

Oaks

California Oak Foundation

Our mission is to protect and perpetuate native oak woodlands

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March 17, 2008

El Dorado County
Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Re: Final Draft Oak Woodland Management Plan

Dear Supervisors:

The California Oak Foundation (COF) writes with comments regarding the final draft Oak Woodland Management Plan (OWMP).

Background

On February 19, 2008 Attorney General Edmund G. Brown Jr. sent a letter regarding climate change and the California Environmental Quality Act (CEQA) to 534 local government officials, including the El Dorado County Board of Supervisors and Planning Department. This letter stated in part:

"I write to you today about a myth, a challenge, and an opportunity. The myth is that there is no immediate need to address local contributions to global warming. [S]ome continue to suggest that we can afford to wait to take action. That until all the prescriptive rules are in place at the state and federal level, we can proceed with business as usual. We do not have this luxury....Fortunately, local agencies have at their disposal an extremely powerful tool. CEQA requires public agencies to mitigate or avoid 'significant effects on the environment' when it is feasible to do so. As the Legislature recognized last year when it enacted Senate Bill No. 97, greenhouse gas emissions are the type of environmental effect that agencies must address under CEQA."

The current carbon dioxide (CO₂) contribution to climate change is in large part a byproduct of mankind having removed 50 percent of the Earth's forest cover over the last 8,000 years. Continuing "deforestation accounts for about 20% of the carbon dioxide spewed into the atmosphere each year" (Wall Street Journal 2008). Based on the latest University of California figures (2007), COF estimates that since 1990 California has converted 325,000 acres of oak woodlands to other land uses. Thus, in California there are substantially less acres of oak forest to help reduce state CO₂ emissions by 2020 to 1990 levels as required by Assembly Bill 32. Additionally, the escalating deforestation of oak woodlands (25,000 acres annually) will make it that much more difficult and expensive to meet the AB 32 goal of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.

OWMP

In December 2007 (attached) COF advised El Dorado County that its proposed Oak Woodland Management Plan was incongruous with the California Forest Protocols, which were initiated by Senate Bill 812 in 2002, adopted by the California Climate Action Registry in 2005, incorporated into Assembly Bill 32 in 2006, recognized by Senate Bill 97 in 2007 and approved by the California Air Resources Board (CARB) on October 25, 2007. These Forest Protocols designate the conversion of oak woodlands for other land uses to be carbon dioxide (CO₂) "biological emissions," due to lost photosynthesis and combustion releases.

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FOR THEIR INFORMATION

DATE 3/18/08

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2008 MAR 18 AM 10:48
MAR 19 PM 3:00

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CARB biological emissions include impacts to live tree biomass (including roots), standing dead tree biomass and wood lying on the ground. CO₂ conservation is defined as those "Specific actions that prevent the conversion of native forest to a non-forest use, i.e., residential or commercial development or agriculture." Conversely, any conversion of oak woodlands to non-forest use is a biological emission subject to California Environmental Quality Act (CEQA) analysis and mitigation.

The OWMP is insufficient for CEQA air quality analysis or mitigation purposes because it uses oak woodland standards incompatible with Forest Protocols criteria. For example, the OWMP uses a canopy cover standard that only applies to oak trees, not other native trees contained in the woodland. Canopy cover isn't used by the Forest Protocols to evaluate CO₂ sequestration or emissions; the Protocols are based on CO₂ analysis for all native trees three (3) inches or greater in diameter at breast height (dbh) growing in oak woodlands. Moreover, while the OWMP provides an exemption for agriculture conversions the Forest Protocols don't and neither Public Resources Code §21083.4 or the Protocols provide exemptions for roads.


CEQA CO₂ questions to be answered include: (1) how much potential CO₂ sequestration over the next 100 years will be lost due to impacts to live native trees three inches or greater dbh; (2) how much sequestered CO₂ will be released if the live trees, standing dead trees or woody debris are burned? Notably, COF has the professional capacity to calculate for any oak woodlands conversion both the amount of CO₂ currently sequestered and the CO₂ biological emissions if those woodlands are impacted.

