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October 24, 2007

Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

Re: **Submittal of Revised Draft Oak Woodlands Management Plan**

## **RECOMMENDATION:**

1. Receive and provide direction on the Draft Oak Woodland Management Plan (OWMP) as presented by staff; and
2. Direct staff to:
  - a. Finalize the Draft OWMP and prepare and circulate a Negative Declaration;
  - b. Refer the Draft OWMP to the Planning Commission on December 13<sup>th</sup> and the Agricultural Commission on December 12<sup>th</sup> for review and comment;
  - c. Return to the Board in January for consideration and potential action; and
  - d. Consider conditioning projects requiring oak mitigation to offer either Option A and or Option B, provided that Option B procedures have been approved by the Board and that the fee resolution is in effect at the time of use.

## **BACKGROUND**

Attached is the revised Draft Oak Woodland Management Plan (OWMP) as directed by your Board on October 2, 2007. Planning Services staff has pared down the document to a simpler approach that identifies the following:

- Location of Priority Conservation Areas (PCAs);
- Draft Conservation Fund (Option B) fee amount;
- Applicability and exceptions to the requirements;
- Responsibilities of individual property owners with regard to oak woodland protection measures, including alternative mitigation; and
- A step-by-step user guide.

The Draft OWMP also contains a brief introduction, summarizing the goals and objectives of the plan, description of oak woodland types in El Dorado County, and contextual background with regard to state law. Background information, including the details of how the mapping was done, development of the fee, and the information necessary to make the County's landowners and organizations eligible for grants from the State is contained in a series of appendices, also attached.

## **DISCUSSION**

At the hearing on October 2, 2007, your Board reviewed a revised map showing the Priority Conservation Areas (PCAs) along with the map that had previously been presented to you in June 2007. Staff also provided a revised figure for the Conservation Fund (Option B) fee, reducing the proposed amount from \$14,000 per acre of oak woodland canopy removed to \$7,300.

The reduction in cost was due to eliminating the restoration cost component of the Conservation Fund fee and choosing the "low range" fee rather than the "high range" fee. The fees for the eliminated habitat restoration component covered tree planting/replanting and seedling protection, and non-native species removal for lands acquired through the Conservation Fund. Choosing the "low range" fee rather than the "high range" fee eliminated an endowment for on-going restoration and management, while retaining the endowment for on-going monitoring. Since over 44,000 acres of existing oak woodland has been identified within the PCAs, it was determined that adequate area was available for the establishment of offsite conservation easements without having to consider the establishment of new canopy through restoration activities. Once the new Option B fee ordinance is approved, it will require 60 days to become effective.

Staff further indicated at the October 2, 2007 hearing that that it was working on a modified draft of the OWMP that would shift much of the background and support information to technical appendices, providing a shortened, more manageable document for the public to use. That 11-page document is presented herein.

At that hearing, Supervisor Sweeney presented a partially completed draft of a revised OWMP that he and interested members of the community had been working on. Staff has taken that draft, and integrated it with the version that was being developed based on the prior Board direction, to create the Draft OWMP presented today. Staff has further met with individuals developing the text that was presented by Supervisor Sweeney, and we believe that with the exception of a few details, there is general consensus regarding the direction of the OWMP. These details are policy decisions that need to be made by your Board:

- Amount of the Conservation Fund Fee – Members of the community took a different approach to developing a fee for Option B. Their fee was based on economies of scale for acquisitions of 500 acres or more, which reduced the costs for acquisitions and other fee components. Staff has concerns regarding the time implementation to aggregate adequate funds to purchase acquisitions in 500 acre blocks, and the availability of land from willing sellers in blocks of 500 acres or more. Staff is also concerned whether a land trust would be

able to make acquisitions, including an endowment for monitoring and management, in the \$3,000 per acre range. Staff believes that the \$7300 figure (based on feasible 40-acre acquisitions) should be supported and that a figure in the range of \$3000 is insufficient to carry out the mandates of the General Plan policy.

