

## **CHAPTER 2 MASTER RESPONSES**

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This chapter contains a series of master responses that address issues raised in numerous comment letters received on the Draft Environmental Impact Report (EIR). Although separate responses are provided for each individual comment in Chapter 3, these master responses provide a broad summary of and response to the issues most commonly raised in the comments on the Draft EIR. In addition, Master Response 9 presents recalculated impact totals that are addressed in several responses. The master responses include an explanation of how the issues were addressed in the Draft EIR, where applicable.

This chapter contains master responses for the following topics:

1. Policy Actions by the Board of Supervisors
2. Priority Conservation Areas, Habitat Fragmentation, and On-Site Retention
3. In-Lieu Fee
4. ORMP Mitigation and Monitoring
5. Agricultural Activity Exemption
6. Personal Use Exemption
7. Center for Sierra Nevada Conservation Alternative
8. Level of Detail in a Program EIR and Site-Specific Constraints
9. Recalculated Impact Totals
10. No Net Loss of Oak Woodlands Alternative
11. Relationship Between County General Plan EIRs

### **Master Response 1 Policy Actions by the Board of Supervisors**

The proposed Biological Resources Policy Update and Oak Resources Management Plan (project) involves the amendment of the El Dorado County General Plan (General Plan) to adopt the revised biological resources policies and implementation measures as well as adoption of the Oak Resources Management Plan (ORMP) and the Oak Resources Conservation Ordinance. A number of comments submitted in response to the Draft EIR addressed the proposed content of the General Plan and ORMP. This Master Response discusses the El Dorado County (County) Board of Supervisors' obligations and authority in setting General Plan policy, particularly in regard to ensuring that the General Plan accurately reflects the community's goals and provides the appropriate balance between competing goals and interests.

State law requires each county and city to adopt a general plan that will guide the physical development of the county or city. The General Plan is required to provide a comprehensive, long-range, internally consistent statement of goals, objectives, and policies that will guide the agency's decision makers when evaluating land use changes, development proposals, funding, and budgeting. Thus, the General Plan provides a statement of community priorities and values to be used to guide public decision making in future years.

Given the broad scope of the General Plan, there are unavoidable tensions between plan goals, objectives, and policies that address different resources. Although these tensions are inherent, it is also the goal of the County Board of Supervisors to avoid these conflicts when possible, to reduce the need for policy interpretations to be made during future decision making. In other words, there are instances when the County's General Plan policies may not fully achieve the County's objectives and goals for a particular aspect of community development because doing so would impair the County's ability to achieve other important objectives and goals.

In developing the currently proposed General Plan amendments and ORMP, the County held a series of public workshops at which the Board of Supervisors was presented with background information, staff and consultant recommendations, and public and agency input regarding the project. These workshops allowed the Board to understand the central issues and provide direction regarding the overall approach to setting General Plan policy related to protection of biological resources and 10 decision points that were key to formulating the proposed policies and ORMP. Under this process, the Board of Supervisors carefully considered technical information, expert opinion, and public input, and exercised their authority to weigh the County's options and competing opinions in directing the County's consultant to prepare policies that would best meet the County's overall goals and objectives.

Specifically, the General Plan recognizes that the County is "blessed with abundant natural resources and has long been recognized for its spectacular beauty. While impacted, these same attributes exist today. The County has a tradition of appreciating and conserving these resources, using them wisely, and upholding a strong ethic of stewardship over these assets. It is the combination of these features that are now referred to as rural character." Within the General Plan's focus on conservation of natural resources, it recognizes that these resources provide a wide variety of benefits to the County:

"All of the County's natural resource lands are important to the local and regional economies due to their availability for crop production, recreational opportunities, watershed values, and contributions to the tourism industry.

In general, in order for these resources and opportunities to be available in the future, these important lands require sound management. The General Public

specifies the manner in which the historic culture, custom, and economic importance of these lands can be sustained in the future. Conflicts do exist as a result of population expansion into resource rich lands. This Plan provides policy guidance and direction on how to avoid and/or minimize these conflicts. Careful management applies especially to the County's abundant water resources and watershed areas. Healthy economies cannot be maintained without a reliable and clean water source.

This Plan also acknowledges that the County will continue to grow but will attempt to retain the qualities of its natural resource base, both consumptive and environmental, in order to maintain its custom and culture and to assure its long-term economic stability. This Plan acknowledges the ecological and historic values of these lands while saving and conserving the lands for future economic benefits for all the purposes stated in this section. The rural character of the County is its most important asset. Careful planning and management can maintain this character while accommodating reasonable growth and achieving economic stability” (El Dorado County 2004, Introduction, p. 2).

The General Plan defines the overall vision for the County's future as one in which the County's rural character and lifestyle is maintained while economic viability is retained. This includes maintaining the integrity and distinct character of individual communities, protecting open space and promoting natural resource uses, and achieving a better balance between local jobs and housing by encouraging high technology activities as well as through the development of more affordable housing. Additionally, the General Plan notes that the viability of agriculture and timber industries is “critical to the maintenance of the County's customs, culture, and economic stability” (El Dorado County 2004, Introduction, p. 4).

The General Plan identifies eight strategies for achieving the plan's vision (El Dorado County 2004, Introduction, p. 5). Among these strategies, the following four are relevant to this project:

1. Recognize urban growth in Community Regions while allowing reasonable growth throughout the rural areas of the County.
2. Promote growth in a manner that retains natural resources and reduces infrastructure costs.
3. Encourage growth to reflect the character and scale of the community in which it occurs and recognize that planned developments are an effective planning tool to maximize community identity and minimize impact on the surrounding area.
5. Provide that Plan goals, objectives, and policies reflect the significant differences in characteristics between the principal land use planning areas of Community Regions, Rural Centers, and Rural Regions.

The Community Regions, Rural Centers, and Rural Regions are further defined in the “Plan Concepts” section of the General Plan (El Dorado County 2004, Introduction, p. 6), which notes that these three planning concept areas are used to direct growth and manage the County’s land use patterns. Specifically, the General Plan calls for directing growth to the Community Regions, where higher levels of infrastructure and public services shall be provided, allowing growth and commercial activities in the Rural Centers to serve the larger Rural Regions, and focusing resource-based activities, while accommodating reasonable growth, in the Rural Regions.

In the Land Use Element, the General Plan recognizes that historical growth patterns in the County consisted of small, mixed-use communities while more recent development has introduced large-lot, low-density residential development, which has led to “a more rural lifestyle throughout the County and has slowly transformed rural areas into areas characterized with dispersed residential uses. During the General Plan public participation process, residents generally agreed that compatible infill development and clustered communities are mechanisms to reduce development pressures in rural areas, thus preserving the County’s rural character and maintaining a sense of place within communities” (El Dorado County 2004, Land Use Element, p. 10).

In the Agriculture and Forestry Element, the General Plan notes that agricultural lands are:

“...regarded by residents as fundamental components of the County’s rural character and way of life. In recent years, large influxes of new residents have resulted in increased development and thus a changed landscape. While this growth has benefited the County in many ways, the low-density residential growth has threatened important agricultural and forest lands. Prudent management of the County’s agriculture and forestry resources is needed to provide future generations with opportunities to experience both the economic benefits and rural lifestyle residents now enjoy. This prudent management strategy involves maintenance of large parcel sizes and the minimization of incompatible land use encroachment into these resource rich lands” (El Dorado County 2004, Agriculture and Forestry Element, p. 169).

The planning concepts and strategies that are central to the General Plan are reflected in the Plan Goals, Objectives, and Policies. Specifically, Objectives 2.1.1 and 2.1.2 define the boundaries of the Community Regions and Rural Centers as the urban limit line for the County. Current Policy 2.1.1.2 states that the highest intensity of urban or suburban development shall occur in the Community Regions, whereas Policy 2.1.2.3 states that commercial and higher density residential development shall be the predominant land use types within Rural Centers (El Dorado County 2004, Land Use Element, pp. 11-13).

In support of these policies, Table 2-1 in the General Plan shows the land use designations that fit within each of the major planning areas (El Dorado County 2004, Land Use Element, p. 15). This table indicates that the land use designations of Rural Residential, Agricultural Lands, and Natural Resource are only appropriate in the Rural Regions, whereas the land use designations of Multifamily Residential, Medium-Density Residential, High-Density Residential, and Research and Development are only appropriate in the Community Regions and Rural Centers. Other land use designations, such as Low-Density Residential and Commercial, may be found in any of these plan concept areas. However, the definitions of land use designations that follow the table note that the use of Low-Density Residential in Community Regions and Rural Centers is appropriate “where higher density serving infrastructure is not yet available” (El Dorado County 2004, Land Use Element, p. 16)

Through these and other policies and implementation measures in the Land Use Element and throughout the General Plan, the County has established a comprehensive land use plan that calls for a hierarchy of development densities. The highest-intensity uses are concentrated in the Community Regions and Rural Centers, allowing the Rural Regions to continue to support low-density development, agricultural activities, and natural resource management.

As part of this comprehensive strategy, the County has identified protection of the rural quality of life, including the key role of agricultural and other natural resource activity, as a primary goal of the General Plan. Objective 8.1 states the County’s intent to ensure “long-term conservation and use of existing and potential agricultural lands within the County and [limit] the intrusion of incompatible uses into agricultural lands” (El Dorado County 2004, Agriculture and Forestry Element, p. 170).

The proposed project was developed to ensure compatibility with the assumptions, concepts, and strategies that form the basis for the General Plan. For example, the proposed biological resources policies and ORMP would allow for loss of oak resources within Community Regions to be mitigated in the Rural Regions. This is consistent with the General Plan in that it would facilitate continued urban and suburban development in the Community Regions as well as continued protection of the land use patterns, activities, and aesthetics of the Rural Regions. As described previously, after input at many public meetings and consideration of technical information, the Board of Supervisors directed preparation of the revised biological resources policies and ORMP in a manner that would best meet the County’s overall goals and objectives.

## **Master Response 2**

### **Priority Conservation Areas, Habitat Fragmentation, and On-Site Retention**

Several comments questioned the strategy behind prioritizing off-site preservation in Priority Conservation Areas (PCAs), rather than requiring more on-site preservation, preservation in

proximity to the area of impacts, or preservation in other areas not identified as PCAs. Comments also questioned Draft EIR conclusions that preservation in the PCAs would offset impacts to native and special-status species more effectively than on-site retention or preservation of intact habitat nearer the U.S. Highway 50 corridor.