Summary

The Final Draft OWMP and Negative Declaration states that, "The OWMP meets or exceeds the State oak mitigation requirements." This statement is true for the purpose of compliance with Public Resources Code §21083.4 oak woodland wildlife habitat impacts; the statement is fallacious for air quality effects associated with CO₂ biological emissions from the conversion of oak woodlands to non-forest use. CEQA oak woodland biological reviews must analyze both wildlife habitat impacts and CO₂ emission impacts when determining significant effects and proportional mitigation measures.

Carbon dioxide biological emissions due to oak woodland impacts are a significant air quality effect that must be analyzed under CEQA review. El Dorado County's failure to consider CO₂ biological emissions in the context of the OWMP and General Plan means COF will begin monitoring El Dorado mitigated negative declarations and environmental impact reports for compliance with air quality analysis related to oak woodland conversions.

Respectfully,


Janet S. Cobb, President
California Oak Foundation

attachments (2)

cc: Marcella McTaggart-APCO, El Dorado County AQMD, 2850 Fairlane Ct., Bldg. C, Placerville, CA 95667

Forest Protocol Key Terms

Biological emissions: For the purposes of the forest protocol, biological emissions are GHG emissions that are released directly from forest biomass, both live and dead, including forest soils.

Biomass: The total mass of living organisms in a given area or volume; recently dead plant material is often included as dead biomass.

Bole: A trunk or main stem of a tree. For the purposes of the Protocol, any tree bole with a minimum diameter of three inches should be included in the inventory to estimate carbon stocks.

Carbon pool: A reservoir that has the ability to accumulate and store carbon or release carbon. In the case of forests, a carbon pool is the forest biomass, which can be subdivided into smaller pools. These pools may include aboveground or below-ground biomass or roots, litter, soil, bole, branches and leaves, among others.

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December 4, 2007

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Draft Oak Woodland Management Plan Comments
Attn: Monique Wilber
2850 Fairlane Court
Placerville CA 95667

Re: Oak Woodlands & Air Quality

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Dear Ms. Wilber:

The California Oak Foundation (COF) appreciates the opportunity to comment on the draft Oak Woodland Management Plan (OWMP). COF comments regard the California forest protocols and their relationship to the OWMP.

The California forest protocols were adopted by the California Climate Action Registry in 2005, incorporated into Assembly Bill 32 in 2006 and approved by the California Air Resources Board (CARB) on October 25, 2007. These forest protocols recognize that converting native forests and woodlands to development is a carbon dioxide "biological emission," due to lost photosynthesis and other CO₂ releases. CARB's next step is to formulate and institute by January 1, 2010 the "discrete" early action oak woodlands regulatory system.

The CARB forest protocols focus on counting the capture or emission of CO₂ by forest "biomass." While the protocols don't yet provide default equations for oak woodland biological emissions, they do prescribe that at a minimum CO₂ emissions include impacts to live tree biomass (including roots), standing dead tree biomass and wood lying on the ground.

In the opinion of COF, CEQA oak woodland biological reviews must analyze both wildlife habitat impacts and carbon emission impacts when determining significant impacts and proportional mitigation measures. CEQA air quality questions to be answered include: (1) how much potential carbon sequestration will be lost due to impacts to tree biomass, standing dead biomass and woody debris; (2) how much captured CO₂ will be released if the impacted oaks are burned?

COF is not alone in its perspective that California's passage of AB 32 means that climate change is a potential environmental impact that needs to be addressed immediately in CEQA reviews. California Attorney General Brown has made it clear to cities and counties that discretionary approvals must provide: (1) an examination of a project's impact on climate change and the adoption of all feasible mitigation measures to reduce such impacts; (2) such analysis can - and must - be done today even absent established thresholds of significance or impending regulations under AB 32.

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In September, Brown reached a \$10 million CEQA settlement with ConocoPhillips regarding mitigation offsets for increased refinery greenhouse gas emissions that included \$2.8 million for reforestation projects to sequester CO₂. If the California Attorney General is requiring CEQA reforestation mitigation for smokestack carbon emissions, then CO₂ emissions from the conversion of oak woodlands certainly merit CEQA analysis and conservation/reforestation mitigation.

For his part, Gov. Schwarzenegger not only signed AB 32 into law, the Governor and his wife have directly endorsed the forest protocols by pledging their own funds to purchase forest carbon credit offsets for all personal and official jet travel. Assembly Speaker Nunez, House Speaker Pelosi and Secretary Linda Adams of the California Environmental Protection Agency have similarly supported the protocols.

