

Summary of Key Points from 8/17/06

Oak Woodland Guidelines

Meetings

Attendees Who Signed In:

Ray Griffiths
Sue Britting
Steve Hust
Rick Lind
Monique Wilber
Kirk Bone
Gene Thorne
Michael Cook
Ron Dennis
Kathye Russell
Bill Fisher
Art Marinacco
Alan Tolhurst

Nancy Campbell
Chris Chaloupka
John Knight
Paul Raveling
Paula Frantz
David Beauchamp
Andrea Brown
John Costa
Robert Laurie
Greg Fuz
Jim Brunello
Dave Krolick

Others attended but did not sign in.

Attendees represented the following organizations:

League of Women Voters
El Dorado County Development
Services
El Dorado Hills Citizens Alliance
El Dorado County Counsel
Private Island Homes Inc.
El Dorado Business Alliance
Ecorp Consulting
BIA

Planning Commission
EN2 Resources
Waterford HOA
Parker Development Company
Private Attorney
Pacific States Development Corp.
Hefner, Stark, and Marous
Individuals

9:00 a.m. Meeting

Overview

Staff provided an overview of the County's efforts to clarify Policy 7.4.4.4 Option A, prepare an Oak Woodland Management Plan (OWMP) that will serve as the "oak woodland portion" of the Integrated Natural Resource Management Plan (INRMP), initiate the INRMP process, prepare an Oak Tree Ordinance pursuant to Policy 7.4.5.2 and implement a mitigation fee pursuant to Option B of Policy 7.4.4.4.

There was general discussion regarding these efforts. Then, each item in the "Key Concepts Paper" provided to the Planning Commission on August 10 was discussed. A summary of the key points raised in the discussion is provided below.

Key Concepts Paper Comments

1) Clarify Intent/Applicability of Policy 7.4.4.4

Staff discussed the need to clarify the intent of this policy and indicated that the research that had been done indicated the Board's intent was to apply Policy 7.4.4.4 to oak woodlands versus any woodland.

There were no applicable comments.

2) Qualification of Professionals

Staff noted that Policy 7.4.4.4 doesn't establish the requirements for who can be considered a "qualified professional" for the purpose of preparing the studies, surveys and mitigation plans discussed under this policy.

The following comments/suggestions were made:

- Require a trained professional as determined by the Planning Staff.
- Include a requirement for experience in the field.
- Require consultants to be County approved.
- Consider having the County hire/manage the consultant.
- Consider having a "third party" or "peer" review process for work prepared by applicant consultants.

3) Definition of Oak Woodlands and Related Key Terms

Staff noted that there is no definition of oak woodlands in the GP. The proposed working definition is a blend of language from the California Oaks Foundation and Policy 7.4.4.4

The following comments/suggestions were made:

- Clarify what is meant by the use of “and/or” in the definition of oak woodlands.
- Is the use of the term “stand” really necessary? How does it relate to the reference to stand in Policy 7.4.4.5 (connectivity)? Can the meaning of “stand” be clarified?
- Separate out the thresholds for applying the oak canopy retention policy (i.e. 1% and 10%) from the definition.

4) Clarify Exceptions to Retention Requirements of Policy 7.4.4.4

Staff reviewed the exceptions.

The following comments/suggestions were made:

- There is a minor inconsistency in the exceptions; f) as proposed by staff uses 5” or less dbh as the standard. Policy 7.4.5.2 uses less than 6” dbh.
- Policy 7.4.5.2 sets a threshold for the process in getting a tree permit to remove a tree. If exempt from the tree removal permit, can/should these trees be removed and not counted as canopy cover per Policy 7.4.4.4?
- If trees 5” or less are exempt from canopy retention and are allowed to be removed, where is the replacement taking place for regeneration?
- Policy 7.4.4.4 Oak Woodland and Policy 7.4.5.2 Individual Trees are different concepts. You can’t preserve oak woodland if you don’t preserve individual trees under Policy 7.4.5.2.
- Aerial photos don’t show the diameter of trees – there has to be a ground survey.
- Regarding Fire Safe Plans with existing structures – what about adjacent structures?
- Define Fire Safe Plan.
- Who actually approves a Fire Safe Plan?
- Agriculture exemption – should there be a time period? If someone clears to plant a vineyard, and then files a subdivision map, the exemption shouldn’t apply.

