

FALL/WINTER 2016

## San Luis Obispo County Responds to Oak Woodlands Clear-cut with Urgency Measures

The San Luis Obispo County Board of Supervisors passed two urgency ordinances in response to the public outcry after the photographs to the right—showing before and after the devastation resulting from clear-cuts of oak trees at Justin Vineyards—went viral. These ordinances took immediate effect when they were passed on July 15, and govern activities on unincorporated lands outside of the county’s coastal zone. Originally in place for 45-days, the ordinances were extended at a meeting of the Board of Supervisors held on August 16. Janet Cobb, Executive Officer of California Wildlife Foundation/California Oaks (CWF/CO), testified along with more than 20 local community leaders in favor of the tree ordinance and the need for permanent protections.

The tree ordinance limits the cutting and removal of various species of oak trees—Blue oak (*Quercus douglasii*), Coast live oak (*Quercus agrifolia*), Interior live oak (*Quercus wislizenii*), Valley oak (*Quercus lobata*), and Black oak (*Quercus kelloggii*)—as well as other native trees. Trees



The image on the left is from Google Maps of the Justin Vineyards property in Paso Robles in 2015. At right is the same property photographed by Matt Trevisan. (These images originally appeared in the *Paso Robles Daily News*.)

*We’ve never seen anything of this scale and magnitude...I looked down and said, “Whoa, what is happening here?” It was startling.... I’m a property-rights person, but if you don’t do something, there won’t be any property to protect.* Matt Trevisan of Linne Calodo Cellars, quoted in the *San Francisco Chronicle*.

that are diseased or that need to be removed for emergency purposes are exempted from the regulation. The ordinance allows removal of up to 5% of native tree canopy on lands used for agricultural operations. Canopy—both before and after oak removal operations—is measured by the county’s aerial photography. Sites under an easement that “provides for the management of Native Trees or Oak Woodland pursuant to a management plan” are exempt from the ordinance. A minor use permit is required for the removal of up to 10% of native tree canopy. A conditional use permit is required for removal of more than 10%, and an Environmental Impact Report is

required for more than 25%. The Board of Supervisors voted unanimously to extend the ordinance until April 2017.

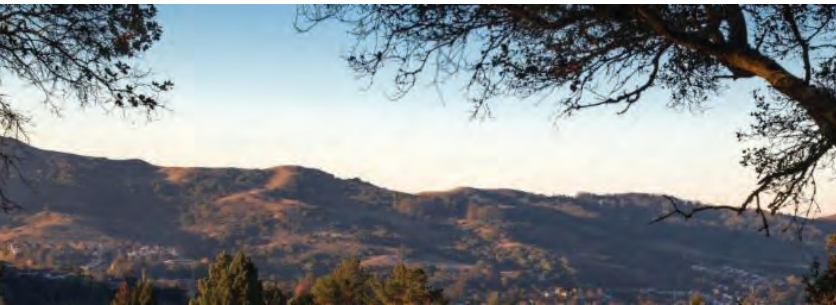
The second urgency ordinance strengthens the approval process for the construction of agricultural water storage ponds and reservoirs. It was enacted in response to concerns raised by Justin's neighboring well owners regarding potential impacts to their water supplies by the construction of the reservoir pictured above. The Board of Supervisors voted unanimously to extend the ordinance until May 2017.

# CALIFORNIA OAKS COALITION

California Oaks Coalition is a statewide network organized to address issues in 48 counties where oaks play a critical wild-life habitat role and are essential in sustaining healthy watersheds. California Invasive Plant Council; California Native Plant Society; Californians for Western Wilderness; Clover Valley Foundation; Endangered Habitats League; Environmental Water Caucus; Forests Forever; Friends of the Richmond Hills; Friends of Spenceville; Napa County Water, Forest and Oak Woodland Protection Committee; Northern California Regional Land Trust; Planning and Conservation League; Sacramento Tree Foundation; Sierra Club Placer County; and Tejon Ranch Conservancy are among the groups partnering with California Oaks to conserve oak-forested lands for future generations.