- Ratio of fee in-lieu of on-site replacement – Under Option A the amount of oak woodland canopy removed must be replaced at a 1:1 ratio. Staff is recommending that payment of the fee could be substituted for the on-site replacement (offering the flexibility of combining with Option B). Some have suggested that should be at a 1:1 ratio. Due to habitat loss and fragmentation issues, staff recommends that be at a 2:1 ratio. Staff does not believe that the ratio can be reduced without amending the General Plan and further CEQA analysis. When a landowner retains trees and replants in compliance with Option A, the replanting on-site mitigates for the fragmentation. The in-lieu fee will be used to conserve oak woodland off-site. Policy 7.4.4.4 Option B specifically calls for the ratio of 2:1 as noted, “To compensate for fragmentation as well as habitat loss, the preservation mitigation ratio shall be 2:1 and based on the total woodland acreage onsite directly impacted by habitat loss and indirectly impacted by habitat fragmentation. The costs associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee.”
- Agricultural Cultivation or Operations – The agricultural industry has proposed that all agricultural operations, including any associated structures, be included in the exemption under Policy 7.4.4.4. Because the policy clearly states that the exemption is for cultivation, staff believes that expanding the exemption to include operations could necessitate a general plan amendment.

Listed below are a few of the more significant changes from the Draft OWMP presented on September 25, 2007:

- Reduced in size from 81 to 11 pages. (Note: Much of the background and support information was moved to Appendix A, which was created to provide the information necessary to comply with the California Wildlife Conservation Board program standards, which will allow interested landowners and organizations to apply individually for conservation grants);
- Conservation Fund (Option B) fee reduced from \$14,000 to \$7,300 per acre of oak woodland canopy removed, based on the elimination of restoration activities and putting the focus on acquisition, management, and monitoring of conservation easements on rural lands only;
- Modified the exhibit showing the PCAs by removing the corridors, but showing existing publicly owned lands;
- Clarified exemptions for defensible space and fire safe vegetation removal;
- Added reductions for affordable housing;
- Provided a step-by-step guide describing how the OWMP applies to development projects;
- Provided an exhibit that shows existing connectivity between PCAs based on public land, stream setback requirements, and the General Plan Important Biological Corridor (IBC) overlay designation; and
- Established a method to implement Option B of Policy 7.4.4.4.

General Plan Implementation Measure CO-U requires large development projects (i.e., those that exceed 10 acres) to provide an additional mitigation of 1:1 for “Important Habitat” over any other mitigation for habitat already provided (such as Policy 7.4.4.4 oak woodland canopy standards).

The Board determined at its June 12, 2007 hearing, “...that the importance of the Oak Woodland Plan relative to other types of habitat will be determined in the Integrated Natural Resources Management Plan (INRMP) and that the oak woodlands by themselves are not necessarily “important,” noting this issue will be decided during the INRMP.” Therefore, this Draft OWMP does not address Measure CO-U or the importance of oak woodland habitat, as these will be addressed during preparation of the INRMP.

## **NEXT STEPS**

If your Board finds that this draft of the OWMP is consistent with your direction, the next steps will be to begin formal public review and preparation of the Negative Declaration. The goal for completion, public notice, and a hearing before the Planning Commission and Agricultural Commission prior to returning to your Board will result in a potential final adoption hearing in February or early March. During that time staff will be refining the maps to correlate the PCA layer and other data with the County’s parcel base.

Another issue that needs to be considered is the revised consultant contract with EN2 and PMC for completion of this work effort. The scope of work for the consultants includes revisions to the OWMP, based on public input, preparation of the Negative Declaration, preparation of the fee resolution, and preparation of the oak tree ordinance. Each of these work products will implement various policies of the General Plan. The revised contract is working its way through the process and will be presented to the Board once it is ready for execution.

Staff would also like to begin conditioning projects with the choice of meeting Policy 7.4.4.4 by means of Option A and/or Option B. The condition can state that Option B must be fully implemented (including the fee resolution that becomes effective 60 days after Board approval) before it can be used. This will let the development community plan how to best ensure consistency with the General Plan as they finalize their projects.

Respectfully submitted,

Gregory L. Fuz  
Development Services Director