

Cris Alarcon, 2-13-10

ISAC Committee: Committee Member Alarcon's Response to Kris Kiehne's (SEA) handout, "Key Term Definitions Administrative Draft."

In 2 of 3 cases, the committee failed to pass a vote, therefore there is no Majority, and as such, no Minority to report.

Criteria: Does the proposed definitions narrowly set the parameters without being too narrow to meet the needs, or so broad as to become cumbersome and unnecessary. Too narrow a definition, and the project cannot be completed properly. Too broad a definition, and the work becomes unacceptable slow and expensive without adding significantly to the goal.

Alarmingly, every proposed definition extends the mitigation program from the named "Important Habitat" to include every inch of land in El Dorado County!

- **Important Habitat** Proposed definition from DRAFT EIR (not part of the GP):
“Important habitat is defined as habitats that support important flora and fauna, including deer winter, summer, and fawning ranges and migration routes; stream, river, and lakeshore habitat; fish spawning areas; seeps, springs, and wetlands; oak woodlands; large expanses of native vegetation; and other unique plant, fish, and wildlife habitats.” Emphasis Added
 - This is a workable definition if it is interpreted as an inclusive definition. In example, Important Habitat is **Important Flora & Fauna** and that is specifically ... “deer winter, summer, and fawning ranges and migration routes; stream, river, and lakeshore habitat; fish spawning areas; seeps, springs, and wetlands; oak woodlands; large expanses of native vegetation; and other unique plant, fish, and wildlife habitats”
 - When I asked SEA what the definition of “**Important Flora & Fauna**” the response was, “there is no definition”.
 - Without a definition of “**Important Flora & Fauna**” then the definition becomes circular and is not an effective tool. All habitat is Flora & Fauna. The definition sets “important” habitat apart and attributes this to its presence of “important” flora & fauna. Without any definition of what makes the flora and fauna important, then EVERY plant and animal becomes “**Important Flora & Fauna**”

By SEA interpreting Important Habitat as Important Flora & Fauna, without any limitations on what makes the flora & fauna important, then every plant and animal in EDC becomes part of the INRMP. This is an incorrect interpretation of the GP & the INRMP.

A far better definition already exists in the GP/EIR Policy 7.4.2.8 that is approved (as distinguished from the Draft EIR which was never adopted).

- “important habitat” is used repeatedly in the GP and the meaning often varies with the context. A discussion and resolution to the conflict identified as the “Big ‘I’, Little ‘i’” (of Important Habitat) issue should be addressed by the BOS in an expedited manner.
- “Habitat” is defined; “The physical location or type of environment in which an organism or biological population lives or can be found”. (Source: EDC General Plan, p239.)
- “Important Habitat” in the context of GP Policy 7.4.2.8.A is: “Habitat Inventory. This part of the INRMP shall inventory and map the following important habitats in El Dorado County:
 - 1. Habitats that support special status species;
 - 2. Aquatic environments including streams, rivers, and lakes;
 - 3. Wetland and riparian habitat;
 - 4. Important habitat for migratory deer herds; and
 - 5. Large expanses of native vegetation.
- When SEA was asked, “by what BOS/GP authority or scientific justification are you extending the definition provided by Policy 7.4.2.8.A, the consultants provided no answer.

Without valid and stated scientific justifications, or without the BOS declaring other habitats as “Important”, then there is no justification to go beyond the definition already provided in GP policy 7.4.2.8.A.

Additionally, expanding the intent of 7.4.2.8 from a mitigation program addressing part of the county into a program that covers every plant and animal in the county is clearly beyond the considerations of the adopted EIR and may require a new GP EIR.

- **Native Vegetation** Proposed Definition: “An assemblage of plants in a specific place or region that has adapted to environmental and biological conditions. Native vegetation is *typically* dominated by native plant species but may include non-native plants or naturalized plants. Vegetation may be classified by type based on characteristics such as dominant plant communities or dominant plant species. Some native vegetation assemblages, such as annual grassland, may contain significant numbers of introduced plant species that have adapted to local conditions. For the purposes of the INRMP process, “native vegetation” and “natural vegetation” can be used synonymously.” *Emphasis added.*