- Clarify the term “agriculture” as it is used in this exception. Does it mean land in agricultural zone districts, prime farmland, Williamson Act land, cultivated land, grazing land, etc.
- According to law...agriculture must be for *commercial* agricultural purposes...the landowner must be making an active living at agriculture. To be consistent with state law, it would have to be that the people are engaged in commercial agriculture. The same law says affordable housing is exempt.

5) Clarify 1:1 Replacement Requirements/Options under Option A, Policy 7.4.4.4

Staff noted that Policy 7.4.4.4 Option A is not specific as to how 1:1 replacement for oak tree canopy allowed to be removed must be implemented.

The following comments/suggestions were provided:

- Review the work prepared by the Oak Woodlands Committee. There are studies about mortality, or irrigation for the first three years, etc. Serrano/El Dorado Hills also has mitigation trees growing.
- There is no basis in the policy to establish off-site replacement under Option A.
- As a practical matter, off-site will help. If Serrano has 1000 acres of open space, for example, wouldn't it solve the problem of the applicant in the business park to mitigate off-site, with a contract?
- Get input from Bill Frost. Have him review any mitigation plans. It is okay for a project conservationist to give an expert opinion – but give them a target. They can have appropriate professional discretion. Include monitoring.
- The “Where” issue is what we can resolve. Contiguous was more what we were thinking, but maybe IBC or other areas are more appropriate.
- What does “interim” mean in terms of this Option A interpretation? Mitigating on-site is no problem with a qualified professional's opinion. But off-site is problematic – will it benefit habitat?
- Why wouldn't decisions made on an interim plan apply to the OWMP?
- The proposal for Option A Replacement doesn't think about several hundred acre projects (rather than little commercial development) which would affect a lot more trees.

- Consider limits/restrictions on the interim standards.
- Identify that this is an interim solution for Option A only until a permanent decision.

6) Establish a Process to Consider Minor Modifications to Retention/Replacement Requirements if Determined Necessary to Ensure Reasonable Use of Property

Staff explained the proposals for addressing “reasonable use.”

The following comments/suggestions were made:

- The proposed 80-100% canopy limit to determine if a project is eligible for reasonable use should just be an example not a limit.
- The language is fine. It’s interim, and its special circumstances.
- There is no protection in perpetuity for Reasonable Use Options Related to Replacement and Off-Site Replacement.
- Concerned about ii) Off-Site Conservation Easement to Protect Existing Oak Woodland in Lieu of Replacement. Conservation easements are best, but costly. Maybe forego mitigation or fee for defined “small areas.”
- If it’s a small project, I just don’t think it’s feasible for i) and ii).
- Make it clear that reasonable use is for existing lots – I think that people think it might apply to them (discretionary). It makes more sense to some of us to have reasonable use than to pay into a fund.
- Option B won’t preclude you from paying fee and developing.

2:00 p.m. Meeting

Overview

Staff provided an overview of the County's efforts to clarify Policy 7.4.4.4 Option A, prepare an Oak Woodland Management Plan (OWMP) that will serve as the "oak woodland portion" of the Integrated Natural Resource Management Plan (INRMP), initiate the INRMP process, prepare an Oak Tree Ordinance pursuant to Policy 7.4.5.2 and implement a mitigation fee pursuant to Option B of Policy 7.4.4.4.

There was general discussion regarding these efforts. Then, each item in the "Key Concepts Paper" provided to the Planning Commission on August 10 was discussed. A summary of the key points raised in the discussion is provided below.

Key Concepts Paper Comments

1) Clarify Intent/Applicability of Policy 7.4.4.4

The following comments/suggestions were made:

- Why does Policy 7.4.4.4 exist? What is the purpose?
- Canopy provision reads into the EIR. No analysis in EIR for rationale for OWMP, but Implementation Measure CO-P allows framework for discussion to analyze.
- Policy 7.4.4.4 doesn't have a public purpose. It doesn't have anything to do with habitat issues – read the studies. They are clear. Cut-off of for habitat value is 5 acres. Retaining canopy in 1-acre parcels doesn't do anything.