The four areas of support being developed are: 1) research and advocacy updates (housed at [www.californiaoaks.org](http://www.californiaoaks.org)); 2) information to be disseminated via the media to educate and engage the public; 3) tools for navigating planning processes and educating opinion leaders; and 4) materials to inform local, regional, and state governmental agencies of opportunities for and benefits of protecting oak woodlands.

## EL SOBRANTE VALLEY PROTECTIONS



California Oaks Coalition has teamed up with Friends of the Richmond Hills in support of the Richmond Hills Initiative, an effort to protect 430 acres in Contra Costa County's El Sobrante Valley from development. If enacted, this measure will amend the Richmond General Plan by limiting development and land use in the Richmond hills to protect public health and safety, natural qualities, and open areas. Forests Forever is helping to qualify the initiative as part of the organization's support

for local efforts to save oak woodlands and wildlife habitat. (Both Forests Forever and Friends of the Richmond Hills are members of the California Oaks Coalition.) Visit <https://savetherichmondhills.org/> to learn how you can be engaged.

## GLENDORA

The San Gabriel Valley Task Force of the Angeles Sierra Club is fighting to protect 41.4 acres in Glendora from a luxury home development that would remove 176 mature oaks and other tree and chaparral scrub species. The land is in the San Gabriel Mountains, between Glendora Wilderness Park and the Blue Bird Ranch Conservancy. The area includes several species and communities listed by the state or federal government as endangered, threatened, of special concern, or sensitive, including the Coastal California gnatcatcher, cactus wren, and the three-leaved brodiacea. Bobcats, mountain lions, black bears, ringtail cats, and foxes live in these wild lands. A number of land conservancies have expressed interest in purchasing the property, if the owner will sell at current market value, with the goal of extending preserved and protected parklands in an area with very few parcels of remaining open space.

The San Gabriel Task Force sent extensive feedback on the Subsequent Environmental Impact Report (SEIR) for the project. All told, 40 organizations, tribes, agencies, and individuals, including the California Department of Fish and Wildlife, the Gabrieleno Band of Mission Indians/ Kizh Nation, and California Wildlife Foundation/California Oaks raised concerns about the proposed development.

The city's Planning Director expects the final Environmental Impact Report will be released in a few months.



## FIRE IN A CHANGING CLIMATE

*Fire is a natural part of the environment, about as important as rain and sunshine.* (Dr. Harold Biswell, fire ecologist with the University of California School of Forestry)<sup>1</sup>

Low intensity fires are generally beneficial for California's oaks. The absence of summer surface fires is considered to be a factor—alongside grazing—in poor seedling regeneration for deciduous oaks.<sup>2</sup> Fire exclusion can encourage conifer encroachment, which lowers black oak vigor and increases fuel loads and thus may lead to more damaging fires.<sup>3</sup> A surface fire (prescribed or wildfire) produces much less carbon dioxide than a fire that consumes all the trees. A stand that is not burned for a long time has a large buildup of fuel, making it more susceptible to a more intensive fire.

Fuel accumulation from a century of fire-suppression, combined with drought, disease, and longer fire seasons has proven to be a lethal mix for California's forests. The 2015 CWF/CO *Fire in the Oak Wild Lands* newsletter observes "the potential for a fire that is bigger, hotter, more damaging, and uncontrollable increases each year as the seasons progress." Author Registered Professional Forester Tom Gaman addressed what this means for California's primary old growth resource. He pointed out that while some species such as blue and canyon live oaks are very susceptible to fire, black oaks and scrub oaks survive by sprouting from the roots and stems.

Current fire regimes are also complicating the state's efforts to lower greenhouse gas emissions. A research team that studied aboveground live carbon stock changes in California wild land ecosystems—defined as lands that are non-urban and non-agricultural—estimated losses from ecosystems to be as much as 5-7% of state carbon emissions between 2001 and 2010. Wildfires account for the majority of carbon stock loss during the study period.<sup>4</sup>

The important role of oak woodlands and oak forested lands in carbon sequestration—see *Oaks 2040: Carbon Resources in California Oak Woodlands*, downloadable from the Resources section of [www.californiaoaks.org](http://www.californiaoaks.org)—gains greater urgency with 2016 emerging as the hottest year on record. As we adapt to our changing climate we will need to restore fire regimes while balancing air quality considerations and concerns of property owners at the wild land urban interface.



