

El Dorado County has operated under a court writ of mandate placing severe restrictions on development since 1999, when a Sacramento Superior Court judge ruled that the environmental report for the 1996 general plan failed to specify the effect residential growth would have on traffic, water and quality of life in the Sierra foothills.

On July 19, 2004 the El Dorado County Board of Supervisors adopted a new general plan and in the process became the first California county to provide oak woodland mitigation measures compatible with California Environmental Quality Act requirements. Specifically, the El Dorado County General Plan recognizes that the standards established in local oak tree ordinances are insufficient for the purpose of mitigating significant impacts to oak woodland habitat values.

El Dorado County General Plan Conservation and Open Space Element

OBJECTIVE 7.4.4: FOREST AND OAK WOODLAND RESOURCES

Protect and conserve forest and woodland resources for their wildlife habitat, recreation, water production, domestic livestock grazing, production of a sustainable flow of wood products, and aesthetic values.

Policy 7.4.4.4 For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County’s Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

Option A

The County shall apply the following tree canopy retention standards:

Percent Existing Canopy Cover	Canopy Cover to be Retained
80-100	60% of existing canopy
60-79	70% of existing canopy
40-59	80% of existing canopy
20-39	85% of existing canopy
10-19	90% of existing canopy
1-9 for parcels > 1 acre	90% of existing canopy

Under Option A, the project applicant shall also replace woodland habitat removed at 1:1 ratio. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8. Woodland replacement shall be based on a formula, developed by the County, that accounts for the number of trees and acreage affected.

Option B

The project applicant shall provide sufficient funding to the County's INRMP conservation fund, described in Policy 7.4.2.8, to fully compensate for the impact to oak woodland habitat. 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. Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Plan as described in Policy 7.4.2.8.

Policy 7.4.4.5 Where existing individual or a group of oak trees are lost within a stand, a corridor of oak trees shall be retained that maintains continuity between all portions of the stand. The retained corridor shall have a tree density that is equal to the density of the stand.

California Oak Foundation Note: While the Option A canopy retention standards are appropriate for the Blue oak woodland habitat types found in El Dorado County, they are unsuitable for other oak woodland types. For example, denser Coastal oak woodland habitats require 70 percent canopy cover retention in the 80-100 existing canopy cover range and 75 percent canopy cover retention in the 60-79 existing canopy cover range.

OBJECTIVE 7.4.5: NATIVE VEGETATION AND LANDMARK TREES

Protect and maintain native trees including oaks and landmark and heritage trees.

Policy 7.4.5.1 A tree survey, preservation, and replacement plan shall be required to be filed with the County prior to issuance of a grading permit for discretionary permits on all high-density residential, multifamily residential, commercial, and industrial projects. To ensure that proposed replacement trees survive, a mitigation monitoring plan should be incorporated into discretionary projects when applicable and shall include provisions for necessary replacement of trees.

Policy 7.4.5.2 It shall be the policy of the County to preserve native oaks wherever feasible, through the review of all proposed development activities where such trees are present on either public or private property, while at the same time recognizing individual rights to develop private property in a reasonable manner. To ensure that oak tree loss is reduced to reasonable acceptable levels, the County shall develop and implement an Oak Tree Preservation Ordinance that includes the following components:

- A. Oak Tree Removal Permit Process. Except under special exemptions, a tree removal permit shall be required by the County for removal of any native oak tree with a single main trunk of at least 6 inches diameter at breast height (dbh), or a multiple trunk with an aggregate of at least 10 inches dbh. Special exemptions when a tree removal permit is not needed shall include removal of trees less than 36 inches dbh on 1) lands in Williamson Act Contracts, Farmland Security Zone Programs, Timber Production Zones, Agricultural Districts, designated Agricultural Land (AL), and actions pursuant to a Fire Safe plan; 2) all single family residential lots of one acre or less that cannot be further subdivided; 3) when a native oak tree is cut down on the owner's property for the owner's personal use; and 4) when written approval has been received from the County Planning Department. In passing judgment upon tree

removal permit applications, the County may impose such reasonable conditions of approval as are necessary to protect the health of existing oak trees, the public and the surrounding property, or sensitive habitats. The County Planning Department may condition any removal of native oaks upon the replacement of trees in kind. The replacement requirement shall be calculated based upon an inch for inch replacement of removed oaks. The total of replacement trees shall have a combined diameter of the tree(s) removed. Replacement trees may be planted onsite or in other areas to the satisfaction of the County Planning Department. The County may also condition any tree removal permit that would affect sensitive habitat (e.g., valley oak woodland), on preparation of a Biological Resources Study and an Important Habitat Mitigation Program as described in Policy 7.4.1.6. If an application is denied, the County shall provide written notification, including the reasons for denial, to the applicant.