2) Qualification of Professionals

The following comments/suggestions were made:

- Professional qualifications sound reasonable. More clarification is need on what studies are required and what the content is.

3) Definition of Oak Woodlands and Related Key Terms

The following comments/suggestions were made:

- Include “native oaks” in the definitions.
- We don’t want poison oak, it should be quercus.
- Do “scrub oaks” have to be included?
- Use of word “plurality” – it should be “majority”.
- It is confusing as written.
- Trouble with “unit of land” and “project site”. Are you looking at percentage across the parcel?
- “Given unit of land” sounds like you’re going for lot lines.
- “Given unit of land” sounds like multiple parcels.
- Is DBH definition out of the GP?
- I think language you are suggesting for the oak woodlands definition is not appropriate. It should say “species quercus”. Not poison oak. Oak woodland carries other species of trees such as digger pine.

4) Clarify Exceptions to Retention Requirements of Policy 7.4.4.4

The following comments/suggestions were made:

- Exception b), Fire Safe Plans for existing structures, how does that work with adjacent properties?
- What about Fire Safe Plans when there are no structures? Parcel is vacant, but owner wants Fire Safe condition. Fire Safe regulations show separation of canopy.
- Exceptions c) and d) should be parallel.
- Do exemptions apply to everyone or just existing lots?
- Why debate on 6” versus 5” DBH trees?
- Exception f), does the permit exemption apply to canopy retention?

5) Clarify 1:1 Replacement Requirements/Options under Option A, Policy 7.4.4.4

The following comments/suggestions were made:

- The Kuehl bill attempted to require onsite for replanting, but that didn’t go through. EIR doesn’t restrict to onsite. Next thing would be where to replant. One is adjacent, another is IBC, EIR says equal or greater to equal value. CO-U sets specific standards. There could be a biological study on the project or the receiving site.

- Most arborists I talk to prefer off-site mitigation so that there are no access problems, irrigating, monitoring, or landscaping issues. Why wouldn't you support off-site?
- Off-site option makes sense, as I was looking at mapping of IBC – protect important areas, not fragmented area.
- What is the logic behind 15 years of monitoring? It should be 7 years as in Kuehl bill.
- You will run out of lands to protect (for off-site mitigation banks or conservation easements) long before you run out of projects needing mitigation.

6) Establish a Process to Consider Minor Modifications to Retention/Replacement Requirements if Determined Necessary to Ensure Reasonable Use of Property

The following comments/suggestions were made:

- What about Affordable housing and reasonable use?
- Are you exempt Policy 7.4.5.2. if you are less than 1 acre and not further subdividable?
- Eliminate all things categorically exempt under CEQA, for reasonable use. I don't know why you adopted the GP consistency checklist.
- Reasonable use is only for existing parcels?
- It seems inconsistent when Policy 7.4.4.4 is geared to projects, and now reasonable use is only for existing lots.
- Zoning ordinance says you must meet minimum units, but Policy 7.4.4.4 could preclude it. We can't get to 1 unit/acre. What about reasonable use?
- When you overlay all these requirements, you preclude development.
- The OWMP addresses Policy 7.4.5.1, which addresses R&D, commercial, and industrial uses. Within the parameters right now, these guidelines did a good job.

- We know that there are discretionary projects in compliance with the GP except for Policy 7.4.4.4. Why wouldn't parameters allow "reasonable use" by excluding Policy 7.4.4.4?
- If we're trying to interpret policy as anti-taking, reasonable use – then why is a 100-acre parcel treated differently than a small commercial parcel?
- I think that there's no relief.
- I think that you're addressing help to small parcels that isn't in policy language; help should be extended to larger parcels.
- Is it a taking if the project is not getting its allowed General Plan density?
- If your proposal for reasonable use is for existing lots, what additional criteria would you find to be necessary and appropriate to apply to discretionary?

