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Draft
OWMP

COUNTY OF EL DORADO

AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcag@co.el-dorado.ca.us

December 13, 2007

TO: Monique Wilbur, Senior Planner

FROM: Greg Boeger, Chair Greg Boeger
El Dorado County Agricultural Commission

SUBJECT: Revised Public Review Draft - Oak Woodland Management Plan - Comments

On November 14th & 29th, 2007, the El Dorado County Agricultural Commission discussed the Revised Public Review Draft of the Oak Woodlands Management Plan (OWMP) as it pertains to agriculture.

First and foremost, I wish to thank you for accepting these comments and suggestions. The members of the Commission and the public who attended our two meetings on this subject are very interested in making this plan as concise and easily understood as possible so that everyone is aware of the requirements.

The Agricultural Commission strongly believes that a comprehensive economic impact analysis of this plan must be completed prior to its adoption and implementation. We believe the decision makers must be informed so that they can make reasonable decisions.

In general we understand the reasoning behind many of the objectives; however we are not in agreement with the fundamental premise running throughout the document which is that intensive agricultural conversions, primarily vineyards, are one of two principal threats to oak woodlands in El Dorado County. Therefore, we wholeheartedly support the agricultural exemption as contained in the draft plan.

The following information supports this position:

- The plan identified approximately 249,000 acres of oak woodland in El Dorado County (Table 4-1, Page A-22) by using the California Fire and Resource Assessment Program (FRAP) data. An analysis of the 1996 through 2006 El Dorado County Crop and Livestock Annual Report indicates that a maximum of 3,771 acres on the western slope were dedicated to intensive agriculture in 2004. This is the highest acreage amount recorded in the analyzed time frame. Many of these agriculturally developed acres are not located in oak woodland areas of the county. Even if all of the agricultural acreage for 2004 were within the oak woodlands, it would only amount to approximately 1.5% of the total woodland.

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- Further analysis of the crop reports for the same years indicates that both vineyard and orchard development have leveled off and have even fallen since 2004 (Attachment I).

- The publication entitled "*Monitoring Land Cover Changes in California – Northern Sierra Project Area Cycle II June 2004*" by USDA Forest Service, Forest Health Protection and the CA Department of Forestry and Fire Protection (Attachment II) focused on land cover change from 1995/1996 through 2000 in the Northern Sierra project area. The project area covered 9.1 million acres, including all or most of Alpine, Amador, Calaveras, El Dorado, Placer, Plumas, Nevada, Sierra and Tuolumne Counties (Sierra Nevada foothills). In Table C-42 *Acres of Verified Change in El Dorado County by Cause and Lifeform*, Hardwood Canopy Cover loss for 206,000 acres was attributed to Fire (8 acres); Harvest (79 acres); Development (163 acres); Other (48 acres); Unverified (967 acres). The net increase over the same time period in hardwood canopy cover was 409 acres. Agriculture was not named as a major source of canopy cover loss.

  Table C-48 *Acres of Verified Change in El Dorado County by Cause and Hardwood Cover Type*, further focuses on the same Oak Woodland Category types as listed in Table 4-1 Page A-22 of the OWMP and lists the same causes as in Table C-42 for the loss of these hardwood types. Again, Agriculture is not listed as a primary cause of the loss of canopy.

- The publication "*Monitoring Oak Woodland Canopy Change*" Publication Number CTY-003 by Bill Frost and Ken Churches, UCCE Cooperative Extension (Attachment III), analyzed canopy loss for the period 1991-96. The causes for canopy losses were Wildfire, Prescribed Burn, Harvest, Thinning, Fuel Reduction, Mortality and Development. Again, Agriculture was not listed as a major causal agent for canopy loss of oak woodlands.

- The topography of El Dorado County does not lend itself to the wholesale cutting of vast amounts of acreage for agricultural development. If an area is developed, oak trees adjacent to canyons, streams and drainages are maintained in their natural state which allows corridors to be in place for connectivity.

- General Plan Policy 8.1.3.1. requires that a 200 foot setback for incompatible uses be maintained. This policy also requires that if a parcel is created adjacent to agriculturally zoned lands then the newly created parcels shall not be less than a minimum 10 acres. Both of these requirements also help to protect oak trees and limit fragmentation.