*California wildfires have burned over half a million acres in 2016.*

*Climate change is altering what the “ecologically appropriate” fire regimes will be... Nevertheless, when successful, such fire management will produce stands of older, larger trees whose long-term carbon storage can outweigh the short-term emissions.* (Patrick Gonzalez, Ph.D., Principal Climate Change Scientist, National Park Service, Department of Environmental Science, Policy, and Management, University of California, Berkeley, quoted by John Upton in an online Climate Central story about the carbon stock study published in April 2015.)

<sup>1</sup>Carle, D., *Introduction to Fire in California*. University of California Press, 2008.

<sup>2</sup>Pavlick, B., Muick, P., Johnson, S., Popper, M. *Oaks of California*. Cachuma Press and California Oak Foundation, 1991, rev. 2006.

<sup>3</sup>Carle, D., *Ibid.*

<sup>4</sup>Gonzalez, P., Battles, J., Collins, B., Robards, T., Saah, D. Aboveground live carbon stock changes of California wildland ecosystems, 2001-2010, *Forest Ecology and Management* 348 (2015) 68-77.

## OVER 59 PERCENT OF OAK WOODLAND ACREAGE IN EL DORADO COUNTY AT RISK

El Dorado County is updating the biological resources policies and implementation measures in its General Plan, as well as the county's Oak Resources Management Plan, formerly named Oak Woodlands Management Plan.

An estimated 246,808 acres of oak woodlands grow below 4,000 feet of elevation in El Dorado County, with 200,929 acres subject to county regulations, according to a draft Biological Resources Policy Update and Oak Resources Management Plan Environmental Impact Report (hereafter referred to as the DEIR) (Chapter 5, Page 15). The DEIR states that up to 147,146 acres of oak woodlands could be lost, with 138,704 of those acres not subject to any mitigation requirements (Chapter 11, Page 10). This includes up to 132,281 acres of oak woodlands that could be destroyed because of expanded agricultural activities in the county. Conversions of oak woodlands on agricultural land are not subject to the California Environmental Quality Act (CEQA) protections for oak woodlands enacted by passage of Senate Bill 1334 (Kuehl) of 2004.

Activists have long battled El Dorado County to protect its vital oak woodlands, and the fight continues. California Oaks joined a 2008 challenge of the county and the Board of Supervisors by Center for Sierra Nevada Conservation and El Dorado County Taxpayers for Quality Growth, arguing that the county withdraw approval of the Oak Woodlands Management Plan (OWMP) and oak ordinance and follow CEQA, the county General Plan, and the provisions of a prior settlement. The decision also enjoined the county from utilizing one of two mitigation measures in approving development projects in oak woodland habitat until an OWMP is adopted in conformance with applicable law. The Court ruled to uphold the Board of Supervisor's action to adopt the Plan on February 2, 2010. That decision was over-ruled by the Court of Appeals, which directed the county to prepare an Environmental Impact Report for the OWMP. The OWMP was rescinded on September 4, 2012 and its implementing ordinance was rescinded on September 11, 2012.

Most recently, comments were prepared in response to the aforementioned DEIR, which was released for public input on June 30, 2016. California Wildlife Foundation/California Oaks submitted a letter focused on the inadequacies of the proposed Biological Resources Policy Update and Oak Resources Management Plan to feasibly and proportionally mitigate direct loss of sequestered carbon and failure of the plan to analyze or feasibly and proportionally mitigate the foreseeable indirect carbon dioxide, methane, nitrous oxide, and black carbon emission effects due to removed biogas decomposition or combustion. The California Oaks Coalition encouraged its members and others to submit comments as well, and provided a template letter and instructions. Over 90 individuals, organizations, and agencies submitted strong objections to the DEIR issued in June. This includes a letter on behalf of the Center for Sierra Nevada Conservation, the El Dorado Chapter of the California Native Plant Society, and the Maidu Group of the Sierra Club by the Law Offices of Michael W. Graf. Their letter argues that the General Plan is weakened by the county's abandonment of an Integrated Natural Resources Management Plan, which would identify and establish important habitat for wildlife refuge and movement. The letter also points to the need for mitigation measures for impacts to oak woodlands to be part of a coordinated strategy of protecting important habitat. Elder Creek Ecological Preserve submitted comments as did Sierra Club Placer Group, which recently joined the California Oaks Coalition.