- B. Tree Removal Associated with Discretionary Project. Any person desiring to remove a native oak shall provide the County with the following as part of the project application:
- A written statement by the applicant or an arborist stating the justification for the development activity, identifying how trees in the vicinity of the project or construction site will be protected and stating that all construction activity will follow approved preservation methods;
 - A site map plan that identifies all native oaks on the project site; and
 - A report by a certified arborist that provides specific information for all native oak trees on the project site.
- C. Commercial Firewood Cutting. Fuel wood production is considered commercial when a party cuts firewood for sale or profit. An oak tree removal permit shall be required for commercial firewood cutting of any native oak tree. In reviewing a permit application, the Planning Department shall consider the following:
- Whether the trees to be removed would have a significant negative environmental impact;
 - Whether the proposed removal would not result in clear-cutting, but will result in thinning or stand improvement;
 - Whether replanting would be necessary to ensure adequate regeneration;
 - Whether the removal would create the potential for soil erosion;
 - Whether any other limitations or conditions should be imposed in accordance with sound tree management practices; and
 - What the extent of the resulting canopy cover would be.
- D. Penalties. Fines will be issued to any person, firm, or corporation that is not exempt from the ordinance who damages or destroys an oak tree without first obtaining an oak tree removal permit. Fines may be as high as three times the current market value of replacement trees as well as the cost of replacement, and/or replacement of up to three times the number of trees required by the ordinance. If oak trees are removed without a tree removal permit, the County Planning Department may choose to deny or defer approval of any application for development of that property for a period of up to 5 years. All monies received for replacement of illegally removed or damaged trees shall be deposited in the County's Integrated Natural Resources Management Plan (INRMP) conservation fund.

OBJECTIVE 7.4.2: IDENTIFY AND PROTECT RESOURCES

Identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; stream and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat.

Policy 7.4.2.8 Develop within five years and implement an Integrated Natural Resources Management Plan (INRMP) that identifies important habitat in the County and establishes a program for effective habitat preservation and management. The INRMP shall include the following components:

- A. 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.

The County should update the inventory every three years to identify the amount of important habitat protected, by habitat type, through County programs and the amount of important habitat removed because of new development during that period. The inventory and mapping effort shall be developed with the assistance of the Plant and Wildlife Technical Advisory Committee, CDFG, and USFWS. The inventory shall be maintained and updated by the County Planning Department and shall be publicly accessible.

- B. Habitat Protection Strategy. This component shall describe a strategy for protecting important habitats based on coordinated land acquisitions (see item D below) and management of acquired land. The goal of the strategy shall be to conserve and restore contiguous blocks of important habitat to offset the effects of increased habitat loss and fragmentation elsewhere in the county. The Habitat Protection Strategy should be updated at least once every five years based on the results of the habitat monitoring program (item F below). Consideration of wildlife movement will be given by the County on all future 4- and 6-lane roadway construction projects. When feasible, natural undercrossings along proposed roadway alignments that could be utilized by terrestrial wildlife for movement will be preserved and enhanced.
- C. Mitigation Assistance. This part of the INRMP shall establish a program to facilitate mitigation of impacts to biological resources resulting from projects approved by the County that are unable to avoid impacts on important habitats. The program may include development of mitigation banks, maintenance of lists of potential mitigation options, and incentives for developers and landowner participation in the habitat acquisition and management components of the INRMP.

D. Habitat Acquisition. Based on the Habitat Protection Strategy and in coordination with the Mitigation Assistance program, the INRMP shall include a program for identifying habitat acquisition opportunities involving willing sellers. Acquisition may be by state or federal land management agencies, private land trusts or mitigation banks, the County, or other public or private organizations. Lands may be acquired in fee or protected through acquisition of a conservation easement designed to protect the core habitat values of the land while allowing other uses by the fee owner. The program should identify opportunities for partnerships between the County and other organizations for habitat acquisition and management. In evaluating proposed acquisitions, consideration will be given to site specific features (e.g., condition and threats to habitat, presence of special status species), transaction related features (e.g., level of protection gained, time frame for purchase completion, relative costs), and regional considerations (e.g., connectivity with adjacent protected lands and important habitat, achieves multiple agency and community benefits). Parcels that include important habitat and are located generally to the west of the Eldorado National Forest should be given priority for acquisition. Priority will also be given to parcels that would preserve natural wildlife movement corridors such as crossing under major roadways (e.g., U.S. Highway 50 and across canyons). All land acquired shall be added to the Ecological Preserve overlay area.

E. Habitat Management. Each property or easement acquired through the INRMP should be evaluated to determine whether the biological resources would benefit from restoration or management actions.

Examples of the many types of restoration or management actions that could be undertaken to improve current habitat conditions include: removal of non native plant species, planting native species, repair and rehabilitation of severely grazed riparian and upland habitats, removal of culverts and other structures that impede movement by native fishes, construction of roadway under and overcrossing that would facilitate movement by terrestrial wildlife, and installation of erosion control measures on land adjacent to sensitive wetland and riparian habitat.

F. Monitoring. The INRMP shall include a habitat monitoring program that covers all areas under the Ecological Preserve overlay together with all lands acquired as part of the INRMP. Monitoring results shall be incorporated into future County planning efforts so as to more effectively conserve and restore important habitats. The results of all special status species monitoring shall be reported to the CNDDB. Monitoring results shall be compiled into an annual report to be presented to the Board of Supervisors.

G. Public Participation. The INRMP shall be developed with and include provisions for public participation and informal consultation with local, state, and federal agencies having jurisdiction over natural resources within the county.

H. Funding. The County shall develop a conservation fund to ensure adequate funding of the INRMP, including habitat maintenance and restoration. Funding may be provided from grants, mitigation fees, and the County general fund. The INRMP annual report described under item F above shall include information on current funding levels and shall project anticipated funding needs and anticipated and potential funding sources for the following five years.