The Agricultural Commission firmly believes that the statements contained in the OWMP that blames intensive agricultural conversions as a main source of canopy loss in oak woodlands stems from studies that were not conducted in El Dorado County or the Sierra Nevada foothills. They are general statements based on other areas of California. The studies cited above, were conducted in this area and specifically El Dorado County; therefore we request that the following wording be amended as follows:

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Page A-7 – 3. Existing Threats
Several elements threaten oak woodlands statewide ~~and in El Dorado County~~. The two main processes influencing oak woodlands generally statewide are land for subdivisions and intensive agriculture and the continued parcelization of large continuous woodland ownerships to exurban development (Giusti et al., 2004). Threats to oak woodlands in the Sierra Nevada foothills include development, ~~fragmentation~~, wildfire, harvest, mortality, ~~agricultural development, livestock grazing, low regeneration, and wood cutting~~ and thinning (~~WCB~~ Frost and Churches).

Page A-8 First Paragraph – ~~Residential d~~Development and harvest ~~intensive agricultural conversion, primarily to vineyards,~~ are the primary threats to oak woodlands in the Sierra Nevada (USDA & CDF).

On Page 1 of the Introduction, the second paragraph from the bottom, states "The legislation established the California Oak Woodlands Conservation Program (COWCP), the mission of which is to "conserve the integrity and diversity of oak woodlands across California's working landscapes through **incentives** and education."" Many Commission members believe the OWMP plan is not incentive based but rather punitive in nature. At every turn, either additional planting or a substantial fee is required. It is reasonable to require these types of mitigations when there is truly a degradation of the oak woodlands habitat value. Conversely, selective thinning and reductions in canopy cover can be very beneficial to the overall oak woodland habitat and health. To our knowledge, this concept has not been discussed in any portion of the OWMP. We believe this beneficial impact can be documented by allowing a certified arborist, certified range manager qualified biologist or registered professional forester certify through a written report that certain tree removals are beneficial to the oak woodland and therefore no additional mitigation would be required.

State law and this plan appear to assign great value to oak woodlands. If this is true, then the conservation of the woodlands has value to the county and public. Individuals that do not impact oak woodlands through their development projects should be compensated. We believe that if a project is able to be constructed without any impacts to the oak woodlands on the parcel, then that applicant should be rewarded with lower permitting fees. This would act as an incentive to conserve and protect the oak woodlands.

Throughout the document, in perpetuity conservation easements are discussed. This concept may work for some properties in the county but may not work for others. We suggest that another option be explored that includes a lease conservation easement wherein a property or portion of a property is leased through a rolling contract similar to a Williamson Act Contract. Development of the contracted land could not take place until the land completely rolled out of the contract.

Page 4; first paragraph states "Plantings shall not fulfill more than one half of the mitigation requirement for a project." We understand this is a requirement in State law however, at the November 29th meeting, it was stated that replacement plantings on the same parcel can be 100% of the mitigation without any additional fee. We support this mitigation and ask that it clearly be incorporated into the OWMP.

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Page 4; "A. Applicability and Exemptions", second paragraph, we suggest the following be amended for clarification:

"Development, as established by the policy, is any structure requiring a building permit or grading activity requiring a grading permit, excluding any grading activity requiring an Agricultural Grading Permit issued by the El Dorado County Department of Agriculture."

Page 4; the definition for Agricultural Cultivation does not appear to be consistent with the Public Resource Code Section 21083.4(d)(3) which states:

> (d) The following are exempt from this section:
> (3) Conversion of oak woodlands on agricultural land that includes land that is used to produce or **process** (*emphasis added*) plant and animal products for commercial purposes.

We recognize that this section was added to the Public Resources Code (Chapter 732 of 2004, Attachment IV) after the adoption of the General Plan but we also believe that State law supersedes local ordinances or plans and as such, the definition should be consistent with State law for both the processing of agricultural products and timber harvesting pursuant to Public Resources Code 4581 *et seq.* We also believe that grazing and animal production are important aspects of agricultural cultivation. Therefore, we request the following definition amendments:

"Agricultural Cultivation – The removal of native vegetation for the purposes of planting, growing ~~and~~ harvesting, the improvement of grazing land productivity and the processing and storage of crops or plants or animal products or the preparation of land for this purpose is exempt. Timber harvesting which includes an approved Timber Harvest Plan or that is exempt from a Timber Harvest Plan is exempt from Policy 7.4.4.4. Cultivation does not include the construction of ~~buildings used on agricultural land, whether for~~ residential housing~~, or the storage and processing of agricultural products~~."