Other Suggestions for Guidelines

Biological Resource Studies

- Establish specifications for completing the required oak canopy surveys.
- Tree canopies grow, die, burn over time biology studies should take that into account.

Oak Woodland Management Plan (OWMP)

- FRAP studies didn't consider live oaks.
- Why can't we use previous mapping?
- What will the OWMP address?

General Plan Amendment

- Policy says 1%; law says 10% for oak woodlands definition. Ask consultant to review to bring GP into conformance with state law.

Other

- I have an issue with "multiple trunks" as oak trees; live oaks fall over.
- When you read IHRMP studies, reports say that habitat is lost in parcels less than 5 acres. Why save oak woodlands on small parcels?

Review and Response to Issues Raised in Correspondence from Business Alliance

1) Qualifications for Preparations of Studies

This issue is addressed in the 8/10 staff report to the Planning Commission.

“Determine that professionals suitably trained in wildlife biology, botany, arboriculture, or forestry such as qualified wildlife biologists, I.S.A. certified arborists, or Registered Professional Foresters (RPFs) can determine “habitat” value and canopy cover of oak woodlands determined from baseline aerial photography. The professional should be able to perform a species-focused site survey, use GPS to locate species and habitat on a map or aerial photograph, and should be able to address oak tree corridors (if applicable) for Policy 7.4.4.5. The qualified professional will need to prepare a Biological Resources Study and Important Habitat Mitigation Plan that satisfies County requirements.”

2) Clarification of Studies Required to Determine Oak Canopy

This will be provided in the draft guidelines clarifying Policy 7.4.4.4 Option A. Staff is first seeking direction from the Planning Commission on several key substantive issues noted in the 8/10 staff report prior to completing other technical elements of the draft guidelines.

3) Definitions of Oak Woodlands and Related Terms

The 8/10 staff report to the Planning Commission addresses this issue as follows:

“Oak woodlands” means a given unit of land, with one or more stands of live trees, where a plurality of the live trees in the stands are native oaks and/or the project site contains 10 percent or more oak canopy cover for parcels less than one acre, or 1 percent or more oak canopy cover for parcels one acre or greater.

“Oak canopy cover” means the area directly under the live branches of the oak trees, often defined as a percent, of a given unit of land.

“A given unit of land” means the land contained within the project site. If the project site, prior to any proposed land division, is comprised of

multiple parcels, the parcels may be treated as a single given unit of land for the purpose of calculating oak canopy cover and retention requirements.

“Stand” means the area of the project site covered by oak canopy cover.

“Diameter at breast height (DBH)” means the measurement of the tree in inches, specifically four (4) feet six (6) inches above natural grade on the uphill side of the tree. In the case of trees with multiple trunks, the diameter of all stems (trunks) at breast height shall be combined to calculate the diameter at breast height of the tree.

Sources: El Dorado County General Plan & EIR, and California Oak Foundation.”

The definition is derived from the source documents listed above for use by staff in the application of Policy 7.4.4.4. “DBH” is the standard referenced in the General Plan and is commonly defined at either 4 foot six inches or 5 feet.

4) Oak Canopy Retention Standards

These standards are in the adopted General Plan (Option A, Policy 7.4.4.4) and cannot be revised across the board unless the General Plan is amended and appropriate analysis is conducted as required by the California Environmental Quality Act (CEQA). The reasonable use process proposed by staff specifies the process for the Planning Commission to consider case by case requests for relief from the retention standards for existing lots if specific findings are made related to ensuring reasonable use.

5) Exceptions to Retention Standards

The exceptions listed in the 8/10 staff report to the Planning Commission are from the General Plan. The source of each exception is cited. Additional across the board exceptions cannot be added unless the General Plan is amended and appropriate analysis is conducted as required by the California Environmental Quality Act. Existing exceptions may be clarified if necessary for effective implementation. A process for providing relief to ensure reasonable use for existing parcels is also proposed.

