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AMADOR COUNTY
PLANNING DEPARTMENT

Mr. Chuck Beatty, Director
Amador County Planning Department
810 Court St.
Jackson, CA 95642

Foothill Resource Management

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14 August 2024

Dear Mr. Beatty,

I would like to take this opportunity to comment on the Wicklow Way Specific Plan DEIR. I wish I had taken the time to review the document sooner, but I didn't, so the following comments reflect what I've been able to conclude at this time. If the project proceeds to the Final EIR stage, I may follow up with more comments.

As a Registered Professional Forester, I feel most qualified to comment on the portion of the DEIR that deals with Oak Woodland. As you are aware, I have quite a bit of experience in assessing impacts to Oak Woodlands, so I hope that my input is taken seriously.

First of all and perhaps most importantly, the assessment by Montrose Environmental that there are 74 acres of oak woodland on the 201 acre property is incorrect. The California Fish & Game Code (Division 2, Chapter 4, Article 3.5, section 1361) has the following definition: "Oak Woodlands" means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover". And PRC 21083.4 clearly covers the requirements for protecting oak woodlands. I have included copies of both ordinances.

This project area is certainly Oak Woodland. As I stated in the Planning Commission meeting of 8/13/2024, I surveyed this property for the previous owner and I submitted a report to your office documenting my survey and conclusions. It is apparent that Montrose Environmental stratified the property to map out areas where oak canopy was more contiguous and failed to include areas where individual oak trees are surrounded by grassland. This is an incorrect method of assessing oak woodland. Oak woodlands are naturally heterogeneous in the distribution of trees across the landscape. Just because there is 50 or 100 feet between two oak trees does not mean that the area between the trees is not oak woodland. And even if you agree that there are just 74 acres of oak woodland on the 201 acre property, and I don't, the entire parcel still qualifies as Oak Woodland since the definition of Oak Woodland only requires that 20.1 acres of oak canopy cover has to exist. So, my original assessment of this property still stands – the entire property is Oak Woodland.

So, Montrose Environmental made an error in this area. Perhaps if they had utilized the services of a Registered Professional Forester (as the California Board of Forestry has prescribed), then they would have come to the correct conclusion. And by failing to assess this project correctly, they have not included the necessary mitigation measures that are prescribed by PRC 21083.4. I did note that Montrose Environmental appears not to have a Registered Professional Forester on their staff. And since the Department of Forestry and Fire Protection has indicated that conducting surveys on Oak Woodlands does constitute "forestry", Montrose Environmental should probably be cautious about making statements in official documents that could be construed as "practicing forestry".

Alternative 2 proposes that approximately 80 acres of land shall be dedicated to housing. If that is approved, then the County of Amador will be required to mitigate the loss of that Oak Woodland. As you can read in the attached text of PRC 21083.4, mitigations are prescribed

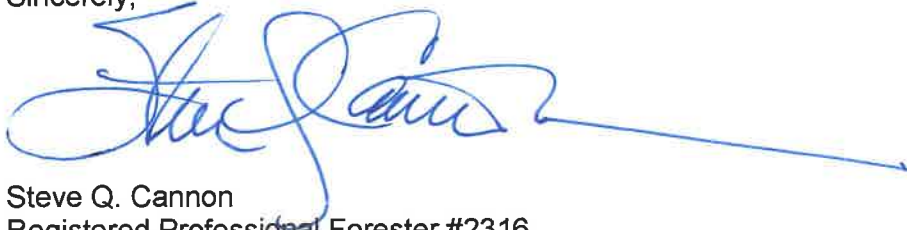
that include the establishment of conservation easements and contributions to the Oak Woodlands Conservation Fund. These mitigations should be proposed in the Draft EIR rather than waiting for some unknown developer to make a proposal. Including specific mitigations now will build public trust. And, in the interest of building local support, the Mother Lode Land Trust should be identified as the logical holder of any conservation easements established as mitigation for this project.