If you feel that the definition for cultivation cannot be amended to be consistent with State law due to the General Plan policy, then we recommend that this item be included in any future General Plan amendments.

Page 4; last paragraph, should be amended to include fire breaks so that owners of large tracts of land are exempt from the OWMP for creating fuel breaks or maintaining fuel breaks. We suggest the following amendment:

"Fuel modification standards pursuant to PRC 4290 and Title 14 CCR 1270-1276 of the Fire Safe Regulations, and fuel modification standards and actions pursuant to a ~~County approved~~ Fire Safe Plan, inside and outside of the 100 foot defensible space zone and/or the maintenance or creation of fire breaks, where no grading permit or building permit is applicable, is also exempt from Policy 7.4.4.4 mitigation."

Page 5; the Affordable Housing definition should be amended to include Agricultural Worker Housing.

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Affordable Housing – Development projects that propose a minimum of 10 percent of the dwelling units as income restricted affordable units and agricultural worker housing units shall be granted a reduction in the amount of oak woodland canopy that is required to be protected under Option A, or the amount of fee to be paid under Option B, as set forth in Table 2.

Page 7; D. On-Site Mitigation – Replanting and Replacement, the first paragraph should be amended to allow for the beneficial removal of oak woodland canopy.

"As provided under Option A, Policy 7.4.4.4, ~~all~~ oak woodland canopy removed for development, excluding the removal of canopy that a qualified professional deems beneficial to the health of the oak woodland habitat, must be replaced to a 1:1 ratio."

Page 7; last bullet should be corrected to read:

"A method of ~~ensuing~~ ensuring oak planting mitigation compliance."

Page 11; amend item Number 2 as follows:

"Calculation of oak woodland canopy loss is made by a consultant hired by the applicant, utilizing either an on-site survey by a qualified professional, aerial photography, or other means acceptable to the County to determine total oak woodland canopy area and the area proposed to be removed as a part of the project. Oak woodland canopy loss shall not include the removal of canopy that is deemed beneficial to the overall health of the oak woodland habitat."

Page A-9; there appears to be a contradiction in that "global warming" is included as a cause of poor oak regeneration however, on this same page, it states that poor regeneration dates back 100 to 150 years and that few areas are known where successful recruitment of blue oaks has occurred since the late 1800s (CWHR). We are not aware of any credible scientific documentation that links poor regeneration of oak woodlands to global warming. We suggest that global warming be deleted from the bullet points on this page unless you can site specific peer reviewed papers that support this conclusion.

Page A-18; Support of Important Economic Activities, last paragraph, should be amended to include the most current figures available;

"Agriculture and recreation-based tourism are important industries in El Dorado County. According to the 200~~5~~6 El Dorado and Alpine Counties Agricultural Crop and Livestock Report produced by the Agricultural Commissioner, the impact of agriculture on El Dorado's economy was estimated at ~~$434~~ 502 million in ~~2005~~ 2006. According to the California Department of Conservation (~~2002~~ 2006), much of the area on the west slope – ~~183,944~~ 195,957 or ~~16~~ 36% of the mapped area of the county – categorized as grazing land. Oak woodlands provide shade, forage, and sources of water for livestock. The economic value of pasture and rangeland (crops only, not including the value of livestock) was about ~~$3.6~~ 3.9 million in ~~2005~~ 2006.

A-20; the first paragraph states that the habitat value for oak woodlands is about $117 per acre. For clarification, is this $117 per acre per year?

A-20; the second paragraph states that the carbon sequestration value for oak woodlands is between $33 and $83 per acre. Again, for clarification, is this an annual value? Additionally, we recommend amending this paragraph as follows:

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"Two studies (Birdsey 1992 and Tol 2005) examined the contribution that oak woodlands make to regulating carbon dioxide, an identified ~~key contributor of harmful~~ greenhouse gas~~es~~.

Although we understand that a General Plan amendment may be required, we strongly recommend that a threshold of significance be established for oak woodland canopy loss. We maintain that some loss of oak woodland canopy may not be detrimental to the oak habitat and in many instances, it would actually be beneficial. On this same vein, we also suggest that a baseline be established for the oak woodlands throughout the county. Every type of habitat has certain values such as grasslands, coniferous forests, montane hardwoods, et cetera. This plan appears to give preferential treatment to the oak woodlands over other habitat types. We disagree with this preferential handling since we believe all habitat types are equal in value and that the expansion of oak woodlands translates directly to the loss of another habitat type. We have heard anecdotal information that El Dorado County historically did not contain the vast amount of acreage of oak woodlands. A baseline is necessary to protect other habitat types.