As stated in the Draft EIR in the discussion on pages 3-5 (Chapter 3, Project Description) regarding proposed policy 7.4.2.8, the County's intent for the biological resources policies is to ensure that the current range and distribution of wildlife in the County is protected by retaining sufficient habitat to support viable plant and wildlife populations. To achieve this intent, biological evidence indicates it is not necessary for mitigation to occur close to the area of impact. Rather, it is important that conservation occurs in the areas with the highest habitat value.

As described in the Establishment of the PCAs section below, the PCAs are located in areas where oak woodland habitats are present in contiguous areas that are a minimum of 500 acres. Further, as described in the Habitat Fragmentation section below, research indicates that conserving habitat blocks where habitat fragmentation is unlikely to occur results in maximizing patch size, which in turn allows for preservation of larger populations of wildlife and flora and maximizing the protection of biodiversity. The approach also provides for minimizing edge effects and other indirect effects on the habitat and species, thus providing greater protection to species that are sensitive to disturbances from adjacent land uses. In support of this approach, other jurisdictions' habitat conservation planning efforts, such as those under development or adopted for Placer, Santa Clara, East Contra Costa, and Butte Counties, typically allow mitigation to occur anywhere within that jurisdiction or planning area, or within designated open space and reserve areas. Many conservation-planning efforts indicate a goal of keeping preserved lands as far away from impacted areas as possible (for example Santa Clara Valley Habitat Authority 2012, pp. 5-10 through 5-13).

This is the approach used by the County under the proposed project. The County relies on preservation in areas where habitat fragmentation is unlikely to occur. As described below, this was a criteria used to define the County's PCAs. Proposed Policy 7.4.2.8 and the proposed ORMP require that mitigation areas be prioritized by their inclusion in the PCAs and, secondarily, their inclusion in the IBCs. This ensures that the preserved areas are those that are expected to retain the greatest habitat and conservation value in the long-term. In addition to providing high habitat values, the approach and criteria used to identify the PCAs are important for ensuring the long-term feasibility of managing areas that are conserved under the proposed ORMP. For example, the routine monitoring and maintenance necessary for a single 500-acre conservation area would require substantially less time and effort than routine monitoring and maintenance of ten 50-acre parcels. Further, consistent with the County's ongoing efforts regarding natural resource management and preservation, the conservation program is predicated on the idea that all lands must be acquired from willing sellers. Because the County cannot

predict where such acquisition will occur, although mitigation is encouraged to occur within the PCAs, the program offers substantial flexibility to acquire conservation lands throughout the County and it is expected that mitigation will occur in a variety of locations.

When considering the requirements to prioritize mitigation within the PCAs and IBCs, and the evaluation factors that were used to define the PCAs and IBCs, this approach provides meaningful conservation of the County's biological resources by ensuring the highest habitat value areas are conserved in perpetuity and supporting protection of wildlife movement across the County, as described in the following Wildlife Movement section. In addition to greater protection of biological values, this mitigation/conservation approach that forms the basis for the proposed policies allows the County to meet the basic goals and objectives identified in the County's General Plan of concentrating development in the County's Community Regions and Rural Centers, as discussed in Master Response 1 above.

### **Wildlife Movement**

This approach does not jeopardize the ability of the County to ensure that at least one north-south connection that provides for wildlife movement is retained, thus ensuring the best feasible protection for biodiversity throughout the County. Under proposed Policy 7.4.2.8, the project includes a requirement that development within the County's IBCs achieve a "no net loss" of wildlife movement standard. While this requirement generally applies to projects that require a discretionary County approval, the proposed project requires this standard within the Weber Creek IBC even for projects that require only ministerial approvals (such as a project that requires only a grading permit or a building permit). The Weber Creek IBC was selected for this additional level of protection because it currently provides a viable wildlife movement corridor crossing below U.S. Highway 50, the placement of lot lines within this IBC generally facilitate use of buffers and other design measures to ensure the no net loss standard can be achieved, and the existing topography limits development opportunities nearest to Weber Creek, further facilitating achievement of the no net loss standard.

### **Location of Mitigation**

The comments asserting that conservation within the PCAs is not sufficient to mitigate impacts from General Plan implementation are correct that a large portion of the anticipated impacts will occur within the U.S. Highway 50 corridor. As shown on Figures 4-1 and 5-3 in the Draft EIR, future development within this area would affect natural habitat areas that currently occur in generally smaller patches relative to other areas of the County. Figure 4-1 shows areas that are characterized as already developed in yellow, and future development areas in orange (projected to be developed by 2025) and purple (expected to be developed by 2035). Figure 5-3 shows the same areas classified by vegetation community and indicating future development areas with

hatch marks. These figures show that the majority of the future development areas, particularly those nearest to U.S. Highway 50, are surrounded by areas that are already developed. Thus, the current habitat value of these future development areas is limited and would be further decreased as development occurs. Preservation of areas within the PCAs, which have higher habitat value due to the greater amounts of contiguous habitat area, would offset the impacts to the flora and fauna that rely on these communities. Anticipated future development that extends into areas that currently provide larger contiguous natural habitat blocks are concentrated in the western part of the county, particularly south of the El Dorado Hills Community Region. This area has already been planned for development under the County's adopted plans, including the Carson Creek and Valley View specific plans.

Further, portions of the PCAs and IBCs occur within 4 miles of U.S. Highway 50, as shown on Figure 2 in the ORMP (Section 4.0, Priority Conservation Areas). These areas provide opportunities for mitigation to occur proximate to impacted areas near U.S. Highway 50. As shown in Table 6-16 (which has been revised as discussed in Master Response 9 below) of the Draft EIR (Chapter 6, Biological Resources), the PCAs and IBCs contain sufficient amounts of each land cover type to accommodate all of the anticipated needs for preservation, except for fresh emergent wetland.

### **Establishment of the PCAs**

The PCAs were not identified as part of the current planning process for the proposed Biological Resources Policy Update and Oak Resources Management Plan (project). The PCAs were identified during preparation of the Oak Woodland Management Plan (OWMP) between October 2006 and May 2008, and as part of the Updated Integrated Natural Resources Management Plan Initial Inventory and Mapping adopted by the El Dorado County (County) Board of Supervisors in 2010. The proposed project does not include any changes to the PCAs as approved by the Board of Supervisors in 2010. The PCAs were subject to multiple revisions, which accounted for comments and recommendations provided by the public, stakeholders, and the OWMP Technical Advisory Committee.

The process used to identify the PCAs during preparation of the OWMP between 2008 and 2010 was as follows:

- Map the areas classified in the California Department of Forestry and Fire Protection's Fire Research and Assessment Program mapping as belonging to one of the five oak woodland habitat types in the county.
- Narrow those mapped areas down to large expanses consisting of 500 acres or more.
- Further narrow those large expanses to lands where, based on General Plan land use designations, oak woodland habitat would not likely undergo substantial fragmentation.



Areas selected as PCAs were also limited to those where oak woodland conservation would be consistent with the General Plan land use designations. Areas specifically excluded were lands within Community Regions and Rural Centers and lands designated Low-Density Residential.

These resulting areas are classified as PCAs. The PCA mapping was vetted through extensive reviews by technical specialists, County staff, and the public. As part of the current project, the County's expert biologists and foresters reviewed the PCA mapping and selection process and concurred with the recommendations of the technical specialists that preservation of oak woodlands within the PCAs would ensure that the County retains the biological values of its oak woodland habitat. Thus, the County chose not to remap the PCAs as part of the current project.

### **Habitat Fragmentation**

Targeting lands within the PCAs for preservation aims to minimize habitat fragmentation. The concept of habitat fragmentation, and most research into its effects, comes from deciduous forested landscapes in the eastern United States, where two centuries of agricultural clearing and residential development have fragmented the once continuous forest canopy. In contrast, oak woodland is naturally patchy, and the classic concept of habitat fragmentation only loosely applies. However, two elements of habitat fragmentation—edge effects and connectivity between habitat patches—are relevant to oak woodland species. Large tracts of woodland provide a variety of habitat elements and can support large populations of particular species; large populations are less likely to be extirpated than small populations. Large patches also minimize the amount of edge effects.

A study that sampled birds in oak woodland of northern coastal California in three levels of development (ranchette, suburban, and relatively undisturbed rangeland) concluded that the overall number and diversity of birds did not change, but the bird species composition did (Merenlender et al. 1998). Specifically, the study demonstrated that more non-native species were found in the more intensively developed and fragmented habitat, which likely reflected the change in vegetation (more non-native landscaping) and other elements of human presence such as roads, houses, pets, and noise. Whether there was a similar shift to more non-native and human-tolerant species within the other groups of vertebrates (small mammals, amphibians, and reptiles) was not studied. Because these animal groups are, overall, less mobile than birds and more subject to the deleterious effects of roads, pets, and landscaping and garden poisons, it is reasonable to assume that numbers of individuals and the diversity of native species were reduced, similar to what occurred among the birds. Generally, even for highly mobile species like birds, many species respond negatively to nearby residential development (Stralberg and Williams 2002; Tietje et al. 1997). In another

study of oak woodland sites in Sonoma County, the proportion of the bird community composed of tree-and-shrub feeders was similar between exurban and natural areas, whereas proportions of temperate migrants showed significant reductions at both suburban and exurban sites (Merenlender et al. 2009). Similarly, species known to avoid urban areas, such as northern flicker (*Colaptes auratus*), Hutton's vireo (*Vireo huttoni*), and orange-crowned warbler (*Oreothlypis celata*), all of which also occur in El Dorado County, were equally rare in exurban and suburban sites. These observations support the contention that preservation of large, undeveloped parcels is essential for the conservation of these species. Although many small fragments may help in providing a variety of habitats, which is beneficial for some woodland birds, reproduction is often poor in small fragments because of predation by edge species of wildlife such as American crows (*Corvus brachyrhynchos*), raccoons (*Procyon lotor*), house cats (*Felis catus*), and skunks (*Mephitis mephitis*, *Spilogale gracilis*).

### **On-site Retention**

The effectiveness of on-site preservation has not been well studied. Accordingly, the County's biological experts concur that the best analog to on-site preservation may be to look at the effectiveness of clustered development, wherein landowners effectively "pool" their open space. In a study conducted in woodlands in Colorado, both dispersed "ranchette" style and clustered housing developments were characterized by higher densities of non-native and urban-adapted species, and lower densities of native and human-sensitive species, than undeveloped areas were (Lenth et al. 2006). Other studies examining exurban developments outside oak woodlands have found similar trends (Odell and Knight 2001; Hansen and Rotella 2002; Maestas et al. 2003; Hansen et al. 2005), as have studies along the urban-rural gradient (Blair 1996; Donnelly and Marzluff 2004).

