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I believe Jim Brunello has prepared a good document and I support its conclusions.

I want however to try to frame what I believe is the important role of the Board of Supervisors in this process at this point.

The committees have been put to the task of arriving at definitions for three terms. The process has not arrived at a conclusion. The failure (or arguably the success) of the process to date revolves around a couple of basic questions that the BOS must answer.

Some expect the INRMP process to constantly expand to address other issues whether those issues relate in any measurable way to biological needs or not. It is my contention that the INRMP is only to determine biological needs and address those. Quality of Life, open space, separation of communities, viewsheds, etc have no role in determining the needs of the flora and fauna the General Plan charges the INRMP with addressing. The BOS needs to include a statement in its motion that the INRMP deals with only biological issues.

The second issue is the legal necessity of ultimately having a record that actually comprises the substantial evidence in the record to support the biological decision the BOS needs to make. A subset of this need is the critically important effort that must be accomplished to determine if the issues “put over” to this process from the OWMP are truly being dealt with in a way that will result in a record that passes the “substantial record” test. My classic example is 7.4.4.5. The current consultant has asserted that “other goals and policies are outside the scope of his charge”. The BOS needs to determine when and by whom these critical issues will be addressed.

The third issue that has not been resolved is whether the definitions we use in this process are or should be limited by the way the terms are used in the General Plan and Final EIR. One assertion is that we should use scientific definitions such as have been developed by the Native Plant Society and others. I believe this is a critical path issue that needs strong and immediate resolution of the BOS. The standard needs to be that the definitions applied must result in interpretations of the policies that reflect the intention of the county when those policies were adopted.

The clear net effect of applying definitions from other sources is to alter the goals and policies themselves. The motion of the BOS needs to include a statement that any definition that alters the meaning of the policy will be rejected. It is the clear intention of some to alter the definitions in ways that effectively redefine the scope and purpose of the goals and policies to their purpose.

The BOS needs to clearly and determinatively reject that effort and direct that definitions be applied that truly reflect the intended purpose of the BOS in adopting the policies.

There very well may be “substantial information in the record” that evolves out of this INRMP process that indicates that certain GP goals and policies are inadequate. There may be a need for minor or even significant amendment to the General Plan during the future update that is based upon the “substantial information “ to be developed in this process.. Without the prospect of need for changes there would be little actual purpose to doing the INRMP at all. That does not justify applying definitions that in effect make the changes to policies that have already been rejected by the BOS.

One of the identified tasks in this process is to determine the need for a North-South corridor. The major first step in this effort is to determine what if any species actually use or would use a corridor in any substantive way that is critical to that species. It has been noted many times that nobody has thought of an animal species that would have a critical need for such a corridor. The only plant species identified with issues involve the Cameron Park preserve.

It is not that having a condition that allows for the free flow of all plant and animal species from North to South would be a bad thing. Clearly the barrier effect of HWY 50 has been identified in the discussion of the Cameron Park Preserve in a way that brings into question the value of having any part of the preserve south of the freeway. Hwy 50 will never be a part of a permeable landscape. The question would appear to be whether Hwy 50 is a genetic barrier of such a nature that would prevent any exchange of genetic material in a way that creates separate gene pools. These discussions require that we identify the species we are subjecting to our analysis.

The effort to divert the discussion away from Indicator Species to an alternate definition would eliminate the need to actually identify a particular species whose life cycle or gene distribution necessitates a connection. The effort to use a “suite of species” would put the ultimate analysis in a condition where it would not be possible to make a finding that no connection was needed. It is important that we all clearly understand what the “substantial evidence in the record would need to be to support a finding that no connection is needed. We are being set up for a study that can not possibly be used to make that finding.

It is my contention that such a study would not meet the basic purpose for which the current contract was made. In effect the entire purpose of the contract could be subverted simply by seemingly insignificant changes in definitions. In essence an Indicator Species

becomes a focal species which of course is a suite of species and the net result is hundreds of thousands of dollars are wasted again.

Even Judge Kingsbury seems to have missed an important point in her reference to the Savings/Greenwood work where she seems to have missed the fact that nowhere in their work did they supply any evidence in the record justifying the need for the corridor. They merely studied the ability of various regulatory and policy scenarios for protecting or creating a connection.

Ultimately this initial step in the process was to arrive at definitions that would inform the mapping of large expanses of native vegetation that may be important habitat under 7.4.2.8. By attempting to separate out the three terms into 3 independent definitions you invariably arrive at a different result from what was originally intended within the four corners of the General Plan document. The Board of Supervisors needs to take the time to explain to the consultant the intent of the General Plan so the definitions used do not conflict with the original intent.

Significant time needs to be made available during the workshop on this item for presentations by the people who have been working on this issue for the last 3 years.

Thank you,

Art Marinaccio.