As shown in "*Monitoring Land Cover Changes in California – Northern Sierra Project Area Cycle II June 2004*", the decrease and loss of oak canopy continues to occur over time. With this in mind, we recommend that the plan include the mandated county-wide re-examination of the canopy cover at regular appropriate intervals such as 10 years, to ensure that the plan as implemented, is having the anticipated outcomes without detrimental effects to other habitat types. We believe the reexamination should analyze the entire oak woodland in El Dorado County to ensure that the plan is still necessary to protect the habitat. We fear that as with the majority of enacted laws and ordinances, once it is adopted, then it will never be amended or removed even when there is no identified need.

The General Plan requires that a comprehensive Integrated Natural Resource Management Plan (INRMP) be created of which, this oak woodlands plan is part. We request that two members of the El Dorado County Agricultural Commission be part of the advisory committee that creates the INRMP. This would ensure that agriculture has a voice throughout the process.

The Agricultural Commission members suggest that a clear example of the calculated area required for replanting removed oak trees be included in the OWMP similar to the *Planned Development Subdivision Utilizing Density Bonus Provisions* example calculation on pages 28 and 29 of the El Dorado General Plan. The General Plan (Policy 10.1.2.3.) requires that the document be clear and concise so that everyone can easily understand the requirements and impacts. The suggested example would further clarify the entire document. Additionally, we strongly believe that a new consistency review document be created for the public that identifies areas of the plan that are both consistent with State law and more significantly, the areas of the plan that are more restrictive than State law with clearly defined reasons why the more restrictive mitigations are necessary. Transparency in the entire process is vital to ensure public trust.

Lastly, we support focusing on the entire oak woodlands as a whole habitat and not on individual trees with this plan. Flexibility to allow the reasonable use of a property is paramount whether it is for agricultural production or residential use. Incentives are key components to the sound implementation of this plan.

Thank you for accepting these comments and suggestions.

Attachment I

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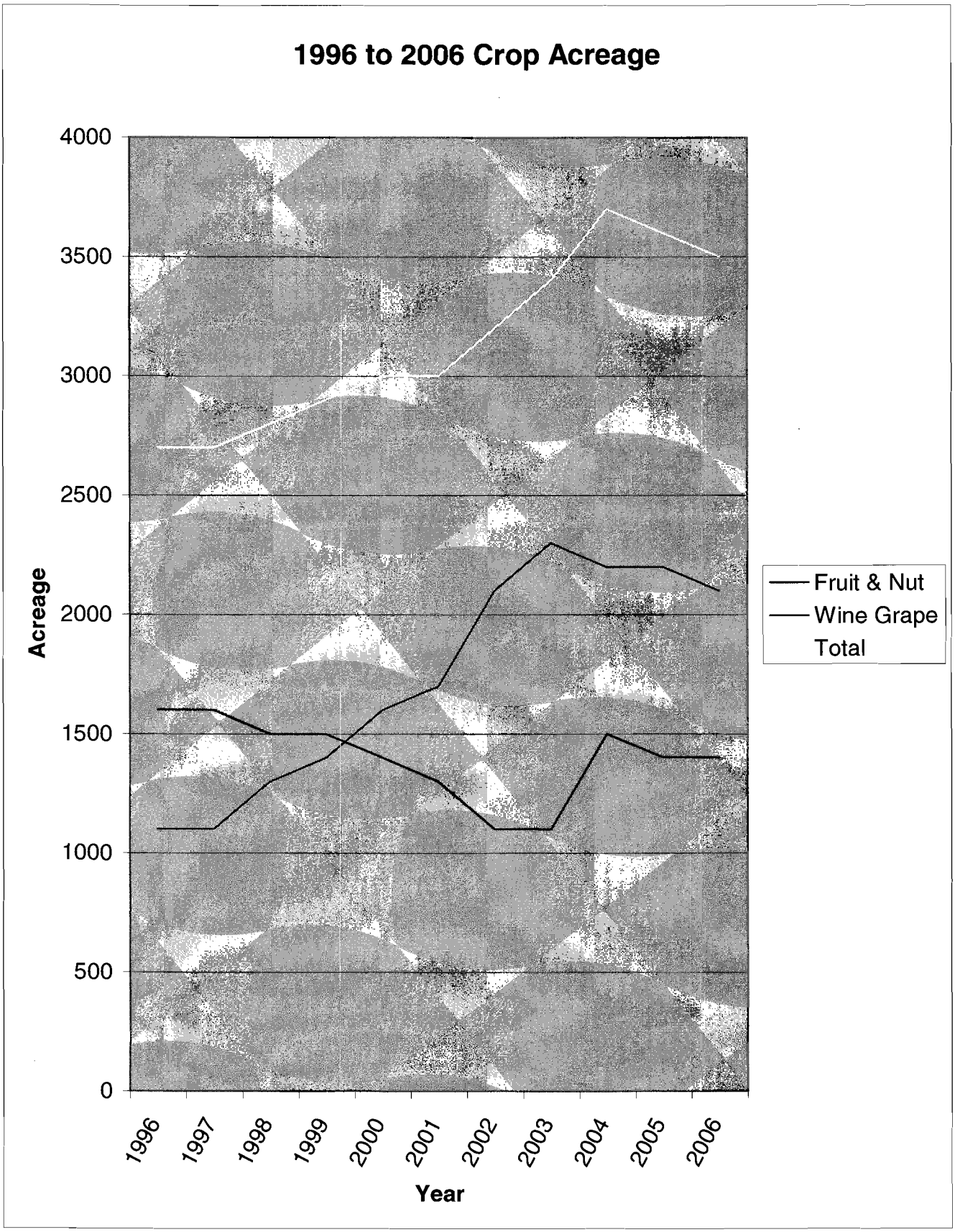