In summary, although a limited number of native species may benefit from increased on-site retention requirements relative to the proposed project, the limited data available on habitat fragmentation in oak woodlands suggests that a greater number of species would benefit from preservation of large undeveloped areas in perpetuity. Thus, a single large habitat patch is usually superior to several smaller patches, especially for vertebrate species with large territories or home ranges.

Increased on-site retention requirements, as discussed in Alternative 2: Minimum Oak Woodland Retention Requirement in Chapter 10 (Alternatives) of the Draft EIR, are assumed in this analysis to lead to more dispersed and exurban development, which would make it more difficult to maintain unfragmented habitat in the County's Rural Regions. Therefore, although the pattern of impacts on the landscape would be different, the conclusion in the Draft EIR that the overall intensity of habitat fragmentation impacts under Alternative 2 would be similar to the proposed project (Draft EIR, Chapter 10, Alternatives, pp. 10-20 to 10-21) is reasonable.

Further, increased on-site retention requirements under Alternative 2 would not reduce the development projections for the County and therefore would not reduce the total amount of habitat loss that would occur County-wide; therefore, it would not necessarily reduce the degree of habitat fragmentation that could be expected to occur. Rather, it would be likely to reduce the amount of development that could occur within the Community Regions and Rural Centers, thus displacing some of that development into the County’s rural regions. This would increase development intensity and habitat loss in those areas and require infrastructure expansion in the rural areas. Therefore, this alternative was rejected as infeasible specifically because it would conflict with General Plan policies that 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 (including agriculture and timber) and would encourage growth that increases, rather than reduces infrastructure costs.

### **Master Response 3 In-Lieu Fee**

Several comments stated that the in-lieu fee calculated for oak woodland impacts was based solely on land values within the Priority Conservation Areas (PCAs) and therefore does not reflect higher land values near the U.S. Highway 50 corridor and would consequently favor conservation in the margins of El Dorado County (the County). As discussed below, the in-lieu fee for the proposed Oak Resources Management Plan (ORMP) is not based on land values only for properties in the PCAs. As stated on page 8 of the Nexus Study prepared in support of the in-lieu fee, the fee is based on “actual recent and/or current acquisition and management and monitoring costs faced by [land conservation organizations] actively conserving oak woodland resources or other tree-dominated habitat.” Further, as discussed in Master Response 2 above, it is not necessary for mitigation to occur in proximity to the area of impact to be effective at conserving oak woodlands and protecting the habitat value of oak woodlands in the County.

The in-lieu fee calculated for the ORMP was developed as a component of a Nexus Study (Appendix B of the ORMP (Appendix C in the Draft EIR)) in order to establish the legal and policy basis for the fee. As described in detail in Section 3 of the Nexus Study, the in-lieu fee is designed to pay the full cost of the mitigation for development impacts, including acquisition, management and monitoring (initial and long term), and administration. In developing the oak woodlands in-lieu fee, the scale of cost incurred by local land conservation organizations that actively acquire and manage conservation land was analyzed. Costs associated with acquisition of land or conservation easements derived from land conservation organization case studies was used to inform the oak woodland in-lieu fee development, in addition to an analysis of real estate transaction data within the County. Although several land conservation organization case studies were compiled and reviewed, the oak woodland in-lieu fee was based on costs identified by the

American River Conservancy and Placer Land Trust, because data from these two organizations is most applicable to the oak woodland conservation program identified in the ORMP. In considering the land acquisition costs of all the studied land conservation organizations, the Nexus Study found that “Recent conservation land costs among LCOs [Land Conservation Organizations] range from \$1,000 to nearly \$17,000 per acre, but most fall within a range of \$2,800 to \$12,000 per acre” (Appendix B of the ORMP (Appendix C of the Draft EIR)). As shown in Table 3-5 of the Nexus Study, the land values that were relied on to determine the proposed in-lieu fee included one transaction within El Dorado County in which 71 acres that included some oak woodland habitat were acquired for a price of \$2,047 per acre. The other land values were obtained from the American River Conservancy and Placer Land Trust. Thus, acquisition price was not determined solely based on properties within the PCAs. With consideration of the land acquisition costs of all the studied land conservation organizations, the Direct Acquisition Price for oak woodland conservation in El Dorado County determined in the Nexus Study was \$5,000 per acre.

#### **Master Response 4 ORMP Mitigation and Monitoring**

Several comments questioned the efficacy of the Oak Resources Management Plan (ORMP) and the success of replanting oaks from acorns and seedlings. Commenters also questioned the success of previous El Dorado County (County) oak mitigation replanting and monitoring efforts, and requested details on who will be responsible for monitoring and documenting the mitigation under the ORMP.

#### **ORMP Background**

The proposed project includes adoption of an ORMP that updates and revises the Oak Woodlands Management Plan (OWMP) adopted by the Board of Supervisors on May 6, 2008 (El Dorado County 2008). The purpose of the ORMP is to define mitigation requirements for impacts to oak woodlands, individual native oak trees, and Heritage Trees, and to outline the County’s strategy for oak resource management and conservation. The ORMP is designed to function as the oak resources component of the County’s Biological Resources Mitigation Program, identified in proposed General Plan Policy 7.4.2.8 (as revised under the proposed project).

The ORMP mitigation program establishes a clear framework for an in-lieu fee payment for impacts to oak woodlands and native oak trees, identifies Priority Conservation Areas (PCAs) where oak woodland conservation efforts may be focused, and outlines minimum standards for identification of oak woodland conservation areas. The ORMP helps the County comply with Implementation Measure CO-P (El Dorado County 2004, Conservation and Open Space Element, pp. 164-165). Lastly, the ORMP establishes a plan for voluntary conservation that landowners,

the County, and others may use to seek grants and cost-sharing from state and federal programs for oak woodland conservation in El Dorado County.

The ORMP separates oak resources into two categories: oak woodlands and individual oaks; and it requires projects that would impact oak woodland and/or individual oak trees to obtain a permit from the County and provide mitigation for those impacts, unless a project or activity meets one of the ORMP exemptions. Oak woodlands are treated in acres and individual trees are discussed in terms of inches in diameter at breast height (dbh). In addition, Heritage Trees are defined in the ORMP as trees that are equal to or greater than 36 inches dbh, and require a higher mitigation ratio than smaller individual oak trees. The ORMP also allows the County to impose fines for the unpermitted destruction of oak resources to deter illegal removals. The fines may be as high as 9 times market value for the unauthorized removal of a Heritage Oak,.

### **ORMP Monitoring Requirements for Replacement Planting**

The ORMP allows for planting oak trees as one component of the mitigation requirements. Consistent with California Public Resources Code 21083.4 (Senate Bill 1334, Kuehl), the ORMP limits tree planting to no more than 50% of the required mitigation. Tree planting may occur on-site or off-site. Replacement planting plans (addressed in the ORMP under Section 2.4 (Replacement Planting Guidelines)) are required for all replacement planting efforts and must be prepared by a Qualified Professional and approved by the County. Replacement planting plans are required to address consistency with accepted native oak tree planting standards, site suitability, planting density, species composition, replacement tree size (including acorns), planting locations, and maintenance methods and frequency. Replacement planting plans must also be consistent with accepted native oak tree planting standards established by the University of California, Division of Agriculture and Natural Resources and the California Oaks Foundation.

When planting is used to mitigate for the loss of oak woodlands, the ORMP requires at least annual monitoring reports during the required 7-year (from the day of planting) monitoring period. When planting is used to mitigate for loss of individual oak trees, at the end of 7 years, the ORMP requires documentation of successful replanting. If, during the monitoring period, the required number of mitigation trees do not survive, the ORMP requires that new replacement trees be planted and monitored for an additional 7 years from the time of planting. The ORMP allows that a project proponent may more than the required number of trees during the initial planting period, so that the minimum survival rate may be accomplished at the end of the 7-year maintenance and monitoring period.

### **Effectiveness of Acorn and Seedling Planting as Mitigation**

As presented in Chapter 6 (Biological Resources) of the Draft EIR, acorn and seedling (1-gallon containers and smaller) establishment success has been well documented in field research, with several studies showing the successful establishment of planted oak seedlings in Northern California sites. Research has also documented that, in some cases, acorns and smaller-container-sized trees can outgrow larger-container-sized trees, primarily due to successful taproot development that is not inhibited by excessive time in containers. As identified in the ORMP, the determination of appropriate planting stock (acorns, containers) will be made by a Qualified Professional and will consider soil type, maintenance needs, access, and available irrigation. The oak resource mitigation approach was developed over the course of 10 public hearings, during which the Board of Supervisors was provided detailed information about the efficacy of replacement tree-planting efforts to mitigate impacts to oak resources (summarized in Dudek memoranda dated June 16, 2015, and September 18, 2015, included in Appendix E of the Draft EIR).

As stated previously, all replanting must be conducted in accordance with a Replanting Plan prepared by a Qualified Professional and approved by the County. Additionally, acorn planting is limited to no more than 25% of the project's total replanting requirements. The Replacement Planting Guidelines included in the ORMP also require that, if used, acorns be planted at a 3:1 ratio (3 acorns for every tree (for oak woodland mitigation) or 3 acorns for every 1-inch of trunk diameter removed (for individual native oak tree and Heritage Tree mitigation)). The provisions in the ORMP that require planting at a 3:1 ratio if acorns are used in replacement planting mitigation efforts are intended to account for potential mortality or predation of acorns; the specific survival rate for individual acorn planting projects would be defined in the Replanting Plan for that project.

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. A combination of replacement tree sizes (1-gallon, TreePot 4, acorns) may be used provided that the minimum replacement ratios are met, which must be documented in an oak resources technical report prepared by a Qualified Professional. The value of planting a mix of acorns and variable-container-sized trees is the development of a more diverse age structure in the replacement planting area. Oak woodlands with more complex understories (e.g., seedlings/saplings, understory trees, shrubs, herbaceous vegetation, downed woody material) provide habitat for a greater variety of species, including ground-nesting birds. A diverse structure provides reproductive sites for diverse wildlife communities.

