Project Description (Chapter 3 of the Draft EIR). As described in the Project Description, opportunities for public comment on the proposed policy changes occurred in 2014 and 2015, when 10 public meetings were held to address revisions to the biological resource policies. At these workshops, the public was invited to submit comments on the proposed revisions to the policy language, the Draft ORMP, and the content of the EIR. Because this comment does not address the accuracy or adequacy of the Draft EIR, no response is required. Refer to Master Response 1 in Chapter 2 (Master Responses) in this Final EIR. This comment, along with all comments on the Draft EIR, will be considered by the Board of Supervisors in their deliberations on the proposed project.

5-3 The comment states that if/when mature oak woodlands, especially heritage oaks, are removed, the proposed project's in-lieu fees or on/off-site mitigation are inadequate and oak woodlands will never fully recover. The comment states that the loss of those woodlands would create a net loss for wildlife habitat and critical corridors, and suggests that the County consider the alternative submitted by the Sierra Nevada Conservation Alliance (Center for Sierra Nevada Conservation (CSNC)).

The comments on the proposed project will be forwarded to the Board of Supervisors for their consideration in deliberations on the proposed project. Refer to Master

Response 2 regarding a loss of wildlife habitat and fragmentation and to Master Response 7 regarding the alternative suggested by the CSNC in Chapter 2 (Master Responses) in this Final EIR.

- 5-4** This comment states that the proposed project does not fully analyze the impacts associated with loss of sequestered carbon or identify adequate mitigation measures. This comment also references the comment letter from the California Wildlife Foundation/California Oaks (Comment Letter 1 above in this section (Section 3.3, Organizations)), stating that the Draft EIR fails to inform the decision makers and the public of the full extent of potential adverse greenhouse gas (GHG) emissions impacts.

Project impacts to carbon sequestered in oak woodlands is addressed in Chapter 8 (Greenhouse Gases) of the Draft EIR, which provides calculations of the metric tons (MT) of carbon dioxide equivalent (CO₂E) potentially released by impacts to oak woodlands resulting from land development under the General Plan. This chapter also addresses the amount of sequestered carbon that would be retained in oak woodlands conserved as a component of oak woodland mitigation programs required under the ORMP. See also Responses to Comments 1-1 through 1-22 above in this section (Section 3.3, Organizations).

- 5-5** This comment states that due to the risk of failure to complete effective mitigation monitoring, fully funded performance bonding should be required up front.

Refer to Response to Comment 11-2 in Section 3.4 (Individuals) in this Final EIR regarding the establishment of performance criteria for oak resources mitigation. Also refer to Master Response 4 in Chapter 2 (Master Responses) in this Final EIR regarding mitigation monitoring.

- 5-6** The comment states that there could be further oak woodland threats from future proposed amendments to the General Plan and/or land use rezoning approvals.

This comment does not address the accuracy or adequacy of the Draft EIR. The commenter's opinion on the potential for future changes to the General Plan and zoning will be forwarded to the Board of Supervisors for consideration in their deliberations regarding the proposed project.

- 5-7** This comment states that the Draft EIR fails to grasp the scale of potential destruction of over 138,000 acres of oak woodlands and fails to analyze more subtle negative changes, including reduced soil moisture retention, lower groundwater tables and stream recharge, and increased runoff with potential flooding and sediment loads in creeks.

The potential for the proposed project to result in impacts associated with soil moisture, groundwater tables and stream recharge, increased runoff, and increased sediment loads in creeks was evaluated in the Initial Study circulated with the Notice of Preparation for this EIR. The Initial Study concluded that the proposed project would have no effects on hydrology and water quality because it does not include new construction and would not increase the amount or intensity of land use development allowed within the County.

The comment references loss of 138,000 acres of oak woodlands. As discussed in Response to Comment 1-18 above in this section (Section 3.3, Organizations), the loss of 138,000 acres of woodlands identified in the Draft EIR is specific to the activities that could occur under the proposed ORMP exemptions. The vast majority of this (approximately 132,000 acres) is associated with agricultural activities. Where oak woodland is lost to agricultural activities, many of the impacts noted in this comment might not occur. As discussed in Master Response 9 in Chapter 2 (Master Responses) in this Final EIR, General Plan implementation activities that are not exempt from the proposed ORMP are expected to impact a maximum of 4,848 acres of oak woodlands. All future development projects, including those that are exempt from the ORMP mitigation requirements, would be reviewed by the County to ensure that impacts associated with hydrology and water quality are avoided or reduced as required under the County's General Plan and County Code as well as state and federal water quality regulations, such as the National Pollutant Discharge Elimination System.

5-8 The commenter states that the proposed project needs to prioritize the ecosystem, not agriculture entrepreneurship or sprawling development.

The proposed project is designed to meet the 2004 General Plan goals, which guide the County's planning through 2035. Refer to Master Response 1 in Chapter 2 (Master Responses) in this Final EIR on balancing the competing policies in the General Plan. The proposed project would not promote agricultural entrepreneurship or encourage sprawl. Given the development already constructed and accounted for in the future (using the County's planning horizons), General Plan policies encourage concentration of high-intensity uses in Community Regions and Rural Centers to preserve the remaining Rural Regions as open space and natural resource areas. Large contiguous blocks containing multiple habitat types have the potential to support the highest wildlife diversity and abundance. Generally, the lowest diversity of native wildlife species can be expected in densely urbanized areas.

5-9 This comment states that the Draft EIR’s range of alternatives is inadequate, stating that CEQA requires a range of alternatives that would be reasonable in reaching the project’s primary objectives. This comment then quotes *Laurel Heights Improvement Association v. Regents of University of California*. Finally, the comment states that in order to comply with the California Environmental Quality Act, more than two alternatives must be considered for a project this large.

The range or number of alternatives that must be evaluated in an EIR is not dictated by the size of the project. As described in Chapter 10 (Alternatives) of the Draft EIR, the alternatives were selected because they are potentially feasible and would avoid or substantially lessen the significant effects of the project. In order to be feasible, the alternatives must also meet the 2004 General Plan goals, which guide the County’s planning through 2035. Given the General Plan goals, the ORMP is designed to conserve and manage the County’s oak resources. Compared to the pattern of development and conservation under existing General Plan policies, the ORMP is expected to result in reduced impacts to sensitive habitats.

5-10 This comment closes the letter from the Sierra Club, and urges County officials to send the proposed project back to the drawing board.

This comment pertains to the policies in the proposed project. The Draft EIR evaluates the ORMP and the General Plan biological resources policy revisions as described in Chapter 3 (Project Description). As described in the Project Description, opportunities for public comment on the proposed policy changes occurred in 2014 and 2015, when 10 public meetings were held to address revisions to the biological resource policies. At these workshops, the public was invited to submit comments on the proposed revisions to the policy language, the Draft ORMP, and the content of the EIR. Refer to Master Response 1 in Chapter 2 (Master Responses) in this Final EIR on balancing the competing policies in the General Plan. Because this comment does not address the accuracy or adequacy of the Draft EIR, no response is required. This comment, along with all comments on the Draft EIR, will be considered by the Board of Supervisors in their deliberations on the proposed project.