*El Dorado Ranch, an American River Conservancy property near the Cosumnes River in El Dorado County. Photograph courtesy of Tripp Mikich © 2016*

*Story continues on page 5.*



It is anticipated that the Planning Commission will hold a hearing later this year on the Environmental Impact Report (EIR). Stay tuned over the holidays to read about the opportunity to comment on the EIR

## OAK VOTER DISENFRANCHISEMENT IN NAPA COUNTY

*Abundant, clean, fresh water depends on forested hillsides, stream buffers, and sustainable use of our water. We're dealing with the harsh realities of a mega-drought and record-breaking temperatures. This is the challenge facing all of us in Napa County. Threats to the quality and quantity of our diminishing water supply loom large...* (Michael Marx, quoted in a film made about the Water, Forest, and Oak Woodland Protection Initiative of 2016).

The Water, Forest, and Oak Woodland Protection Initiative of 2016 would have established water quality buffer zones along streams and wetlands in Napa County's Agricultural Watershed Zoning District to prohibit tree removal within the buffer under most circumstances. Unfortunately, the county's residents will not have the opportunity to vote on the measure in the November 2016 election.



*Photograph courtesy of Hummingbird Productions, LLC. ©Jordan Coonrad*

California Oaks Coalition member Forests Forever teamed up with the Water, Forest, and Oak Woodland

Protection Committee in Napa County to qualify a November ballot measure to expand the county's oak woodlands protections. Forests Forever helped volunteers to gather 6,200 signatures, and the Napa County Registrar of Voters certified the initiative petition as having 23 percent more valid signatures than were needed. Then, a few days later, the measure stalled on a procedural technicality. The Registrar of Voters rescinded the certification and refused to place the measure on the ballot. Proponents—represented by Shute, Mihaaly & Weinberger LLP—challenged the decision in Napa County Superior Court, yet the challenge was denied. An Emergency Petition for Writ of Mandate was subsequently filed with the Court of Appeals, and then with the California Supreme Court. California Wildlife Foundation/California Oaks joined with Forests Forever, California Native Plant Society (also a member of the California Oaks Coalition), Forests Unlimited, and Corporate Ethics International in submitting amicus letters—prepared by Remcho, Johansen & Purcell, LLP—in support of the two emergency petitions. A decision was needed by August 10th in order for the measure to appear on the November ballot. Unfortunately, the Court of Appeals denied the petition and the Supreme Court declined to review.

A Notice of Intent for Expedited Appeal was filed on August 22. Legal counsel expects a decision by November of 2017. A favorable decision would place the measure on either the June or November 2018 ballot, and thereby allow voters to endorse or deny.

Oak Woodland Protection Committee members Jim Wilson and Mike Hackett recently met with California Oaks Coalition, fully describing the hurdles and delays. Despite the disappointments, an anonymous Napa oaks advocate summed up the situation: *Sixty-three hundred citizens are just getting warmed up!*

# CALIFORNIA WILDLIFE FOUNDATION PROJECT SUMMARIES

**Fishery and Land Management Plans:** The California Department of Fish and Wildlife (CDFW) completed a fishery management plan for California's spiny lobster that was adopted by the Fish and Game Commission at its April 2016 meeting. This multi-year planning process involved representatives of the commercial and recreational fishing industries, agencies, and environmental organizations. CWF acted as fiscal and administrative manager for the project, which was supported by a grant from the Ocean Protection Council.

CWF is now working with CDFW and stakeholders of the Pacific herring fishery to complete a management plan. Funding for this effort has been provided by the National Fish and Wildlife Foundation; through Audubon California, thanks to funding from Gordon and Betty Moore Foundation; and through significant in-kind contributions from Oceana, California Ocean Science Trust, and Ocean Protection Council.