### **Monitoring of the Oak Woodland In-Lieu Fee by the County**

On November 9, 2006, the Planning Commission adopted the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A) (Interim Interpretive Guidelines). From that date, new development was subject to the Interim Interpretive Guidelines, including minor amendments made to the Interim Interpretive Guidelines in the following year.

In accordance with the Interim Interpretive Guidelines, monitoring and reporting documentation was incorporated into all development projects meeting specified criteria, both ministerial and discretionary. Ministerial projects incorporated all mitigation/monitoring documentation, including any follow-up actions/studies/reports, into the building permit record. Similarly, discretionary projects incorporated all required mitigation/monitoring documentation into the respective discretionary project record(s), with site-specific mitigation/monitoring requirements incorporated as Conditions of Approval.

The OWMP and its implementing ordinance, adopted in May 2008, provided a mechanism to mitigate development impacts on oak canopy through payment of an in-lieu fee (current General Plan Policy 7.4.4.4, Option B). This fee was to be used for acquisition and conservation of oak woodland areas in perpetuity. From 2009 to 2011, mitigation monitoring reports tracking fee collection and usage were submitted to the Board of Supervisors on an annual basis (Legistar File Nos. 09-1103, 10-1167, and 11-1040, respectively). However, as a result of a lawsuit, the OWMP and its implementing ordinance was rescinded in 2012, and no new fees were collected after September 4, 2012.

In 2014, \$120,000 of in-lieu fee dollars for mitigation (Oak Woodlands Conservation Special Revenue Fund (Fund)) was used toward the purchase of 1,080 acres of oak woodland in southwest El Dorado County (“El Dorado Ranch, Phase IB”). The purchased property contains many mature oak woodlands, largely within a PCA, where oak conservation would be most consistent with General Plan goals, objectives, and policies.

On February 23, 2016, 5-year findings were presented to the Board of Supervisors demonstrating the OWMP’s consistency with California Government Code Section 66000 et seq. (Legistar File No. 15-1467), including documentation of the collection, funding sources, usage, and unexpended Fund balance during the period from 2008 to 2012. In 2015, the County reported (1) a beginning Fund balance of \$148,116 (July 2014); (2) \$1,509 in new fees collected (from previous authorization when the OWMP was in force); (3) the above expenditure of \$120,000 (“El Dorado Ranch, Phase IB”); and (4) an ending Fund balance of approximately \$30,000 (June 2015). The remaining Fund balance is intended either to be used for oak woodland acquisition or to be rolled into the new fee program in association with the proposed project.

### **Success of Prior Tree Planting**

Comments on the Draft EIR also included statements and photos asserting that previous replanting efforts in the County were unsuccessful. Specific information on prior projects was not provided and these efforts are not part of the proposed project evaluated in this EIR. Evaluating the efficacy of other mitigation efforts undertaken by the County is beyond the scope of the proposed project and is not required by CEQA. The Interim Interpretive Guidelines specify that on-site replacement of oak trees would be subject to an oak replacement agreement that would require self-monitoring and maintenance. In contrast, the ORMP requires that a replanting plan be prepared by a Qualified Professional, defined as an arborist certified by the International Society of Arboriculture, a qualified wildlife biologist, or a Registered Professional Forester. In addition, the ORMP requires that monitoring reports prepared by a Qualified Professional be submitted to the County at least annually during the 7-year maintenance and monitoring period and that documentation of replacement planting success be provided to the County at the end of the 7-year monitoring and maintenance period.

### **Master Response 5 Agricultural Activities Exemption**

Several comments requested an explanation of why the Agricultural Activities Exemption is necessary. Commenters also suggested that management requirements for agricultural grazing operations be identified and defined, and that the EIR should evaluate oak retention and mitigation for agricultural operations.

Current General Plan Policy 7.4.4.4 provides that agricultural cultivation is exempt from mitigation requirements for loss of oak trees and woodlands (El Dorado County 2004, Conservation and Open Space Element, pp. 151-152). The Interim Interpretive Guidelines for current Policy 7.4.4.4 further specify that the agricultural cultivation exemption applies to personal and commercial activities on lands planned or zoned for agricultural use, including those lands with rural residential designations. This exemption was also included in the 2008 Oak Woodlands Management Plan (OWMP). The proposed Oak Resources Management Plan (ORMP) continues the use of the exemption. The Draft EIR has provided a very conservative analysis of potential impacts to oak woodlands as a result of agricultural activities. As demonstrated in the analysis presented in Table 6-12 of the Draft EIR (Chapter 6, Biological Resources), a total of 132,281 acres of oak woodlands occur on lands that would qualify for the Agricultural Activities Exemption. It would require speculation regarding future changes in agricultural activities to quantify how much of these 132,281 acres of woodlands would be likely to be affected by activities exempted from the ORMP requirements. Thus, the impact analysis presented in the Draft EIR identifies that the Agricultural Activities exemption could result in impacts to all 132,281 acres. However, as discussed below, the County's biological experts



maintain that there is no evidence that continued agricultural activities would lead to a large-scale loss of oak woodlands.

To ensure the agricultural exemption is applied as narrowly as possible to meet the General Plan goals for ensuring the maximum feasible protection of oak resources as well as ensuring the continued viability of the County's agricultural economy, the Agricultural Activities Exemption in the proposed ORMP has been modified to specify that it does not apply to any agricultural activities that require issuance of a Conditional Use Permit. For example, development of any of the following land uses on land zoned for agricultural use would require issuance of a Conditional Use Permit: microbrewery, bed and breakfast inn, health resort and retreat center, feed and farm supply store, and wholesale storage and distribution facility. These uses, and all others that require a Conditional Use Permit to be constructed on lands that are zoned for or allow agricultural uses, would therefore be subject to the impact analysis and mitigation requirements of the ORMP under the modified agricultural exemption. The text and tables on pages 6-57 through 6-61 of the Draft EIR (Chapter 6, Biological Resources) and the text in Section 2.1.6 (Agricultural Activities Exemption) of the ORMP has been edited to reflect this modification to the Agricultural Activities Exemption, as shown in Chapter 4 (Text Changes to the Draft Environmental Impact Report) of this Final EIR. This modification would reduce the extent of agricultural activities that could remove oak resources without mitigation, but quantifying this reduction would require speculation regarding the specific types and locations of future agricultural activities in the county. Thus, it is not possible to quantify the total amount of oak woodland impacts that would occur under this exemption. As identified in the Draft EIR, the exemption could apply to activities on 132,281 acres within the ORMP study area.

Agricultural activities are exempted from the mitigation requirements in the ORMP and implementing ordinance for three primary reasons. First, agricultural activities are exempted because requiring oak woodlands mitigation on agricultural lands would directly conflict with General Plan goals, objectives, and policies supporting long-term conservation and use of existing and potential agricultural lands and limiting the intrusion of incompatible uses into agricultural lands (General Plan Goal 8.1, El Dorado County 2004, Agriculture and Forestry Element, p. 170). Refer to Master Response 1 above regarding balancing competing interests in formulating General Plan policy. As stated in Master Response 1 above, the General Plan notes that the viability of agriculture and timber industries is "critical to the maintenance of the County's customs, culture, and economic stability" (El Dorado County 2004, Introduction, p. 4).

In addition, as described in Master Response 8 below, the programmatic environmental evaluation of the proposed biological resources policies and ORMP in this EIR analyzes the broad environmental effects of the program and does not consider site-specific conditions. Management requirements for agricultural grazing operations and oak retention and mitigation for agricultural operations have not been included in the program being evaluated.

Second, there is no substantial evidence in the record that current or forecasted agricultural activities will result in large-scale permanent oak woodland conversion. This is supported by recent data from the County Agricultural Department’s Annual Crop Reports (summarized in Table 2-1 below) from 2010 to 2015 demonstrating minimal to no net increase of agricultural crops/products, or land use activities associated with those crops/products, that would impact oak woodlands. For example, during the period from 2014 to 2015, production of some crops or products experienced declines (e.g., cattle), whereas production of other crops/products remained steady or experienced modest increases (e.g., grapes, Christmas trees). The end result was little to no net growth in the agricultural industry (El Dorado County and Alpine County 2015). This conclusion is also supported by comparison of California Department of Forestry and Fire Protection’s Fire Research and Assessment Program (FRAP) oak woodland coverage data in the ORMP study area between 2002 and 2015. As presented in Table 1 of the County’s 2008 Oak Woodland Management Plan (El Dorado County 2008) FRAP data identified 248,800 acres of oak woodland in the ORMP study area in 2002. As presented in Table 6-6 of the Draft EIR (Chapter 6, Biological Resources), FRAP data included 246,806 acres of oak woodland in the ORMP study area in 2015, showing a relatively minimal (0.8%) reduction in oak woodland coverage in the ORMP study area during that 13-year period.

**Table 2-1**  
**Agricultural (Crop and Livestock) Acreages by Crop Report Year**

	1960	1970	1980	1990	2000	2010	2013	2014	2015
<b>Bearing acres</b>	<b>4,385</b>	<b>3,246</b>	<b>2,959</b>	<b>2,772</b>	<b>2,954</b>	<b>3,307</b>	<b>3,466</b>	<b>3,462</b>	<b>3,580</b>
Apples	343	509	546	745	838	845	850	852	852
Grapes		10	178	715	1,565	1,946	2,123	2,109	2,221
Pears	3,670	2,287	1,682	738	451	130	105	107	107
Other*	372	440	553	574	100	386	388	383	400
<b>Non-bearing</b>	<b>843</b>	<b>351</b>	<b>245</b>	<b>192</b>	<b>400</b>	<b>261</b>	<b>220</b>	<b>278</b>	<b>199</b>
Miscellaneous**			31	105	47	38	34	36	36
Irrigated pasture	2,500	5,240	4,500	3,000	1,100	927	925	925	925
Hay	4,000	5,500	2,000	400	350	216	255	225	225
<b>Total per EDC Crop Report</b>	<b>11,728</b>	<b>14,337</b>	<b>9,735</b>	<b>6,469</b>	<b>4,851</b>	<b>4,749</b>	<b>4,900</b>	<b>4,926</b>	<b>4,965</b>
Christmas trees (each)		33,748	50,950	72,925	91,000	47,359	37,486	37,419	37,784
Cattle & calves (no. of head)	10,500	11,400	11,288	5,922	4,300	6,078	5,978	6,810	6,204

**Source:** El Dorado County 1960, 1970, 1980, and 1990; El Dorado County and Alpine County 2010, 2014, and 2015.

\* cherries, peaches, plums, olives, walnuts.