6) Kuehl Bill

This bill amended the Public Resource Code sections pertaining to the California Environmental quality Act to address mitigation of environmental impacts related to projects affecting oak woodlands. The legislation specifies acceptable mitigation for environmental impacts on oak woodlands including a limit on the use of replacement to fully address oak woodland impacts. The legislation specifies that project impacts can be mitigated through contributions to a fund dedicated to oak woodland conservation purposes. Mitigation of environmental impacts is separate and distinct from compliance with the policies in the El Dorado County General Plan. Projects need to mitigate potentially significant impacts through the CEQA process and also need to be found consistent with the General Plan requirements. So, both the requirements of the Kuehl Bill and the General Plan apply to project reviews and both must be satisfied.

Pursuant to the order y Judge Ohansian, El Dorado County cannot implement a mitigation fee (Option B) for impacts on oak woodland until the “oak woodland portion” of the Integrated Natural Resources Management Plan (INRMP) is adopted.

Specifically, Judge Ohansian stated that the County had done a new analysis of the oak canopy policy (page 16), and that the County had not inappropriately deferred mitigation of biological impacts because “the development of an Oak Management Plan is only one part of a larger oak mitigation strategy that includes immediately applicable requirements.” (Page 21). Most significantly, she found that the fact that the INRMP has not been adopted is not relevant “because the County will be required to apply the retention-only policy of “Option A: until the adoption of the INRMP.” (Page 5).

The County subsequently affirmed in its settlement agreement with petitioners that Option B (mitigation fee) would be implemented “...only after the County has adopted the oak woodland portion of the INRMP described in General Plan Policy 7.4.2.8.” The County agree “...to maintain its interpretation of Policy 7.4.4.4 as described in the above recitals unless and until that policy is amended or repealed.”

Consequently, the portion of the Kuehl Bill that allows for use of payments for mitigation cannot be implemented in El Dorado County until the Court’s order is satisfied.

A Contract will be before the Board of Supervisors shortly to initiate the preparation of the Oak Woodland Management Plan and a related mitigation fee. Once initiated, this process is expected to take 6

months to complete. The Oak Woodland Management Plan will serve as the “oak woodland portion of the INRMP” as required in the County’s settlement agreement.

7) Replacement Options

Policy 7.4.4.4 Option A requires that any oak woodland not required to be retained, that is removed, must be replaced on a 1:1 basis. Staff is seeking direction from the Planning commission on how the replacement provisions will be implemented, including clarifying the definition of 1:1 replacement and the available methods and locations for replacement. Replacement applies only to those trees removed from a site that are not required to be retained pursuant to the standards of Policy 7.4.4.4. Replacement cannot be substituted for retention unless this policy is amended and appropriate analysis is conducted as required by the California Environmental Quality Act.

Off-site replacement is proposed as an option for the Planning Commission to consider when necessary to ensure “reasonable use” of existing legal parcels and only for trees removed that are not required to be retained. Staff is also proposing off-site preservation of existing oak woodlands as a possible option to meet the replacement requirement at a 2:1 ratio. The source of the 2:1 off-site preservation ratio is Policy 7.4.4.4. Staff has proposed that off-site replacement options should be considered when the project site on an existing legal parcel is 80 to 100% covered with oak woodland canopy in order to ensure reasonable use since parcels with substantial canopy coverage are more likely to have difficulty implementing on-site replacement.

8) Off-Site Preservation Sites

The comment is that the County should approve such sites in advance. Staff concurs. This will be done through the Oak Woodland Management Plan (OWMP).

9) Timeframe for Replacement Canopy to Mature

The comment suggests that the replacement canopy should be required to mature to pre-removal levels within 10 years. Staff is recommending 15 years as a reasonable time frame for replacement trees to achieve the same canopy coverage as was removed.

10) Agreements to Ensure Maintenance/Preservation

The comment questions the need for such agreements. Maintenance/management agreements are designed to ensure that

areas designated for preservation off-site remain in their intended use and that any necessary forest management activities are carried out. Once Option B (mitigation fee) becomes available, the costs for maintenance and management will be included within the fee and the lands targeted for acquisition/preservation will have been identified in the OWMP. Any maintenance/management requirements will have been addressed on an overall basis through the OWMP and its implementation measures rather than on a project by project basis.