Land management plans for three CDFW properties: Knoxville Wildlife Area, Carrizo Plains Ecological Reserve, and San Jacinto Wildlife Area are expected to be completed within the next year. Funding for these projects is through the Wildlife Conservation Board.

**Invasive Spartina:** CWF, with grant funding provided by the California State Coastal Conservancy, works with numerous local agencies and private contractors to eliminate invasive cordgrass (*Spartina alterniflora*) in San Francisco Bay, replant with native vegetation and create high tide refuge islands to benefit Ridgeway's rail and protect habitat during high tides in the face of rising sea levels.

**Restoration:** CWF, along with public and private partners, completed a wetland restoration project at Inner Bair Island near Redwood City. The restoration is part of the South Bay Salt Pond restoration effort by U.S. Fish and Wildlife Services (USFWS). CWF's participation in this project, along with a Pacific States Environmental Contractors, Inc., brought in 1.3 million cubic yards of clean, tested fill at no cost to USFWS, saving \$10-15 million. Efforts are now underway to plan and implement restoration of levees and wetlands in Alviso, Mountain View, and Ravenswood.



*High tide earthen refuge island, Bair Island complex, near Redwood City. Photograph taken by Gavin Archbald and used courtesy of California State Coastal Conservancy.*

## THREATS TO OAK WOODLANDS

- Climate change and drought
- Urbanization and lack of oak protections
- Agricultural developments, including vineyards, marijuana cultivation, and clearing for other water intensive crops
- Obsolete forest practice rules
- Over-grazing and poor land management
- Fire
- Lack of oak regeneration and poor acorn crops
- Oak browsing by herbivores, gophers, and voles
- Diseases, which include: Sudden Oak Death, Goldspotted Oak Borer, and Shot Hole Borer
- Groundwater depletion
- Firewood harvesting



## IMPORTANT CLIMATE CHANGE LEGISLATION

California's environment and communities received a boost when the Legislature approved Senate Bill (SB) 32 (Pavley), Assembly Bill (AB) 197 (Garcia), and SB 1383 (Lara), summarized below. Other measures, AB 1550 (Gomez) and AB 2772 (Burke), directed climate change revenue to benefit low income communities.

**SB 32** extends and builds upon the provisions of the California Global Warming Solutions Act of 2006, Assembly Bill 32, by directing the Air Resources Board (ARB) to ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the 1990 statewide emissions level by December 31, 2030.

**AB 197** creates a legislative oversight committee for the ARB, limits the length of time ARB members can serve before needing to be reapproved by lawmakers, and requires ARB to prioritize emission reduction rules and regulations that result in more protections for the state's most impacted and disadvantaged communities. Requirements include direct reductions at large stationary, mobile, and other sources of greenhouse gas emissions. AB 197 defines social costs as "an estimate of the economic damages, including, but not limited to, changes in net agricultural productivity; impacts to public health; climate adaptation impacts, such as property damages from increased flood risk; and changes in energy system costs, per metric ton of greenhouse gas emission per year."

**SB 1383** requires the ARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants (SLCP) to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon (soot) by 50% below 2013 levels by 2030. These reductions are considered a way to make important progress toward reducing greenhouse gases while providing health benefits through the reductions of harmful particulates in black carbon that promote cardiovascular disease and lung cancer. It is anticipated that ARB will approve the SLCP strategy later this year.

**Measure AA**, the Bay Area's first-ever nine-county ballot measure, was passed in June's election. The measure, which required a cumulative two-thirds majority vote, received over 69% of the votes. This 20-year parcel tax is expected to raise \$500 million for marsh restoration and improved public access along the San Francisco Bay shoreline. Marsh restoration is a climate change adaptation strategy to enhance the bay's resiliency as sea levels rise. Revenue will be raised, beginning July 1, 2017, through a flat tax of \$12 per parcel per year throughout the region. The first Measure AA grants are scheduled to be awarded in 2018 by the San Francisco Bay Restoration Authority, which was formed in 2008 by the California Legislature.