\*\* berries, nectarines, citrus, chestnuts, avocados, pumpkins, persimmons, tomatoes, truck gardens, etc.

Third, exemptions for agricultural activities are consistent with state law. California Public Resources Code Section 21083.4 (Senate Bill 1334, Kuehl) was enacted on February 18, 2004, after preparation of the 2004 General Plan EIR and prior to preparation of the County OWMP. As of 2004, state law requires counties to determine whether projects will result in conversion of

oak woodlands and identifies four mitigation options to mitigate the significant effect of any identified conversion. California Public Resources Code Section 20183.4 also identifies projects/actions that are exempt from its requirements, including but not limited to actions on agricultural land used to make products for commercial purposes.

### **Master Response 6 Personal Use Exemption**

Several commenters requested details regarding management of the personal use exemption, in particular with regard to pre-clearing a site. They asked for an explanation of what deters a property owner from pre-clearing oaks, requested a definition of personal use, suggested restrictions on use of this exemption in non-residential zoning, and restricting rezoning of property that has been cleared under this exemption for 10 years.

The Oak Resources Management Plan (ORMP) defines personal use as “removal of a native oak tree, other than a Heritage Tree, when it is cut down on the owner’s property for the owner’s personal use” (Draft ORMP June 2016, Section 2.1.10, Personal Use Exemption). Removal of oak trees meeting this criterion is not subject to the mitigation requirements included in the ORMP. It is important to note that, by definition, any commercial tree cutting where a party cuts firewood for sale or profit would be excluded from the personal use exemption. Removal of trees to accommodate site development would also be excluded from the personal use exemption. However, the exemption would apply when an owner of property that is zoned for commercial uses removed an oak tree for personal use of the oak tree, such as to be used for firewood. As discussed below, prohibiting application of the personal use exemption in non-residential properties is not warranted because, based on prior experience, this exemption is expected to result in less than significant losses of oak resources throughout the County.

Current General Plan Policy 7.4.5.2 allows exemptions for oak tree removal permits including, among others, removal of native oak trees for property owners’ personal use on their own properties (El Dorado County 2004, Conservation and Open Space Element, p. 153). These exemptions were included in the 2004 General Plan subject to a Program EIR certified by the Board of Supervisors in 2004. The proposed ORMP reflects the provisions of the current General Plan policies, with the personal use exemption included in Section 2.1.10 (Personal Use Exemption) of the ORMP, thus continuing the present availability of this exemption. Actions taken under the current personal use exemption are not subject to approval by the County and thus there is no mechanism by which they can be tracked. Thus, there no data available to estimate the direct effect of the personal use exemption on the overall extent of oak woodland habitat within the County. However, as presented in Chapter 6 (Biological Resources) of the Draft EIR and discussed in Master Response 5 above, the ORMP study area has not been subject to large-scale, permanent oak woodland conversion over the past 13 years

(a 0.8% reduction in oak woodland coverage between 2002 and 2015). This period is nearly the same as that under which the personal use exemption has been in effect (2004–2016). Although the contribution of the personal use exemption toward observed oak woodland cover change is unknown, it is reasonable to assume that it accounts for only a portion of the total change observed over 13 years. Given that the loss of oak woodland coverage has been limited in the time that the personal use exemption has been available, it is expected that the continued availability of this exemption would not contribute substantially to the loss of oak woodland habitat in the County.

There is no substantial evidence that the existing personal use exemption has been used for pre-clearing a site prior to submitting applications for development entitlements and approvals or that use of the existing personal use exemption has contributed to a substantial loss of oak resources within the County. However, to ensure that the personal use exemption is applied as narrowly as possible to meet the General Plan goals for ensuring the maximum feasible protection of oak resources as well as ensuring the reasonable use of private property, the personal use exemption in the proposed ORMP has been modified to specify that its use is limited to removal of no more than 8 individual trees and no more than 140 inches dbh per parcel per year. It is anticipated that firewood would be the primary use of oak trees cut for personal use in El Dorado County, given their low value as lumber (Fryer 2012, Howard 1992, Burns and Honkala 1990). Therefore, this amount was determined generally sufficient to provide approximately 4 cords of firewood, assuming that removal of two 17-inch dbh trees would generate one cord of firewood (North Carolina 2006 and Shelly 1996), and thus would allow individual property owners to remove enough oak trees from their property each year to exceed typical needs for heating a home exclusively with woodburning, which is generally 4 cords of wood annually (North Carolina 2006). Each tree removed under this exemption must be less than 36 inches dbh because the personal use exemption is not applicable to removal of Heritage Trees.

The County recognizes that monitoring for compliance with this limit would be infeasible. The County lacks sufficient staff resources to monitor and inspect every parcel in the County to observe whether oak tree removal has occurred, to determine the size of each oak removed under this exemption, and to track such removals annually. However, this limit provides a clear definition for the applicability and limitations of the personal use exemption, thereby providing a mechanism for enforcement of the ORMP penalties and fines for removing oaks without first obtaining an oak tree removal permit if the personal use exemption is relied upon impermissibly. The County would rely on complaints made by County residents to enforce these penalties for violations of the personal use exemption.

The ORMP does not include the suggested 10-year prohibition on rezoning a property where this exemption has been relied upon impermissibly but does include penalties and fines for removing oaks without first obtaining an oak tree removal permit. The penalties and fines are expected to

be sufficient to ensure that the County can enforce the personal use exemption limitations and ensure that applicants for development projects are not able to pre-clear a site through misuse of this exemption. “Fines may be as high as three times the current market value of replacement trees, as well as the cost of replacement, and/or the cost of replacement of up to three times the number of required replacement trees” (ORMP (Appendix C to the Draft EIR), p. 12). For Heritage Trees, this increases to up to nine times the current market value. In addition to these fines, all applications for development of a site in question will be deemed incomplete until “the property owner enters into a settlement agreement with the County or all code enforcement and/or criminal proceedings are complete and all penalties, fines and sentences are paid or fulfilled” (ORMP, p. 13).

### **Master Response 7** **Center for Sierra Nevada Conservation Alternative**

The Center for Sierra Nevada Conservation (CSNC) suggested that the County of El Dorado (County) consider a Conservation Alternative that follows up on the Integrated Natural Resources Management Plan (INRMP) process to identify lands for acquisition and/or conservation that will ensure adequate habitat for future wildlife refuge and movement. The CSNC suggests such an alternative may avoid the worst effects of habitat fragmentation by analyzing habitat corridors where wildlife might cross highways, providing mechanisms to raise adequate mitigation funds to preserve this type of valuable habitat, and linking public lands to form refuges for wild animals. This master response addresses those points.

The County Board of Supervisors has both the obligation and authority to set General Plan policy, as discussed in Master Response 1 above. Because policies in a general plan reflect a range of competing interests, the County must be allowed to weigh and balance the plan’s policies when applying them, and the courts have given local governments broad discretion to interpret their plan policies in light of each plan’s purposes. (*Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal. App. 4th 704 [29 Cal. Rptr. 2d 182]; *Greenebaum v. City of Los Angeles* (1984) 153 Cal. App. 3d 391, 407 [200 Cal. Rptr. 237].) Under their authority, the Board of Supervisors decided to replace the INRMP after years of deliberation and development. The INRMP as envisioned would have included the following components: a habitat inventory, a habitat protection strategy, a mitigation assistance program, a habitat acquisition program, a habitat management program, and a habitat monitoring program. The Oak Woodland Management Plan (OWMP) would have constituted the oak portion of the INRMP. Even with the anticipated preparation and implementation of the INRMP, the El Dorado County General Plan (General Plan) EIR found that implementation of the General Plan would still result in significant and unavoidable impacts to biological resources due to habitat loss and fragmentation.

Although considerable effort has been invested in developing the INRMP, as summarized in Dudek’s May 1, 2014, memo to the Board of Supervisors (provided in Appendix E in the Draft EIR), the County has encountered substantial barriers to successfully developing and implementing the INRMP. The County needed to correlate a number of policies that were closely related, and conduct further environmental review of those amended policies, as well as expanding the scope of the OWMP Environmental Impact Report (EIR) to address components of the INRMP. In September 2012, the Board of Supervisors decided to amend General Plan Policies 7.4.2.8, 7.4.2.9, 7.4.4.4, 7.4.4.5, 7.4.5.1, and 7.4.5.2, and their related implementation measures rather than moving forward with the INRMP (Board of Supervisors Agenda for September 24, 2012, Item 3, Legistar File No. 12-1203). This enabled the Board of Supervisors “to clarify and refine the intent and scope of all of those policies, ensure the consistency of all the related biological policies, consider changes in state law, and finally harmonize the General Plan Policies” (General Plan Policy 7.4.4.4 Options Report, El Dorado County 2012).

The County has developed the proposed project to address the concerns discussed in 2012. As an alternative to the proposed project, the CSNC suggests that the County build from the prior efforts to prepare the INRMP and incorporate three primary components, as discussed below.

**Analyze habitat corridors where wildlife might cross highways.**

The proposed Biological Resources Policy Update and Oak Resources Management Plan (project) incorporates Important Biological Corridor (IBCs) and Priority Conservation Areas (PCAs) already established by the County. The 2004 General Plan established the IBC overlay, which provides a level of protection to wildlife movement corridors that link 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, including linkages across U.S. Highway 50.

To ensure that opportunities for wildlife movement across U.S. Highway 50 are maintained, the proposed project retains the County’s established IBCs, increases protection for wildlife movement within the IBCs, and prioritizes conservation within PCAs and IBCs. The County has selected this approach because the County’s development projections show that there are limited areas where development would occur on both sides of U.S. Highway 50, as shown on Figure 4-1 in the Draft EIR (Chapter 4, Methodology and Assumptions) and because the County does not have jurisdiction to require crossings on state highways. The projected development patterns limit the potential for new development to directly impair wildlife movement across the highway and limit the opportunities for new development to provide for crossings due to the lack of common ownership and control over property on both sides of the highway.