11) Forest Health

The comment questions what this term means. This will be determined by the appropriate professional (i.e. registered professional forester and/or certified arborist, or biologist). The professional will determine which trees are dead or dying and which are healthy and subject to retention/replacement.

12) Reasonable Use Related to Replacement

The comment suggest that there does not need to be a standard for when reasonable use determinations related to replacement can be made (e.g. the 80% to 100% existing oak woodland canopy coverage criterion suggested by staff). The purpose of having guidelines is to be able to provide consistent, clear information to the public about how the County General Plan will be administered. Elimination of any standards related to reasonable use would not allow staff to provide such guidance to the public. The difficulty in complying with on-site replacement typically increases when existing canopy coverage on the site is substantial. This is particularly true if other constraints on a site, such as slopes and creek setbacks reduce the available development area. As a result, off-site replacement is suggested as an option to consider. As noted above, staff concurs and this option is included in the 8/10 proposal for Planning Commission review. As noted above, off-site replacement can only apply to oak trees removed that are not required to be retained by Policy 7.4.4.4.

13) Conservation Easements

Standards/forms for Conservation Easements will be developed once the Guidelines are implemented and the OWMP is adopted. Conservation Easements are widely used throughout the State and are addressed in the Government Code. Conservation Easements are often dedicated to approved conservation organizations such as land trusts, conservancies, etc. established to manage open space and habitat areas.

14) Reasonable Use Related to Retention

The comment seeks clarification. The process suggested by staff would allow the Planning Commission to grant relief to the retention requirements in Policy 7.4.4.4 for existing lots on a case by case basis if certain findings can be made in order to ensure reasonable use. The extent of the relief that should be granted is a factual determination that would be made by the Planning Commission. The Commission cannot grant blanket waivers or approve variance to General Plan policies. The Commission can provide for limited relief from the requirements of the policies if necessary to ensure reasonable use of the property. Relief can include, but not be limit to, reduction of the retention requirements.

15) Discretionary Projects

The reasonable use provisions in general apply only to development of existing legal parcels with specific constraints. Reasonable use relief is not available to projects that involve discretionary reviews that include creation of new parcels since such projects are able and expected to be designed in compliance with County policies. Projects subject to discretionary review must address any impacts to biological resources as required by CEQA. Such impacts often require mitigation that can be different from, and in addition to, any requirements of General Plan policies. If the county adopts an INRMP, such mitigation may be addressed on a large scale basis, reducing the burden on individual and small projects of completing biological studies, impact analyses, and mitigation.

General Issues Raised by Written Comment

California Oaks Foundation letter dated 8/14/06

1) Clarify Intent/Applicability of Policy 7.4.4.4

No applicable comments were made.

2) Qualification of Professionals

CEQA oak woodland processes require use of registered professional foresters.

3) Definition of Oak Woodlands and Related Key Terms

No applicable comments were made.

4) Clarify Exceptions to Retention Requirements of Policy 7.4.4.4

CEQA standard is 5" DBH, not the General Plan 6" DBH.

5) Clarify 1:1 Replacement Requirements/Options under Option A, Policy 7.4.4.4

Use Public Resources Code 21083.4 (Contribute to Oak Woodlands Conservation Fund) until Option B is available.

On-site oak planting is usually infeasible as habitat mitigation; funds are better spent to purchase comparable oak habitat conservation easements.

6) Establish a Process to Consider Minor Modifications to Retention/Replacement Requirements if Determined Necessary to Ensure Reasonable Use of Property

No applicable comments.

Other Comments Not Related to Key Concepts

Develop an oak woodlands mitigation bank with willing rangeland owners; growing oaks augments landowner earnings.

Quercus Group on behalf of the Sierra Oak Conservation Coalition (SOCC) letter dated 8/21/06

1) Clarify Intent/Applicability of Policy 7.4.4.4

No applicable comments were made.

2) Qualification of Professionals

No applicable comments were made.

3) Definition of Oak Woodlands and Related Key Terms

No applicable comments were made.

4) Clarify Exceptions to Retention Requirements of Policy 7.4.4.4

Policy 7.4.5.2 tree size thresholds are irrelevant to calculating canopy cover and canopy retention requirements and are contrary to state law which stipulates that live oak trees of any size are to be counted in gauging canopy cover.

