

## **Environmental Resource Management Element (“ERME”) Executive Summary**

The Refinement Group’s revisions to the Environmental Resource Management Element (“ERME”) are intended to focus ERME policies on the prevention of significant harm to resources that need protection. More specifically, these revisions are intended to ensure that laws having as their purpose protection of listed, threatened and endangered species are not applied to unlisted species, and that mitigation measures are as required by state and federal law.

In making these revisions, the Refinement Group followed the following principles:

- References to “natural communities” and “natural plant communities” listed in the State Natural Diversity Database are eliminated throughout ERME. The term “Natural Plant Communities” refers to DFG publication “List of California Terrestrial Natural Communities.” Most of the species listed in this database are not threatened or endangered. Usage in the GPU thus creates a classification of protection afforded to threatened and endangered species simply because the common species is a member of a “community.” The term “Natural Plant Communities” refers to the recently passed SB 107 (Fish & Game Code Sections 2700 and 2800) having to do with Natural Communities Conservation Plans (the state equivalent of Habitat Conservation Plans). By law, these plans are to be strictly voluntary and are set up to only provide an organizational mechanism for willing participants. In their July 3, 2002 instructions to staff, the Planning Commission specifically directed that “only state and federal threatened and endangered species be considered in project permit review...” (p. 20, §7[c].)
- References to “Areas of Special Biological Significance” are deleted throughout ERME. The State Water Resources Control Board has changed the term “Areas of Special Biological Significance” to “State Water Quality Protection Area” (SWQPA) in keeping with Public Resources Code §36700 (January 2003) SWQPA is defined in the statute as “a nonterrestrial marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality”(PRC §36700[f]). Therefore this term should only be used in Chapter XII, Section A containing the policies for the Coastal Zone areas of the County. The statute expressly proscribes regulatory actions related to SWQPA’s: “In a state water quality protection area, point source waste and thermal discharges shall be prohibited or limited by special conditions. Nonpoint source pollutions shall be controlled to the extent practicable. No other use is restricted.” (PRC §36710[f], emphasis added.)

- Policies requiring the County to enforce state and federal environmental regulations have been eliminated. The Board of Supervisors made clear that the GPU should keep “hands off” policies mandating county enforcement of state and federal regulations.
- References to Environmentally Sensitive Habitat Areas (“ESHA’s”) have been removed from ERME. ESHA is a Coastal Act term, and its use should be limited to the Coastal Zone section of the GPU.
- Tree protection policies are revised to apply only to threatened species, and to allow owners of woodlands to maintain their woods in safe and healthy condition.
- Hydrology policies are revised to conform to existing grading and erosion control ordinances.
- Policies for protection of scenic resources and ridgelines are revised to be consistent with current policies and ordinances.
- Historic resource policies are revised to be consistent with the County's recently adopted Historic Preservation Ordinance.
- Routine and ongoing agricultural activities have been moved to the Agriculture Element.