Reliance on the existing IBCs is expected to be sufficient to protect wildlife movement across the highway and throughout the County because the IBCs were identified as locations where wildlife movement is supported and locations that provide important linkages between PCAs and other important habitat areas. Continued protection of existing wildlife movement within IBCs is required under proposed Policy 7.4.2.9, which requires that new development within an IBC requiring discretionary County approvals must attain a no-net-loss standard for wildlife movement function and value. In addition, proposed Policy 7.4.2.9 affords a higher level of protection to the Weber Creek IBC, which crosses U.S. Highway 50, by requiring that all new development within this IBC (including those that require only ministerial County approvals) attain the no-net-loss standard for wildlife movement function and value. The County selected the Weber Creek IBC for this additional protection because it was determined to be the location where the greatest opportunities for wildlife movement currently exist and could be best preserved in the long-term. This determination was made based on existing topographical constraints and development patterns. Weber Creek passes under U.S. Highway 50 approximately 100 feet below the highway. On the east side of the highway, properties surrounding Weber Creek are generally developed with single-family residences with large setbacks between the creek and property improvements. The creek passes under Forni Road, continues to the east through areas that support large lot single-family residential land uses, and passes under State Route 49 just north of the community of Diamond Springs. On the west side of the highway, the creek traverses areas with similar land use conditions – typically large lot single-family residential properties – and passes under Green Valley Road. Although there are a few areas near the Weber Creek IBC where new development is projected to occur (as shown on Figure 4-1 of the Draft EIR), these areas are located adjacent to but outside the boundaries of the IBC. Implementation of proposed Policy 7.4.2.9 would require that discretionary and ministerial projects within the Weber Creek IBC achieve the “no net loss” standard for wildlife movement function and values for each project site, providing a north–south wildlife movement corridor connecting large habitat blocks north and south of U.S. Highway 50.

Cost is an additional consideration for the feasibility of requiring wildlife undercrossings along U.S. Highway 50. For example, a Caltrans undercrossing project between Greenstone Road and El Dorado Road cost just under \$1 million, as described in the January 20, 2015 memorandum regarding Decision Points 2 and 3 (in Appendix E of the DEIR), although other sources state that this undercrossing cost up to \$1.6 million (KCRA 2012). The undercrossing consisted of a 12’x12’ box culvert to allow the passage of deer and other large mammals. Even retrofitting existing culverts to include ledges for smaller mammals costs between \$17 and \$20 per linear foot (Draft EIR Appendix E). Retrofitting 3,000 linear feet of culvert crossings would cost \$60,000. This would provide for movement only of smaller mammals and would not address deer movement needs. By incorporating design and construction of undercrossings into new construction, the costs can be minimized. To ensure continued viability of wildlife movement

across other roads within the County, proposed Policy 7.4.2.8(B) would require an analysis of the need to construct undercrossings to protect existing wildlife movement patterns when new roads are constructed or when existing roadways are widened. The undercrossings are intended to provide movement corridors for a range of wildlife species. Research on undercrossing design provides examples of successful implementation, including design of fencing near an undercrossing location to guide wildlife to the entry points.

**Include mechanisms to raise mitigation funds to preserve valuable habitat.**

The proposed project is consistent with this recommendation. The proposed ORMP includes an in-lieu fee to mitigate impacts to oak woodlands. The in-lieu fee is designed to pay the full cost of the mitigation for development impacts, including acquisition, management and monitoring (initial and long term), and administration. The amount of the fee and mechanisms by which it would be implemented are established in the Oak Resources In-Lieu Fee Nexus Study provided in Appendix B to the ORMP (Appendix C of the Draft EIR). The information presented to the Board of Supervisors to inform policy decisions regarding the in-lieu fee is included in the background memos provided in Appendix E of the Draft EIR. Also refer to Master Response 3 above for more details on how the in-lieu fee was developed.

Preservation of other habitat types would be the responsibility of applicants for individual development projects, as required in proposed Policy 7.4.2.8. Additionally, the County's previously adopted fee program for the Pine Hill Ecological Preserve area to mitigate potential impacts special-status plant species associated with gabbro soils would continue to be implemented. The fee program was established in 1998 and the County has recently released a Request for Proposal to secure consultant support to update the Ecological Preserve Fee Program. Nothing in the proposed project would preclude the County from updating this existing fee program and/or establishing future mitigation fee programs.

**Link public lands to form refuges for wild animals.**

Because of the existing development, the planned development, and the lack of public lands, linking public lands is not a feasible way to ensure effective preservation of wildlife habitat. Instead, the proposed project relies on the linkages between the County's PCAs and IBCs, which are also linked with other important habitat and open space areas, to ensure that the current range and distribution of flora and fauna within the County are maintained. As shown on Figure 3-2 in of the Draft EIR (Chapter 3, Project Description), most public lands are located in the eastern portion of the County, with the urban areas densely clustered around El Dorado Hills, Cameron Park/Shingle Springs, and Placerville. 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. The large contiguous areas of undeveloped land and land supporting low intensity development found in Rural Regions are more likely to contain multiple habitat types, which have the potential to support the highest wildlife diversity and abundance, compared to the smaller patches in developed areas. Generally, the lowest diversity of native wildlife species can be expected in densely urbanized areas. Refer to Master Response 2 above for additional discussion of habitat fragmentation.

The ORMP is designed to ensure the presence of functioning woodlands in the County; however, it is not designed to retain oak woodlands in all areas of the County. As described in Chapter 6 (Biological Resources) of the Draft EIR, up to 4,848 acres of oak woodlands could be impacted under the long-term General Plan planning horizon (2035). This response reflects corrected acreage totals for land cover type impacts, as discussed in Master Response 9 below. Mitigation would be provided for the impacts to 4,362 acres (excluding exemptions) under the ORMP. In addition, the exemptions included in the ORMP could allow for impacts to as many as 138,704 acres of oak woodland throughout the County without a requirement for mitigation. Mitigation for loss of oak woodland habitat would occur through replacement planting and conservation of existing oak woodlands. Conservation would be required to occur in areas that provide a minimum of 5 contiguous acres of habitat, and thus is likely to occur in different locations than the actual impacts, such as in areas that are more rural. Based on the professional opinion of the County's biological experts, this allows for a sufficient amount of oaks and oak woodland to provide valuable habitat blocks rather than retaining smaller patches of oak woodland within developed areas, which have limited value for wildlife, as discussed in Master Response 2 above. This approach would ensure that conserved lands are sufficient to provide refuges for wildlife.

### **Master Response 8**

#### **Level of Detail in a Program EIR and Site-Specific Constraints**

A number of comments were received regarding the level of detail in the Draft EIR and details on the number of specific projects that chose not to proceed due to existing policies and the Interim Interpretive Guidelines for El Dorado County General Plan current Policy 7.4.4.4 (Option A) (Interim Interpretive Guidelines).

#### **Programmatic Analysis**

As described in Chapter 2 (Introduction) of the Draft EIR, the Biological Resources Policy Update and Oak Resources Management Plan (proposed project) EIR is a program-level document that provides a first-tier analysis of the effects of the Biological Resources Policy Update and the Oak Resources Management Plan (ORMP) and its Implementing Ordinance (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)).

An in-depth analysis of site-specific constraints under the existing Interim Interpretive Guidelines is not appropriate for a program-level EIR because such analyses are dependent on variables such as site-specific conditions (i.e., project location, site topography and soils, location and density of existing oak woodland and other habitat types, existing historical resources, archaeological sensitivity), project-specific design (project size, use, design, and mitigating features), and project cost that cannot be known at this time. There are no specific development projects proposed or analyzed as part of the proposed project. Therefore, any in-depth analysis of specific development projects or developer intentions for specific development projects would be completely speculative.

### **Influence of Option A on Development Activity**

During the years when Option A was in effect and when applicable development activities were required to demonstrate consistency with the Interim Interpretive Guidelines, initial consultations with County Development Services staff (e.g., at the public counter and at scheduled pre-application meetings) indicated that a significant number of potential applicants for both ministerial and discretionary projects chose not to move forward with new development projects due to issues or concerns directly related to meeting the on-site oak canopy retention and replacement requirements of Option A, including the lack of an option to pay an in-lieu mitigation fee. However, the actual number of potential applicants electing not to proceed with development is not known, and cannot be known with certainty, because detailed results of such informal consultations are not typically documented. Additionally, it cannot be known whether or how many potential applicants chose not to develop due to Option A constraints but did not approach the County.

### **Master Response 9 Recalculated Impact Totals**

As discussed in Section 4.4 (Data Analysis) of the Draft EIR, various GIS-based data sources were used to model the location of development with respect to biological resources in the County of El Dorado (the County). Sources included County Assessor's parcel data, the County's development projections from the Targeted General Plan Amendment/Zoning Ordinance Update analysis, and California Department of Forestry and Fire Protection 2015 Fire and Resource Assessment Program data regarding vegetation communities (CAL FIRE 2015). The data from these sources was layered together to identify where the physical footprint of development would affect each vegetation community, including oak woodlands. The resulting maps of development footprints and vegetation impacts informed the impact analysis presented in the Draft EIR.

The County General Plan and zoning designations and the growth projection data discussed in Section 4.3 (Development Projections) of the Draft EIR were used to identify which vacant parcels would likely be developed under the 2025 and 2035 analysis scenarios. Where a currently vacant parcel was identified as being expected to be developed, the impact analysis in the Draft EIR assumes that all of the biological resources on such a parcel would be removed or otherwise adversely affected by development. This approach was used to estimate the extent of biological resources impacts from implementation of the General Plan, as presented in the Draft EIR.

### **Recalculated Impact Totals**

During preparation of this Final EIR, review of the data revealed that a double-counting error was made in the analysis. Corrections to the land cover impact totals, including oak woodlands, have been made to resolve this error. As demonstrated in the following discussion, neither the significance of the impact nor the effectiveness of the proposed policies are changed by these revised calculations.

The format and structure of the GIS output table used to calculate the amount of land area projected to be developed by 2025 and 2035 allowed for double counting of some parcels. The land development data set used for analyzing impacts identified projected land uses by 2025 and 2035, by development type (e.g., industrial, commercial, retail). The impact totals presented in the Draft EIR assumed that only one development type would apply to each parcel; however, the data set included many records where multiple development types were assigned to individual parcels. For the Draft EIR, impacts were calculated by development type and then summed, resulting in double counts of parcels assigned multiple development types. For example, if a single parcel included both retail and commercial development type assignments and was classified completely as blue oak woodland, then this parcel was counted twice in the blue oak woodland impact totals - once for retail and once for commercial.