- A critical flaw of this proposed definition is that **by mixing native and naturalized plants, and including plants that have adopted, it includes every plant in EDC that has survived one season, or has reseeded. Again this definition expands the INRMP from a part of the county to every plant in the county.**
 - Naturally seeded raised planting beds and even potted plants are covered by the proposed definition.
 - Noxious and invasive weeds are covered by this definition.
 - Includes Palm Trees (Phoenician)
 - Includes Chinese Pistache (Chinese)
 - Includes Scotch Broom (Scotland)
- Plants from China, the Middle East, and Scotland are not Native EDC plants. Proffering such a definition is more problematic the enabling.
- As plants in any area change over time through natural processes including evolution, succession, and invasion, then the term “native” plant is dependant on a time element. Any good definition will include a time element. Without such a qualifier, extinct plants from the Waucoban Stage of the Early Cambrian Period on to any plant surviving today could be called “Native” in EDC. Such an un-qualified definition will suffer from a lack of clarity in application.
- Here is a definition of “Native Plant” that includes a customary (time frame) element: “The native plants of a given area are those that grew there prior to European contact.” <http://www.calrecycle.ca.gov/Organics/Glossary/> “Prior to European contact” is a common time element due to the large change to California flora-scape after the introduction of Spanish Missions followed by the massive migration triggered by the Gold Rush here in EDC.
- **The California Native Plant Society states this: “Our native plants grew here prior to European contact.” And continues, “Native plants do the best job of providing food and shelter for native wild animals. Native plants are also an essential element in the natural beauty for which California is famous.”**

Clearly, any useful definition of “Native Plants” includes a time period, and a social element, coupled with a strong scientific basis. Devoid of the purpose of the definition of “Native Plants”, any purely scientific definition is unlikely to be useful.

If the purpose is to do the best job of providing food and shelter for native wild animals then Native Plants do that best. If the Natural Beauty for which California is famous, then Native Plants do that best.

Mainstream thought in California strongly favors the precept that “Native Plants” are plants that live or grow naturally in a particular region, without direct or indirect human intervention, and grew here prior to European contact.

- **(Large Expanses) of native vegetation** Proposed Definition: “The amount of less disturbed, contiguous land needed for both narrowly occurring and wide-ranging species or to maintain natural processes, where the extent of land needed depends on the species or natural process.”
 - There is no formal, scientific definition for this term other than to describe the amount of land needed for wide-ranging species or to maintain natural processes.
 - “Large Expanses” refers to the needs of a species and is species-specific.
 - The ONLY species called out in the GP or its EIR related to large expanses of native vegetation, are Oaks. Large Expanses of Native Oak Trees has already been defined and adopted.
 - "'areas of large expanses of native vegetation' is language used in Policy 7.4.2.8A(5) and generally means 500-acre or larger blocks of contiguous habitat. [AR3059]" Case PC20080336 (OWMP Suit Decision) Page 8, lines 2-4..
 - Because this definition is dependant on the species, and only one species has been named, the current definition stands.
 - Ecologist have not proffered any additional species to be added to Important Large Expanses of Native Vegetation based on a scientific need.
 - The BOS has not declared any other species to add to the existing Oaks.

Unless scientific evidence is offered to support an ecological need, or unless the BOS votes to add other species to the Oaks as requiring Large Expanses of Native Vegetation, then we should read the most recent court ruling related to our INRMP (EDC Case PC20080336, 2/2/10).

“The arguments raised in petitioners' brief largely reflect their disagreement with the policy decisions made by the Board not only in developing the OWMP but in adopting the General plan and certifying its EIR in the first place. The Court was struck by the fact that all petitioners' arguments were raised in transcripts of Board of Supervisors or Planning Commission meetings, were discussed, were analyzed, were argued. **This is a political process vested in the discretion of the Board of Supervisors.** After more than fifteen years of environmental review the citizens of this County deserve some finality to issues, which have been repeatedly studied and debated. **The purpose of the process is not to develop the perfect and ideal plan as conceived by a botanist or arborist or from the viewpoint of any other specialist or group. In absences of a perfect agreement between all parties, there will be no perfect plan; any plan that is a product of a political process almost by definition will not fully satisfy all players.** As Judge Bond noted back in 1999, the goal is to try to strike a balance among competing interest.” Emphasis added Judge Suzanne Kingsbury, 2-2-10.

Cris Alarcon. 2-15-10