Attachment II

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Monitoring Land Cover Changes in California

California Land Cover Mapping and Monitoring Program

Northern Sierra Project Area

Cycle II

June 2004

Land Cover Monitoring Team

Lisa Fischer, USDA Forest Service, Forest Health Protection

Mark Rosenberg, California Department of Forestry and Fire Protection
Fire and Resource Assessment Program

Lianne Mahon, UC Berkeley, DANR Wildlands Resource Center

Zhangfeng Liu, Space Imaging

Barbara Maurizi, Space Imaging

Pauline Longmire, Space Imaging

Scott Shupe, Space Imaging

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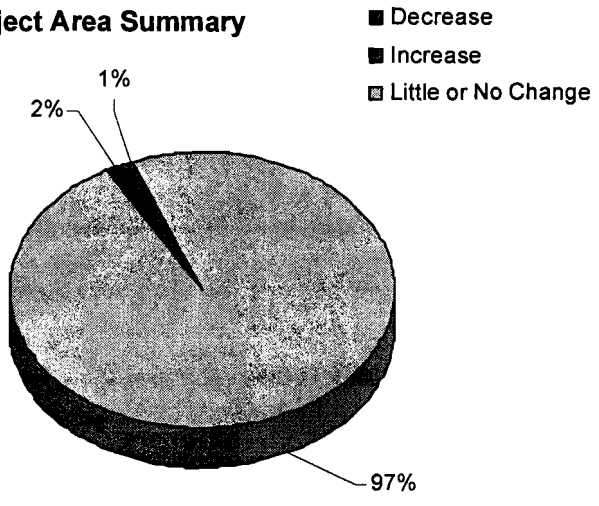
SUMMARY & HIGHLIGHTS

The California Land Cover Mapping and Monitoring Program (LCMMP) uses Landsat Thematic Mapper (TM) satellite imagery to map vegetation and derive land cover change (losses and gains) within five-year time periods. TM satellite imagery has a spatial resolution of 900 square meters (each pixel within a TM image is 30 meters on each side), or about 1/5 of an acre. The purpose of this program is not only to monitor vegetation changes over time, but also to provide information about trends as well. This data can inform mangers as to whether landscape management plans and policies are accomplishing their intended purposes. Land cover monitoring information should be a key source of information for consultation when starting land management plan revisions, preparing wildlife conservation assessments, and developing fire and vegetation policies.