To correctly calculate impact totals, a revised approach was used that removed the possibility of double-counting parcels. Specifically, the total acreage of all development types under each development planning horizon (2025 and 2035) was first summed, then the impacts of that development on each land cover type was determined. This revised approach only affected the impact totals associated with the projected development in 2025 and in 2035 and did not affect acreage totals presented in the Draft EIR associated with the ORMP exemptions or total land cover in the County. Impact totals presented in Table 6-15 of the Draft EIR (Chapter 6, Biological Resources) were updated based on this correction, as shown below. The correction of the double-counting error has considerably reduced the acreage of oak woodland projected to be lost (from 6,442 acres to 4,848 acres under projected 2035 development). Impacts anticipated to other land cover types have also been considerably

reduced (e.g., annual grassland impacts reduced from 13,108 acres to 4,792 acres and mixed chaparral reduced from 1,028 acres to 681 acres under projected 2035 development). In addition to the edits to Draft EIR Table 6-15, Draft EIR Tables 6-6 and 6-16 (Chapter 6, Biological Resources) were updated with corrected land cover impact totals. Where necessary, text edits in the Draft EIR were made to reflect corrected impact totals, as summarized in Chapter 1 (Introduction) in this Final EIR. The carbon sequestration totals presented in Chapter 8 (Greenhouse Gases) in the Draft EIR were also recalculated based on the revised calculations of impacts to oak woodlands. Specific text edits are shown in ~~strikeout~~/underline in Chapter 4 of this Final EIR.

**Revised Draft EIR Table 6-15**  
**Maximum Conversion of Land Cover Types Under the Proposed Project**

Land Cover Type (FRAP 2015)	Existing Land Cover in ORMP Area (acres)	Projected Land Cover Conversion by 2025 (acres)	Projected Land Cover Conversion by 2035 <sup>1</sup>
<i>Upland</i>			
Alpine-Dwarf Scrub	306	0	0
Annual Grassland	74,584	3,802	4,792
Aspen	47	0	0
Chamise-Redshank Chaparral	452	0	0
Closed-Cone Pine-Cypress	390	0	0
Douglas Fir	7,008	0	0
Eastside Pine	12	0	0
Eucalyptus	9	0	0
Jeffrey Pine	11,538	0	0
Lodgepole Pine	4,676	0	0
Mixed Chaparral	32,336	412	681
Montane Chaparral	46,424	0	0
Perennial Grassland	12,923	0	0
Ponderosa Pine	86,025	7	15
Red Fir	77,882	0	0
White Fir	21,560	0	0
<i>Oak Woodland</i>			
Blue Oak Woodland	46,521	1,484	2,023
Blue Oak-Foothill Pine	64,740	1,437	2,009
Coastal Oak Woodland	2	0	0
Montane Hardwood	104,076	379	568
Montane Hardwood-Conifer	38,267	8	26
Valley Oak Woodland	3,979	194	222
<i>Herbaceous Wetland</i>			
Fresh Emergent Wetland	639	97	105
Wet Meadow	2,354	0	0

**Revised Draft EIR Table 6-15  
Maximum Conversion of Land Cover Types Under the Proposed Project**

Land Cover Type (FRAP 2015)	Existing Land Cover in ORMP Area (acres)	Projected Land Cover Conversion by 2025 (acres)	Projected Land Cover Conversion by 2035 <sup>1</sup>
<i>Water</i>			
Lacustrine	15,085	6	34
<i>Shrub and Tree Wetland</i>			
Riverine	1,175	1	1
Montane Riparian	1,296	0	0
Valley Foothill Riparian	3,764	112	125
Sagebrush	83	0	0
Sierran Mixed Conifer	296,721	3	3
Subalpine Conifer	4,069	0	0
<i>Other</i>			
Urban	38,674	1,358	2,042
Barren	37,003	0	0
Cropland	3,601	40	40
Deciduous Orchard	378	3	5
Evergreen Orchard	210	22	22
Pasture	418	0	0
Vineyard	972	0	0
<b>Total</b>	<b>1,040,199</b>	<b>9,364</b>	<b>12,713</b>

**Note:**

<sup>1</sup> Includes land cover type conversion projected to occur through 2025.

As noted, Table 6-16 of the Draft EIR (Chapter 6, Biological Resources) was revised to account for the corrections to the 2025 and 2035 impacted acreage totals. Table 6-16 documents the amount of available acreage in the County that could be conserved, by land cover type and by conservation area type (Priority Conservation Areas (PCAs), Important Biological Corridors (IBCs), or outside both PCAs and IBCs). During the process of updating Table 6-16 with revised acreage impact totals, it was noted that the proper data filters had not been applied to the GIS output table used in determining the acreage of potential conservation areas. Therefore, the conservation area acreage totals presented in the Draft EIR were incorrect.

To correctly calculate the acreage of potential conservation areas present in the County, the GIS output table was filtered such that the following areas were excluded: federal, state, or tribal lands; land within the City of Placerville; lands developed in either 2025 or 2035; and parcels measuring less than 5 acres in total size. Factoring in this correction, a substantial surplus of land cover remains available to satisfy proposed mitigation requirements for all land cover types. Neither the significance of the impact nor the effectiveness of the proposed policies are changed by these revised calculations. A revised version of Table 6-16 is presented in clean formatting in

this response. Specific text edits are shown in ~~strikeout~~/underline in Chapter 4 (Text Changes to the Draft Environmental Impact Report) of this Final EIR.

**Revised Draft EIR Table 6-16**  
**Potential Mitigation of Land Cover Types Conversion Under the Proposed Project**

Land Cover Type (FRAP 2015)	Projected Land Cover Type Conversion by 2035 <sup>1</sup> (acres)	Preservation Mitigation Requirement (acres)	Land Cover Type Available for Preservation in PCAs <sup>2</sup> (acres)	Land Cover Type Available for Preservation in IBCs <sup>2</sup> (acres)	Land Cover Type Available Outside PCAs and IBCs <sup>2</sup> (acres)
<i>Upland</i>					
Annual Grassland	4,792	4,792	2,607	7,525	49,009
Mixed Chaparral	681	681	709	2,652	16,652
Ponderosa Pine	15	15	154	835	45,708
Sierran Mixed Conifer	3	3	77	30	102,687
<i>Oak Woodland</i>					
Blue Oak Woodland	2,023	4,046	10,980	6,969	19,247
Blue Oak-Foothill Pine	2,009	4,018	10,051	12,814	26,392
Montane Hardwood	568	1,136	11,558	11,908	44,361
Montane Hardwood-Conifer	26	52	2,214	1,529	18,467
Valley Oak Woodland	222	444	410	615	2,070
<i>Herbaceous Wetland</i>					
Fresh Emergent Wetland	105	105	24	52	415
<i>Water</i>					
Lacustrine	34	None	17	158	3,398
<i>Shrub and Tree Wetland</i>					
Riverine	1	2	49	75	365
Valley Foothill Riparian	125	250	367	760	1,749
<i>Other (Not Mitigated)</i>					
Cropland	40	None	69	363	2,806
Deciduous Orchard	5	None	0	0	335
Evergreen Orchard	22	None	32	63	75
Barren	0	None	8	12	1,863
Urban	2,042	None	91	3,705	13,613

**Note:**

<sup>1</sup> Includes land cover type conversion projected to occur through 2025.

<sup>2</sup> Calculations of land cover types available for mitigation include only lands under private or local agency control, and exclude the City of Placerville. Only parcels greater than 5 acres are included in these calculations, to provide a "worst case" scenario for availability of mitigation lands. Under the proposed project, parcels smaller than 5 acres could be acquired as mitigation if they are contiguous to other preserved lands. Therefore, available mitigation lands are reasonably expected to be greater than the amounts presented in this table.

## New Information

Section 15088.5(a) of the California Environmental Quality Act (CEQA) Guidelines states that “New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponent have declined to implement” (14 CCR 15088.5(a)). The CEQA Guidelines continue to define “significance” as follows:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043) (14 CCR 15088.5(a)(1)–15088.5(a)(4))

The changes made to the calculations of acres of habitat loss and to the acreage available for conservation, as described above, paint a more accurate picture of the acres forecasted to be impacted under the proposed project and of the lands available as potential mitigation areas. The changes do not alter the conclusions in the Draft EIR that Impacts BIO-1, BIO-2, BIO-3, and BIO-4 would be “Significant and Unavoidable.” The changes do not increase the severity of the environmental impact or change the effectiveness of the mitigation measures. No additional mitigation measures are proposed. The recalculations determined that fewer acres would be impacted and confirmed that substantial acreage is available for potential conservation areas. The recalculations simply rectify a calculation error and do not affect conclusions regarding project alternatives or necessitate inclusion of any additional alternatives. The project and the findings in the EIR remain essentially the same, because the recalculations clarify and improve the accuracy of the EIR’s programmatic analysis but do not alter levels of significance; therefore, the changes do not preclude the usefulness of the public comments received and the comments remain relevant.

Section 15088.5(b) of the CEQA guidelines states, “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR” (14 CCR 15088.5(b)). Because the recalculation changes do not meet the criteria for significant change in the EIR and simply allow for a more accurate analysis, recirculation of the EIR is not required.

### **Master Response 10** **No Net Loss of Oak Woodland Alternative**

Comments suggested that the County consider requiring mitigation for impacts to oak woodlands sufficient to meet a no net loss standard. Chapter 10 (Alternatives) of the Draft EIR evaluates alternatives to the proposed project as required under the California Environmental Quality Act (CEQA) Guidelines. This chapter included consideration of a No Net Loss of Woodlands alternative and determined it would be infeasible. This Master Response provides additional discussion of this alternative and its feasibility.

Achieving a no net loss of oak woodlands standard would require that the area of woodlands adversely affected by development be replaced by new oak woodlands so that the total acreage of oak woodlands in the County does not decrease, but rather remains constant or increases. Achieving this would require extensive replacement planting in areas that do not currently support oak woodlands.