Recommendation

California Oak Foundation suggests that El Dorado County adopt the following modifications to make local planning policies consistent with the CARB forest protocols:

1. Amend General Plan Objective 7.4.4 Forest and Oak Woodland Resources by adding the term "air quality."

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

2. Stipulate in the OWMP that any CO₂ biological emissions mitigation resulting from the development of oak woodland resources shall be used solely for the purpose of purchasing conservation easements located in the designated Important Biological Corridors. Priority shall be given to the acquisition of Important Biological Corridor conservation easements within the designated Community Region.

Sincerely,



Janet S. Cobb, President
California Oak Foundation

Forest Protocol Key Terms

Biological emissions: For the purposes of the forest protocol, biological emissions are GHG emissions that are released directly from forest biomass, both live and dead, including forest soils.

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February 19, 2008

I write to you today about a myth, a challenge, and an opportunity. The myth is that there is no immediate need to address local contributions to global warming. The challenge is to take action today and at every level to address global warming. And the opportunity, particularly for local government, is to be an active force in the fight against global warming by asking the hard questions, seeking the best information, and making the sound decisions that will move California to a low-carbon future. As part of this opportunity, I invite you to attend one of a series of workshops that I will co-host with the Local Government Commission this spring.

The Myth

There no longer is serious debate that global temperatures are rising and that human activities play an important role. We already are seeing the effects – disappearing glaciers, shrinking snow pack, droughts, coastal erosion, bigger and more regular storms, and more extreme heat waves. But some continue to suggest that we can afford to wait to take action. That until all the prescriptive rules are in place at the state and federal level, we can proceed with business as usual. We do not have this luxury. The best available science tells us that the effects from global warming will intensify and spread if we do not take decisive, dramatic action today. As the chairman of the United Nations Intergovernmental Panel on Climate Change recently declared: “If there’s no action before 2012, that’s too late. What we do in the next two to three years will determine our future.”

The Challenge

In California, we have recognized the urgent need to curb greenhouse gas emissions by committing to reduce emissions to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050. However, even under the aggressive timetable that the Governor and Legislature have set, most of the rules being developed to reach these targets will not take effect until 2012. A tremendous amount of local and regional planning will occur between now and then. We will experience the effects of the decisions made today well into the future. Our challenge is to ensure that the planning occurring now allows us to meet the goals we have set for ourselves.

Fortunately, local agencies have at their disposal an extremely powerful tool. CEQA requires public agencies to mitigate or avoid “significant effects on the environment” when it is feasible to do so. As the Legislature recognized last year when it enacted Senate Bill No. 97, greenhouse gas emissions are the type of environmental effect that agencies must address under CEQA. Throughout California, cities, counties, and regional planning entities have begun to address global warming as an integral part of their planning efforts, as CEQA requires, even in the absence of regulatory thresholds of significance.

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To assist in this effort, my office has compiled and regularly updates a document that may be helpful for agencies in carrying out their obligations under CEQA. The most recent version, available at <http://ag.ca.gov/globalwarming/ceqa.php>, lists examples of mitigation measures that may be appropriate for a broad range of projects – from specific developments to general plans and regional plans. The document also provides links to sources of information on global warming impacts and mitigation measures. I encourage you to take a look.

The Opportunity

Many agencies have questions about how to address global warming through the CEQA process. These may include: “How do we prepare an inventory of baseline greenhouse gas emissions?” “How do we model future emissions?” “What kinds of mitigation must we consider?” While each agency initially must answer these questions for itself, we can learn from each other.

With these questions in mind, my office and the Local Government Commission will host a series of workshops entitled “CEQA and Climate Change: Partnering with Local Agencies to Combat Global Warming.” Speakers will include myself and members of my office, leaders from the Governor's Climate Action Team, and modeling experts from around the State. The material covered at each workshop will be similar, but will be tailored to highlight innovative approaches in each region. We aim to provide concrete tips for addressing global warming in CEQA documents, and to foster discussion about experiences so far. Workshop dates are:

March 20, Oakland
April 3, Sacramento
April 24, Visalia

May 15, Los Angeles
May 23, Monterey

Information about the workshops and registration is available at www.lgc.org.

I look forward to working together as we create a low-carbon future in California.

Sincerely,

EDMUND G. BROWN JR.
Attorney General