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Appeals Court Overturns El Dorado County Oak Woodland Protection Plan Smart-growth proponents praise decision

Sacramento - In a unanimous decision filed today, a three-judge panel of the State's Third District Court of Appeal overruled an El Dorado County judge and rejected the County's controversial, so-called Oak Woodland Protection Plan. Opponents claimed the plan would have resulted in a decimation of oak woodland habitat and wildlife corridors in the County. The Appeals court ruled the County's plan approval violated California's Environmental Quality Act.

Conservation and smart growth groups, including Center for Sierra Nevada Conservation, El Dorado County Taxpayers for Quality Growth, and the California Oak Foundation, brought the lawsuit.

The Center's President, Karen Schambach, praised the Appeals Court Decision. "This is a huge victory for those who believe good land use planning must include protecting wildlife habitat. Progress needn't include destroying the values that make our County unique."

The appeal decision is the latest development in an ongoing and contentious battle over General Plan and growth issues that have been simmering in El Dorado County since 1996. The county's General Plan, adopted in 2005, required developers to mitigate impacts to oak woodlands on-site until the Board of Supervisors adopted the Oak Woodland Management Plan.

El Dorado County planners initially produced a Draft Oak Woodlands Management Plan that proposed to create wildlife corridors by connecting large properties North and South of Highway 50 and a program for on and off site mitigation for the loss of oak woodland resulting from development. The Board of Supervisor, however, deleted all the corridors, and adopted, instead, a plan to "protect" large parcels far removed from Highway 50, in little actual danger of development, while ignoring conservation of important oak woodlands nearer to Highway 50 area where habitat fragmentation has already occurred. The Board's off site fee ("Option B") was based on the costs of conserving these remote parcels, rather than the more expensive parcels along Highway 50. The Board's adopted plan would have created more fragmentation of oak woodland habitat and limited the ability of wildlife to move.

The County's Option B included a questionable formula using tree canopy alone for measuring oak woodlands, rather than including the space between trees, thus significantly decreasing total oak woodland habitat to be protected.

Rejection of the County's Plan eliminates the ability for developers to utilize the Option B mitigation, which permits clearing of oaks in exchange for a fee paid into a conservation fund. Instead, developers will be limited in the amount of oak woodlands they can remove on a parcel, pursuant to the Option A part of the General Plan.

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