The County’s biological experts maintain that oak woodlands are a complex ecosystem defined by key characteristics, such as species composition, tree canopy cover, the composition and distribution of understory trees and plants, downed woody material and forest litter, and the size and age of oak trees that comprise the woodland. The environmental characteristics influencing the location and distribution of oak woodlands include soil type, elevation (topography and aspect), rainfall and available water, and disturbance regimes. Accordingly, the feasibility of creating oak woodland habitats in areas that do not currently support oak woodlands would depend on the environmental characteristics of the potential replanting area. On a project-basis, individual areas would need to be evaluated for suitability in an Oak Resources Technical Report, as defined in the Draft ORMP. When a site is identified that has the environmental characteristics necessary to support oak woodland establishment, it could require decades for the planted area to reach a condition similar to the area impacted. Although newly-planted oak woodland areas would not initially exhibit the same characteristics as those impacted, they would not be devoid of habitat value. Their initial structure (open, sparse canopy cover) would provide habitat, although for different wildlife species or habitat functions (e.g., foraging) than are provided by a more established oak woodland. Thus, when replacement planting occurs, a substantial temporal loss of oak woodlands would occur. Replacement planting at increased ratios (e.g., 2:1 or greater) would not avoid the impact of temporal loss because of the difference



in habitat characteristics and values expressed in newly planted woodlands compared to woodlands that have been present for decades.

As noted, certain environmental characteristic need to be present to support replacement oak tree planting for the purposes of mitigating oak woodland impacts. Meeting a no net loss standard for oak woodlands would require that replacement-planting occur in areas not currently classified as oak woodlands. At a minimum this would occur on a 1:1 ratio such that the total acreage of oak woodlands in the County remains constant; however, as noted above a 1:1 ratio would not account for temporal loss of this habitat. Thus a higher ratio, such as 2:1, could be considered, which would increase the total acreage of oak woodlands in the County over time. Under any scenario that requires replacement-planting, land cover type conversion would be necessary. In other words, replacement-planting to create new oak woodland habitat would inherently result in loss of other land cover types.

To further evaluate the feasibility of implementing a no-net-loss standard for oak woodlands, an analysis of potentially available replacement planting area in the County was performed using California Department of Forestry and Fire Protection 2015 Fire and Resource Assessment Program data regarding vegetation communities (CAL FIRE 2015) FRAP (2016) vegetation coverage data, current and planned land development status, and land ownership data. This analysis was performed to determine whether sufficient land area exists in the County to accommodate replacement planting to offset the anticipated loss of 4,848 acres of oak woodland. Land was not considered potentially available for replacement planting if it is located inside the City of Placerville or is under state, federal, or tribal ownership, or tribal lands). Land that was considered potentially available for replacement planting includes land identified by the County Assessor as supporting rural land use, unassigned, vacant or blank, and is located within the ORMP Study Area (area within the County below 4,000 feet in elevation). Potentially available replacement planting areas excluded those projected to be developed by 2035 as well as those characterized by the FRAP data as urban, barren, cropland, deciduous orchard, evergreen orchard, pasture, or vineyard. Table 2-2 below provides the results of this analysis.

**Table 2-2**  
**Potentially Available Replacement Planting Areas for Oak Woodland Mitigation**

Land Cover Type (FRAP 2015)	Potentially Available Planting Area (acres)
<i>Upland<sup>1</sup></i>	
Annual Grassland	18,538
Aspen	6
Chamise-Redshank Chaparral	120
Closed-Cone Pine-Cypress	28
Douglas Fir	2,634
Mixed Chaparral	10,574

**Table 2-2**  
**Potentially Available Replacement Planting Areas for Oak Woodland Mitigation**

Land Cover Type (FRAP 2015)	Potentially Available Planting Area (acres)
Montane Chaparral	670
Perennial Grassland	182
Ponderosa Pine	10,825
Sierran Mixed Conifer	12,565
<i>Herbaceous Wetland<sup>2</sup></i>	
Fresh Emergent Wetland	4
<i>Water<sup>3</sup></i>	
Lacustrine	592
<i>Shrub and Tree Wetland<sup>4</sup></i>	
Riverine	302
Montane Riparian	75
Valley Foothill Riparian	1,027
<b>Total</b>	<b>58,142</b>

<sup>1</sup> Subject to preservation at a ratio of 1:1, per Proposed General Plan Policy 7.4.2.8

<sup>2</sup> Subject to preservation at a ratio of 1:1 and creation at a ratio of 1:1, per Proposed General Plan Policy 7.4.2.8

<sup>3</sup> Subject to creation at a ratio of 1:1, per Proposed General Plan Policy 7.4.2.8

<sup>4</sup> Subject to preservation at a ratio of 2:1 and creation at a ratio of 1:1, per Proposed General Plan Policy 7.4.2.8

As presented in Table 2-2 above, enough gross acreage exists within the ORMP study area to accommodate replacement planting of oak woodland habitats at a 2:1 ratio (9,696 acres). However, this would require conversion of other land cover types, requiring additional land preservation to offset the loss of those land cover types, consistent with the mitigation requirements in proposed Policy 7.4.2.8. For example, a project that resulted in loss of 10 acres of oak woodland and was required to plant replacement habitat at a 2:1 ratio would need to plant 20 acres of oak woodland. If this was accomplished on land that currently supports annual grassland, the project would also be required to preserve an additional 20 acres of annual grassland elsewhere in the County. This would substantially increase mitigation costs and burdens for any project that impacts oak woodland.

As outlined in the Draft ORMP, replacement tree planting is one mitigation option for impacts to oak woodlands, with the replacement planting area and density to be based on that of the impacted woodland area. Consistent with California Public Resources Code (PRC) section 21083.4, the Draft ORMP limits replacement planting as mitigation to no more than 50% of the total mitigation requirement. Under state law, at least 50% of the oak woodland impacts must be mitigated through conservation or payment of in-lieu fees that are used to support conservation. This stipulation emphasizes the importance of conserving existing oak woodlands, as opposed to mitigating impacts solely by planting. As discussed above, it would not be feasible to achieve a no net loss standard for oak woodlands in the County due to the temporal loss of habitat values. However, if the County were to require that all impacted oak woodlands be replaced in the

County via replacement planting at a minimum 1:1 ratio to ensure that there is no reduction in the total acreage of oak woodlands in the long-term, compliance with PRC section 21083.4 would subject development projects to additional mitigation requirements necessary to ensure compliance with PRC 21083.4. Specifically, projects would be required to, at minimum, re plant an area equal to that impacted (to meet a 1:1 replacement ratio) and conserve an area equal to that impacted, such that the replanting effort equals half of the overall mitigation. The Draft ORMP incorporates a range of mitigation alternatives that conform to the requirements outlined in PRC 21083.4.

As discussed in Chapter 10 (Alternatives) in the Draft EIR, the No Net Loss Alternative was rejected as infeasible because it would constrain development to the extent that it would prevent the County from fully implementing the General Plan and would be contrary to existing policies. A total of 3,949 acres of impacts to oak woodlands are expected to occur in the Community Regions. As discussed above, achieving a no net loss standard would require replacement planting in areas that do not currently support oak woodland, which would then require additional preservation to offset the loss of the habitat lost due to the replacement planting. As this would substantially increase the costs of mitigation, it is reasonable to assume that project developers would seek to increase on-site retention (to minimize the amount of offsite mitigation needed), and that project developers would prioritize development in areas where oak woodlands are less prevalent. These increased costs would be most pronounced in the communities of El Dorado Hills and Cameron Park, which have a much higher concentration of oak woodlands than many outlying areas.

Thus, the No Net Loss Alternative would lead to reductions in the amount of development in the Community Regions, which is where the majority of oak woodland impacts are anticipated to occur. Although some retention could be achieved by increasing development densities in the Community Regions, it would not be feasible to account for all of the development projected for the 3,949 acres by increasing densities. Further, the increased costs would discourage development in Community Regions and instead direct it into the County's rural areas, especially those at higher elevations where oaks are less common and otherwise less likely to be impacted by development. Although increased development in the rural areas could reduce impacts on oak resources, this alternative would be inconsistent with General Plan goals to direct growth into Community Regions with existing sewer and water infrastructure. Therefore, this alternative was rejected as infeasible specifically because "it would conflict with General Plan policies that 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 (including agriculture and timber)" (Draft EIR, p. 10-5). Project considerations relative to consistency with the General Plan are discussed further in Master Response 1 above.

## **Master Response 11**

### **Relationship Between County General Plan EIRs**

Many commenters requested clarification or expressed concerns about the relationship of the Biological Resources Policy Update Program EIR, the TGPA-ZOU Program EIR and the 2004 General Plan EIR. As described in Chapter 4 (Methodology and Assumptions) of the Draft EIR, the Biological Resources Policy Update Program EIR is a stand-alone document with an independent environmental analysis. CEQA allows an EIR to tier from a previously approved EIR for a related project. However, the Biological Resources Policy Update EIR is not tiered from any prior EIR. It references pertinent analyses contained in the 2004 General Plan EIR and the TGPA-ZOU Program EIR, but the Biological Resources Policy Update Program EIR draws its own conclusions about the significance of the environmental impacts of the Biological Resources Policy Update. The Biological Resources Policy Update Program EIR relies on the same development projections developed for the TGPA-ZOU and evaluates impacts under the same planning horizons used for the TGPA-ZOU EIR – the 2025 and 2035 buildout scenarios.

Some commenters suggested that the County should have undertaken the TGPA-ZOU project and the Biological Resources Policy Update project at the same time, as a single project. This would have been a valid approach, but is not necessary or required under CEQA. The Board of Supervisors elected to consider revisions to biological resources policies separately from the TGPA-ZOU in order to give each effort its full attention. The TGPA-ZOU project considered updates and amendments to the General Plan and Zoning Ordinance in support of the Board of Supervisor's identified objectives of reducing regulatory barriers in support of the creation of jobs, capturing more sales tax, development of moderate housing, promotion and protection of Agriculture, and also to address changes in State law since the adoption of the 2004 General Plan. In comparison, the Biological Resources Policy Update project was undertaken to address specific technical and legal issues related to management of biological resources. Although both projects amend portions of the General Plan, the issues considered under each project are independent of each other. As such, the projects have separate and independent purposes, neither project is a reasonably foreseeable consequence of the other project, and neither project would change the scope or nature of the other project or its environmental effects.

It is not the role of the Biological Resources Policy Update Program EIR to compare the impacts of the TGPA-ZOU to those of the 2004 General Plan, or to compare the proposed project to either of these prior efforts. Under CEQA, when a jurisdiction updates a planning document, such as the General Plan, the impact analysis must not compare the effects of the proposed plan with the effects of the previously-adopted plan. Rather, the Biological Resources Policy Update Program EIR evaluates the physical environmental impacts of the proposed plan relative to existing physical environmental conditions. The Draft EIR summarizes the findings of the 2004 General Plan EIR and TGPA-ZOU EIR to provide context that can help the public and decision makers understand the environmental conditions in the County.