5) Clarify 1:1 Replacement Requirements/Options under Option A, Policy 7.4.4.4

On-Site and off-site oak planting mitigation areas must be placed in conservation easements.

6) Establish a Process to Consider Minor Modifications to Retention/Replacement Requirements if Determined Necessary to Ensure Reasonable Use of Property

No applicable comments were made.

California Native Plant Society (El Dorado Chapter) letter dated 8/17/06

1) Clarify Intent/Applicability of Policy 7.4.4.4

No applicable comments were made.

2) Qualification of Professionals

No applicable comments were made.

3) Definition of Oak Woodlands and Related Key Terms

No applicable comments were made.

4) Clarify Exceptions to Retention Requirements of Policy 7.4.4.4

Canopy cover estimates must include all oak trees in the stand regardless of size.

5) Clarify 1:1 Replacement Requirements/Options under Option A, Policy 7.4.4.4

Off-site mitigation under Option A should be very limited.

Until the oak woodland element of the INRMP is completed (the OWMP); limit off-site mitigation to projects 15 acres in size or less, or limit off-site mitigation to no more than 3 acres per project.

Lands intended to provide off-site mitigation must be legally recorded under a conservation easement to ensure that the investment in conservation is protected; We object to the “off-site replacement” outlined in 6)a.i.

The wording in 6)A.ii), “off-site conservation easement to protect existing oak woodland in lieu of replacement” addresses concerns about easements and identifies acceptable criteria for the selection of off-site mitigation areas during the interim period.

6) Establish a Process to Consider Minor Modifications to Retention/Replacement Requirements if Determined Necessary to Ensure Reasonable Use of Property

Especially during the interim period, limit the application of the “reasonable use” argument to remove additional canopy below the allowed limits and limit the option to provide for off-site mitigation.

Other Comments Not Related to Key Concepts

Reconsider the off-site mitigation allowed in the interim for Option A and reasonable use during the development of the oak woodland element of the INRMP and consider modification in the final INRMP.

California Native Plant Society (El Dorado Chapter) letter dated 8/9/06

1) Clarify Intent/Applicability of Policy 7.4.4.4

No applicable comments.

2) Qualification of Professionals

No applicable comments.

3) Definition of Oak Woodlands and Related Key Terms

No applicable comments.

4) Clarify Exceptions to Retention Requirements of Policy 7.4.4.4

Canopy cover estimates must include all oak trees in the stand regardless of size.

5) Clarify 1:1 Replacement Requirements/Options under Option A, Policy 7.4.4.4

Off-site mitigation for loss of oak canopy is not allowed until the INRMP is approved.

The last sentence in Item 6 of the staff memo appears to suggest that these interim guidelines under discussion by the Planning Commission may be applied to the broader question of replacement of tree canopy when the project proponent chooses to replace canopy instead of retaining it. Such a broad application is not consistent with the environmental analysis for the General Plan

6) Establish a Process to Consider Minor Modifications to Retention/Replacement Requirements if Determined Necessary to Ensure Reasonable Use of Property

No applicable comments.

Gary and Nancy Fletcher Email dated 8/5/06

1) Clarify Intent/Applicability of Policy 7.4.4.4

No applicable comments.

2) Qualification of Professionals

No applicable comments.

3) Definition of Oak Woodlands and Related Key Terms

No applicable comments.

4) Clarify Exceptions to Retention Requirements of Policy 7.4.4.4

The diameter for exception to cutting should be reduced to 1 foot as 3 feet diameter allowed cutting is far too big

These exceptions are too broad: Single family homes on one acre or less; native oak trees for personal use; written approval by the planning department

5) Clarify 1:1 Replacement Requirements/Options under Option A, Policy 7.4.4.4

No applicable comments.

6) Establish a Process to Consider Minor Modifications to Retention/Replacement Requirements if Determined Necessary to Ensure Reasonable Use of Property

No applicable comments.

Other Comments Not Related to Key Concepts

Other

Oak Trees in El Dorado County should be protected because they add to the quality of life and provide animal habitats.