I also want to comment on some other things:

1. The map showing a table of acreages by proposed land use type is inconsistent with the acreage shown on the map and in other places in the document. For example, the acreage on the table (Fig. 2.7) on page 55 states that 10 acres will be under Parks and Recreation and the map shows 7.3 acres. The total acreage from the map is 132 acres (Open space shows no acreage). Subtracting 132.5 from 201 leaves a difference of 68.5 acres. Yet the table on page 55 lists the Open Space acreage as 53 acres. A discrepancy of 15.5 acres.
2. There is a mention of setting aside 37 acres as mitigation for impacting oak woodlands. This implies that two times 37 acres, or 74 acres of oak woodlands is the total. I've already mentioned that this is incorrect.
3. I do not believe that sufficient oak trees can be protected on lands planned for Low, Medium, High Density residential and lands planned for Public/Quasi Public and Community Commercial to allow those lands to maintain a classification of Oak Woodlands.
4. Therefore, the true acreage impacted by this proposal (Alt. 2) is that 125.2 acres of Oak Woodland shall be impacted (132.5 ac. – 7.3 PR ac). So, if a conservation easement is obtained using 1 acre of easement per acre impacted, 132 acres of easement should be a requirement of this alternative.
5. Under MM BIO 7 Oak Woodlands: This is incorrect and inadequate. Needs to be changed. Page 4.4.29 needs significant editing. The reference to 37 acres of Oak Woodland, as mentioned previously, needs to be corrected. The reference to the Amador Land Trust needs to be corrected – the name of the company is the Mother Lode Land Trust.
6. Also on page 4.4-29, the prescription for planting native oaks should be changed to require maintenance for at least 10 years. Reviewing the experience of the Sutter Creek Bypass oak mitigation project would show that costs were underestimated and the complexity of planting native oaks was not well understood. Though 21083.4 (b)(2)(B) only requires 7 years of maintenance, experience on the Sutter Creek Bypass project suggests that a longer term is recommended. If any entity other than the County is going to undertake this planting project, an agreement should be reached well ahead of time.
7. Section 4.17.2 should also mention the Butte Fire of 2015 that burned over 70,000 acres within 2 miles of the project area.
8. Also in section 4.17.2 a correction of the Oak Woodland acreage is necessary.
9. Section 6.19 should have the discussion on impacts to Oak Woodland edited.
10. Policy statements under 4.4-4:
 - a. 9.4 is unenforceable unless acreage is stated
 - b. 9.7 is so vague as to be unenforceable
 - c. Use of Amador County Fire Department is incorrect. The area is within the sphere of influence of the Jackson F.D., but the county entity is the Amador County Fire Protection District.
 - d. Policy 9.19 is misnumbered. Should be 9.9 and the verbiage is so vague as to be unenforceable.
 - e. Same comment about unenforceable as d.
 - f. The exceptions will do nothing to protect oaks.
 - g. "Trees"? Native or non-native? Dwarf or full size?

Finally, the allocation of a school site that may or may not be built does nothing to solve a problem that currently exists with our school district. If the consolidation of our two high schools occurs, the Argonaut High School campus is inadequate to provide classroom space and parking for the increased student population. The County should simply set aside 10 acres of land for the expansion of the Argonaut High campus, but retain ownership to ensure that land will be available if the Amador County Unified School actually moves forward with the consolidation. The 10-acre area adjacent to Argonaut High School should not be sold to a developer if this project proceeds.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Cannon", with a long horizontal line extending to the right.

Steve Q. Cannon
Registered Professional Forester #2316

attachment

California Fish & Game Code, Division 2, Chapter 4, Article 3.5, Section 1361

“Oak Woodlands” means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover

PRC 21083.4 “Oak Woodlands Ordinance”

(a) For purposes of this section, “oak” means a native tree species in the genus *Quercus*, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height.

(b) As part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:

(1) Conserve oak woodlands, through the use of conservation easements.

(2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.

(B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.

(C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project.

(D) The requirements imposed pursuant to this paragraph also may be used to restore former oak woodlands.

(3) Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. A project applicant that contributes funds under this paragraph shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.

(4) Other mitigation measures developed by the county.

(c) Notwithstanding subdivision (d) of Section 1363 of the Fish and Game Code, a county may use a grant awarded pursuant to the Oak Woodlands Conservation Act (Article 3.5 (commencing with Section 1360) of Chapter 4 of Division 2 of the Fish and Game Code) to prepare an oak conservation element for a general plan, an oak protection ordinance, or an oak woodlands management plan, or amendments thereto, that meets the requirements of this section.