This report focuses on land cover change from [redacted] in the Northern Sierra project area, which is one of five project areas in California. The Northern Sierra project area covers 9.1 million acres, including all or most of Alpine, Amador, Calaveras, El Dorado, Placer, Plumas, Nevada, Sierra and Tuolumne Counties, while partially covering nine other counties. It also encompasses all or most of five national forests (Plumas, Tahoe, Lake Tahoe Basin Management Unit, Eldorado and Stanislaus), small portions of four other national forests (Lassen, Sierra, Inyo and Toiyabe) and other federal, state and privately owned lands. This report assesses vegetation cover changes on 8.7 million acres within hardwood, conifer, shrub/chaparral and grass/forb vegetation types. Although the total project area spans 9.1 million acres, 400,000 acres are not forest, shrub/chaparral or grass/forb (e.g., urban, agriculture, and water) and are not assessed in this report.

Change classes for LCMMP monitoring data are based on change in cover (CC). For hardwood, shrub/chaparral and conifer cover loss, change classes are broken down into three categories: –71 to –100% CC (71 to 100% decrease in cover), –41 to –70% CC and –16 to –40% CC. For hardwood, shrub/chaparral and conifer cover gain, change classes are broken down into two categories: +16 to +40% CC and +41 to +100% CC. In the grass and forb vegetation types, the change classes are quantified as a decrease or increase in vegetation cover of 16% or greater. The cause of change is also determined when possible. Monitoring data for this project area have an overall accuracy of 82.3%.

Project Area Summary



- Results show that 97% of the vegetation in the assessed 8.7 million acres does not have a detectable change between 1995/96 and 2000.
- Decreases across all vegetation types occur on approximately 175,200 acres (2% of the project area). Increases occur on about 49,700 acres (1% of the project area).

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Table C-41 Acres of Classified Change in El Dorado County by Lifeform Type and Owner Class

	Forest Service											
	Conifer		Hardwood		Shrub/Chaparral		Grass/Forb		Barren		Forest Service Total	
	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%
-71 to -100% CC	543		9		41						593	
-41 to -70% CC	710		7		38						755	
-16 to -40% CC	1,241		11		20						1,271	
-15 to + 15% CC (Little or No Change)	404,868	99	10,937	100	33,359	100	8,460	100	28,304	100	485,926	99
+16 to + 40% CC	331		2		17						351	
+41 to + 100% CC	1,454		23		10						1,487	
Grass Decrease > 15%							5		4		9	
Grass Increase > 15%									2		2	
Total	409,147	100	10,988	100	33,484	100	8,465	100	28,309	100	490,394	100

	Other Public											
	Conifer		Hardwood		Shrub/Chaparral		Grass/Forb		Barren		Other Public Total	
	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%
-71 to -100% CC	114	1	18		17						148	
-41 to -70% CC	52		22		97	1					172	
-16 to -40% CC	54		38								91	
-15 to + 15% CC (Little or No Change)	13,868	98	16,291	99	7,886	99	2,158	99	213	99	40,416	99
+16 to + 40% CC	30		2		1						34	
+41 to + 100% CC	86	1	12		2						100	
Grass Decrease > 15%							14	1	1	1	15	
Grass Increase > 15%							4				4	
Total	14,205	100	16,382	100	8,002	100	2,176	100	215	100	40,979	100

	Private											
	Conifer		Hardwood		Shrub/Chaparral		Grass/Forb		Barren		Private Total	
	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%
-71 to -100% CC	3,912	2	699		248	1					4,859	1
-41 to -70% CC	744		315		188						1,247	
-16 to -40% CC	759		150		13						921	
-15 to + 15% CC (Little or No Change)	229,085	96	178,582	99	41,861	99	78,606	99	2,573	99	530,706	98
+16 to + 40% CC	648		21		46						714	
+41 to + 100% CC	3,338	1	349		95						3,782	1
Grass Decrease > 15%							207		10		218	
Grass Increase > 15%							263		4		267	
Total	238,485	100	180,114	100	42,450	100	79,076	100	2,586	100	542,713	100

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Table C-41 Acres of Classified Change in El Dorado County by Lifeform Type and Owner Class (cont.)

	All Owners											
	Conifer		Hardwood		Shrub/Chaparral		Grass/Forb		Barren		All Owners Total	
	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%
-71 to -100% CC	4,570	1	725		305						5,600	1
-41 to -70% CC	1,506		344		323						2,173	
-16 to -40% CC	2,053		198		32						2,283	
-15 to + 15% CC (Little or No Change)	647,820	98	205,809	99	83,106	99	89,224	99	31,089	100	1,057,048	98
+16 to + 40% CC	1,010		25		63						1,098	
+41 to + 100% CC	4,878	1	384		107						5,369	
Grass Decrease > 15%							226		16		242	
Grass Increase > 15%							267		5		273	
Total	661,837	100	207,485	100	83,937	100	89,717	100	31,110	100	1,074,086	100