San Diego County's voters will be considering the **Road Repair, Transit, Traffic Relief, Safety and Water Quality Measure** on this November's ballot. If approved by at least two-thirds of voters, **Measure A** will impose a new half-cent sales tax in San Diego County estimated to bring in \$18 billion in revenue over 40 years, including \$2 billion in funding for wildlife conservation. If passed, the measure would fund conservation strategies for over 100 species, including ecosystem resilience measures, habitat corridor linkages, invasive species controls, and a science-based fuel management strategy. The funds will also be used for a series of regional transportation projects, including expanded and increased rail service, highway upgrades, and bike and pedestrian paths.

Revenue raised through Measure A would fund projects identified in the San Diego Forward Regional Plan. The plan's Sustainable Communities Strategy seeks to lower greenhouse gas emissions to align with Air Resources Board targets.



*Photo courtesy Placer Land Trust, taken on the permanently protected 1,778-acre Harvego Bear River Preserve in Placer County.*

## CALIFORNIA WILDLIFE FOUNDATION

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**How You Can Help:** California Oaks is a fund within California Wildlife Foundation, federal tax identification number 68-0234744. All contributions of cash, stocks, or bonds are tax deductible. California Oaks also works with partners to protect land and establish easements for conservation purposes.

- Send a donation in support of California Wildlife Foundation/California Oaks. A donor directive form is included in this mailing and a secure donation can be made from our website: [www.californiawildlife.org](http://www.californiawildlife.org).
- Please consider including oak conservation in your financial and estate planning efforts.
- Be vigilant about threats to oak woodlands and oak forested lands in your community and email California Oaks for support on conservation projects: [oakstaff@californiaoaks.org](mailto:oakstaff@californiaoaks.org).
- Sign up for the Oaks e-newsletter at [www.californiaoaks.org](http://www.californiaoaks.org).
- Send letters in support of oak protections. The Oaks e-newsletter and Take Action page on the Oaks website provide background and template letters.

## HILLS FOR EVERYONE

Hills For Everyone protects, connects, restores, and interprets the unique, rare, and threatened landscape of the Puente-Chino Hills. These wildlands support a diverse array of native wildlife at the intersection of Los Angeles, Orange, Riverside, and San Bernardino—Southern California’s most populous counties. Mountain lions hunt mule deer in the area’s mosaic of grasslands, chaparral, coastal sage, and oak and walnut woodlands. Roadrunners, California gnatcatchers, northern harriers, and other birds in decline throughout Southern California still persist here; as do reptile and amphibian fauna. (See: Wayne D. Spencer, Ph.D., *Maintaining Ecological Connectivity Across the “Missing Middle” of the Puente-Chino Hills Wildlife Corridor*, Conservation Biology Institute, 2005.)

Hills for Everyone accomplishes much of its work through partnerships with California Wildlife

Foundation/California Oaks, Carbon Canyon Fire Safe Council in Brea and Chino Hills, Chino Hills State Park Interpretive Association, Hillside Open Space Education Coalition, Puente Hills Habitat Authority, and Wildlife Corridor Conservation Authority. Additionally, Hills for Everyone teams up with other environmental organizations to fight development threats to the area’s remaining open space. Current battles include:

**Madrona:** Hills for Everyone; Sierra Club; Friends of Harbors, Beaches and Parks; and the California Native Plant Society filed a lawsuit in July 2014 challenging the approval by the Brea City Council of Madrona, a hotly contested project to develop 162 homes on 367 acres of ridges and hills in a fire-prone area next to Chino Hills State Park. The Superior Court of California overturned the project approval in November 2015. A trustee appointed by the State of Idaho has been processing the project because the

landowner is in bankruptcy. The trustee appealed the decision in February 2016 although the City of Brea did not. It is anticipated that a three-judge panel will hear the appeal in early 2017.

**Esperanza Hills:** The community group, Protect Our Homes and Hills, took the lead in filing a lawsuit challenging Orange County and the City of Yorba Linda in 2015 after the Orange County Board of Supervisors unanimously approved the Esperanza Hills development to build approximately 340 units on over 460 acres. Hills For Everyone; California Native Plant Society; Endangered Habitats League; and Friends of Harbors, Beaches, and Parks are co-petitioners in the suit. The trial for the Esperanza Hills case was heard in May 2016. The judge found that the report’s greenhouse gas analysis was flawed, thus overturning the Environmental Impact Report and project approvals.