Table C-42 Acres of Verified Change in El Dorado County by Cause and Lifeform

	Fire	Harvest	Develop-ment	Regrowth	Other	Unverified	All Causes
Conifer							
-71 to -100% CC	10	3,327	21		80	1,132	4,570
-41 to -70% CC	6	824	15		57	605	1,506
-16 to -40% CC	7	1,008	6		101	932	2,053
+16 to + 40% CC				683	1	325	1,010
+41 to + 100% CC				3,373	1	1,504	4,878
Total	23	5,158	43	4,057	240	4,497	14,017
Hardwood							
-71 to -100% CC	4	54	114		31	522	725
-41 to -70% CC	4	13	47		10	270	344
-16 to -40% CC	0	12	2		7	175	198
+16 to + 40% CC				9		17	25
+41 to + 100% CC				91		293	384
Total	8	79	163	99	48	1,278	1,676
Shrub/Chaparral							
-71 to -100% CC	15	16	54		8	213	305
-41 to -70% CC	111	13	21		4	175	323
-16 to -40% CC	0	2	1		1	29	32
+16 to + 40% CC				23		41	63
+41 to + 100% CC				44	1	62	107
Total	126	30	75	67	13	519	831
Grass/Forb							
Grass Decrease > 15%		2	117		1	106	226
Grass Increase > 15%				196		72	267
Total		2	117	196	1	178	493
Barren							
Grass Decrease > 15%		3				12	16
Grass Increase > 15%						5	5
Total		3				17	21
All Lifeforms	157	5,272	398	4,420	303	6,489	17,038

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Table C-48 Acres of Verified Change in El Dorado County by Cause and Hardwood Cover Type

	Fire	Harvest	Develop-ment	Regrowth	Other	Unverified	All Causes
Aspen							
-71 to -100% CC						1	1
-16 to -40% CC						2	2
+41 to + 100% CC						1	1
Total						4	4
Blue Oak-Foothill Pine							
-71 to -100% CC	3		4			10	17
-41 to -70% CC	4					9	13
-16 to -40% CC						9	9
+16 to + 40% CC							
+41 to + 100% CC						1	1
Total	8		4			28	39
Blue Oak Woodland							
-71 to -100% CC			30			89	120
-41 to -70% CC			14			48	61
-16 to -40% CC					1	11	13
+16 to + 40% CC				3		3	6
+41 to + 100% CC				3		66	69
Total			44	6	2	217	268
Montane Hardwood							
-71 to -100% CC		54	80		31	417	582
-41 to -70% CC		13	33		10	209	264
-16 to -40% CC		12	2		6	153	173
+16 to + 40% CC				6		14	19
+41 to + 100% CC				87		224	311
Total	1	79	115	93	47	1,016	1,351
Montane Riparian							
-71 to -100% CC						1	1
-41 to -70% CC						1	1
-16 to -40% CC							
+41 to + 100% CC							
Total						3	3
Valley Oak Woodland							
-71 to -100% CC						4	4
-41 to -70% CC						4	4
-16 to -40% CC							
+41 to + 100% CC						2	2
Total						11	11
All Hardwood	8	79	163	99	48	1,278	1,676

Attachment III

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Monitoring Oak Woodland Canopy Change

Publication Number CTY-003

Bill Frost and Ken Churches
UC Cooperative Extension

The USDA Forest Service and California Department of Forestry and Fire Protection have developed a monitoring method for assessing forest health throughout the oak woodland forest types in the state. This is accomplished by detecting changes in canopy cover over a five year period using remote sensing approaches. The University of California Cooperative Extension (UCCE) and the UC Integrated Hardwood Range Management Program (IHRMP) are utilizing this change detection information to monitor impacts to hardwood rangeland (oak woodland) values. Both UCCE and IHRMP are working closely with local groups, such as county oak woodland advisory groups, resource conservation districts, agricultural organizations, conservation organizations and governmental agencies, to evaluate the source of detected oak canopy change (e.g. wildfire, prescribed burning, urbanization, thinning, etc).

Information collected for El Dorado, Amador and Calaveras Counties has been analyzed and summarized for the period 1991-96. A current collaborative effort among UCCE, California Department of Forestry, and local organizations is occurring to assess the changes from 1996-2001. These analyses will provide valuable information to counties for assessment of existing policies, potential need for modification, and for the development of public education programs.

The results from the first period of analysis are summarized in table 1 (see page 2). This shows the number of acres where decreases or increases in oak canopy cover were detected over the five year period and the cause of the change. Causes of decrease or increase in canopy cover were determined through a variety of means including use of local expertise, aerial photo interpretation, and field surveys. This process is underway to develop the same type of information for the second set of data covering 1996-2001.

El Dorado, Amador and Calaveras Counties
Acres With Changes in Hardwood Canopy Cover
1991-1996

		Large Decrease	Moderate Decrease	Small Decrease	No Change	Small Increase	Moderate Increase	Large Increase
Acres	El Dorado	178	818	3427	248857	890	92	4
	Amador	9	243	1418	133839	224	17	0
	Calaveras	2642	6519	4521	195593	10494	4189	245
Percent of Total Area	El Dorado	0.1	0.3	1.3	97.9	0.4	0.04	0.002
	Amador	0.007	0.18	1	98.6	0.17	0.013	0
	Calaveras	1.2	2.9	2	87.2	4.7	1.9	0.11

Causes of Canopy Decrease

		Wildfire	Prescribed Burn	Harvest	Thinning	Fuel Reduction	Mortality	Development
Percent of Total Area with Canopy Decrease	El Dorado	49.3	0	7	1.2	12.2	0	28.7
	Amador	8	21.7	17.6	0.7	3.8	6.9	19.5
	Calaveras	68.2	7.6	12.6	1.4	7.3	0.2	2.3

Information summarized from: California Land Cover Mapping and Monitoring Program. 2002. Monitoring land cover changes in California:
Northeastern California Project Area. USDA Forest Service and California Department of Forestry and Fire Protection Cooperating Monitoring Program. January 2002. 171 p.

5/1/2003

Attachment IV

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BILL NUMBER: SB 1334 CHAPTERED
BILL TEXT

CHAPTER 732
FILED WITH SECRETARY OF STATE SEPTEMBER 24, 2004
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AMENDED IN SENATE MAY 24, 2004
AMENDED IN SENATE APRIL 28, 2004
AMENDED IN SENATE MARCH 31, 2004

INTRODUCED BY Senator Kuehl
(Coauthor: Senator Romero)
(Coauthors: Assembly Members Hancock, Koretz, and Liu)

FEBRUARY 18, 2004

An act to add Section 21083.4 to the Public Resources Code, relating to oak woodlands conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1334, Kuehl. Oak woodlands conservation: environmental quality.

(1) The Oak Woodlands Conservation Act provides funding for the conservation and protection of California's oak woodlands.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a discretionary project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides some exemptions from its requirements for specified projects.

This bill would require a county, in determining whether CEQA requires an environmental impact report, negative declaration, or mitigated negative declaration, to determine whether a project in its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment, and would require the county, if it determines there may be a significant effect to oak woodlands, to require one or more of specified mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands. The bill would exempt specified activities from its requirements. By imposing new duties on local governments with respect to oak woodlands mitigation, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that

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reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21083.4 is added to the Public Resources Code, to read:

21083.4. (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.

(d) The following are exempt from this section:

(1) Projects undertaken pursuant to an approved Natural Community Conservation Plan or approved subarea plan within an approved Natural Community Conservation Plan that includes oaks as a covered species or that conserves oak habitat through natural community conservation preserve designation and implementation and mitigation measures that are consistent with this section.

(2) Affordable housing projects for lower income households, as defined pursuant to Section 50079.5 of the Health and Safety Code, that are located within an urbanized area, or within a sphere of influence as defined pursuant to Section 56076 of the Government

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Code.

(3) Conversion of oak woodlands on agricultural land that includes land that is used to produce or process plant and animal products for commercial purposes.

(4) Projects undertaken pursuant to Section 21080.5 of the Public Resources Code.

(e) (1) A lead agency that adopts, and a project that incorporates, one or more of the measures specified in this section to mitigate the significant effects to oaks and oak woodlands shall be deemed to be in compliance with this division only as it applies to effects on oaks and oak woodlands.

(2) The Legislature does not intend this section to modify requirements of this division, other than with regard to effects on oaks and oak woodlands.

(f) This section does not preclude the application of Section 21081 to a project.

(g) This section, and the regulations adopted pursuant to this section, shall not be construed as a limitation on the power of a public agency to comply with this division or any other provision of law.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.