

MONTEREY COUNTY PLANNING COMMISSION

Meeting: July 29, 2009 Time: 10:00 A.M.	Agenda Item No.: 3
Project Description: Review the Draft Monterey County Voluntary Oak Woodland Stewardship Guidelines that will be considered by the Board of Supervisors. An Oak Woodlands Management Plan would allow landowners, non-profit organizations and local government entities to be eligible to apply for funds from the State Wildlife Conservation Board, for the preservation of oak woodlands primarily through the establishment of voluntary conservation easements.	
Project Location: County-wide	APNs: County-wide
Planning File Number: PD061171	Name: Monterey County Voluntary Oak Woodland Stewardship Guidelines
Plan Area: All	Flagged and staked: N/A
Zoning Designation: All	
CEQA Action: Categorically Exempt according to CEQA Guidelines, Section 15307, Actions taken by Regulatory Agencies for Protection of Natural Resources	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff requests that the Planning Commission review and provide comment on the draft Monterey County Voluntary Oak Woodland Stewardship Guidelines that will be forwarded to the Board of Supervisors.

PROJECT OVERVIEW:

This item was continued from the April 8, 2009 Planning Commission Hearing to allow staff time to revise the document and respond to comments. At the April 8th Planning Commission Hearing staff was directed to revise the Voluntary Oak Woodland Stewardship Guidelines (Guidelines) as follows: 1) to more clearly correspond to the Oak Woodlands Conservation Act Program Minimum Elements for Oak Woodlands Management Plans and in order to determine the consistency of Oak Woodland Conservation grant proposals with the Guidelines; 2) to provide more user friendly information to participate in the Oak Woodlands program and grant submittal process.

Comment letters received on 4/08/09 addressed the following concerns: 1) the Guidelines did not meet the requirements for Oak Woodland Management Plans; 2) the Guidelines would allow public funds to be used for code enforcement violation abatement and CEQA mitigation; 3) that the Guidelines were contradictory; 4) requirements for conservation easements; 5) the Guidelines are not exempt under CEQA as they do not require fuel load reduction, particularly in conservation easements; 6) the former Exhibit B Technical References "Oak Woodlands in Monterey County" included statements that were not based on scientific research and did not adequately portray the hazardous overgrown condition of oak woodlands, particularly tan oaks.

Staff has incorporated the Planning Commission and the public comments and suggestions into the revised draft Guidelines. Detailed responses to the two letters are attached as Exhibit B, along with the two letters received 4/08/09. The Guidelines were reorganized to clearly correspond to the Oak Woodlands Conservation Act Program Minimum Elements, and subject areas are now numbered sections 1-8. This also provides more of a checklist format for determining grant application consistency with the Guidelines. Section 6 outlines the Oak Woodlands Conservation Program application requirements and criteria and a new Exhibit B, provides step-by-step information for applicants for the Oak Woodland Conservation Program Submittals process. Sections concerning fire and fuel reduction were further revised. Discussion of tan oaks and their listing in the oaks inventory table and distribution map were removed. Tan

oaks are not "true" oaks as they are not genus "Quercus". Section 7 lists goals and objectives for education and outreach programs. Section 8 was added to include an Oak Woodlands Stewardship Guidelines update. Some text was removed not because it was inaccurate or not valuable, but because it was not closely relevant to the document requirements and purpose. References and resources are now incorporated as part of the Guidelines (Exhibit A).

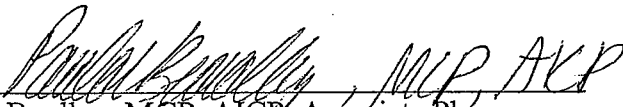
OTHER AGENCY INVOLVEMENT:

- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Parks Department
- ✓ Monterey County Regional Parks District
- ✓ Agricultural Advisory Committee
- ✓ Cal Fire – Robert Taylor, Division Chief

The above checked agencies and departments have reviewed the stewardship guidelines and some have provided feedback to staff. Informally other agencies, organizations, public entities, and private landowners were asked to review the guidelines.

The project was not referred to any Land Use Advisory Committees (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because it is not a development requiring CEQA review.

The draft Monterey County Voluntary Oak Woodland Stewardship Guidelines was reviewed at the January 22, 2009 Agricultural Advisory Committee and comments and suggestions were incorporate into the Guidelines.


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July 20, 2009

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Taven Kinison Brown, Planning Services Manager; Paula Bradley, Planner; Carol Allen, Senior Secretary; File PD061171

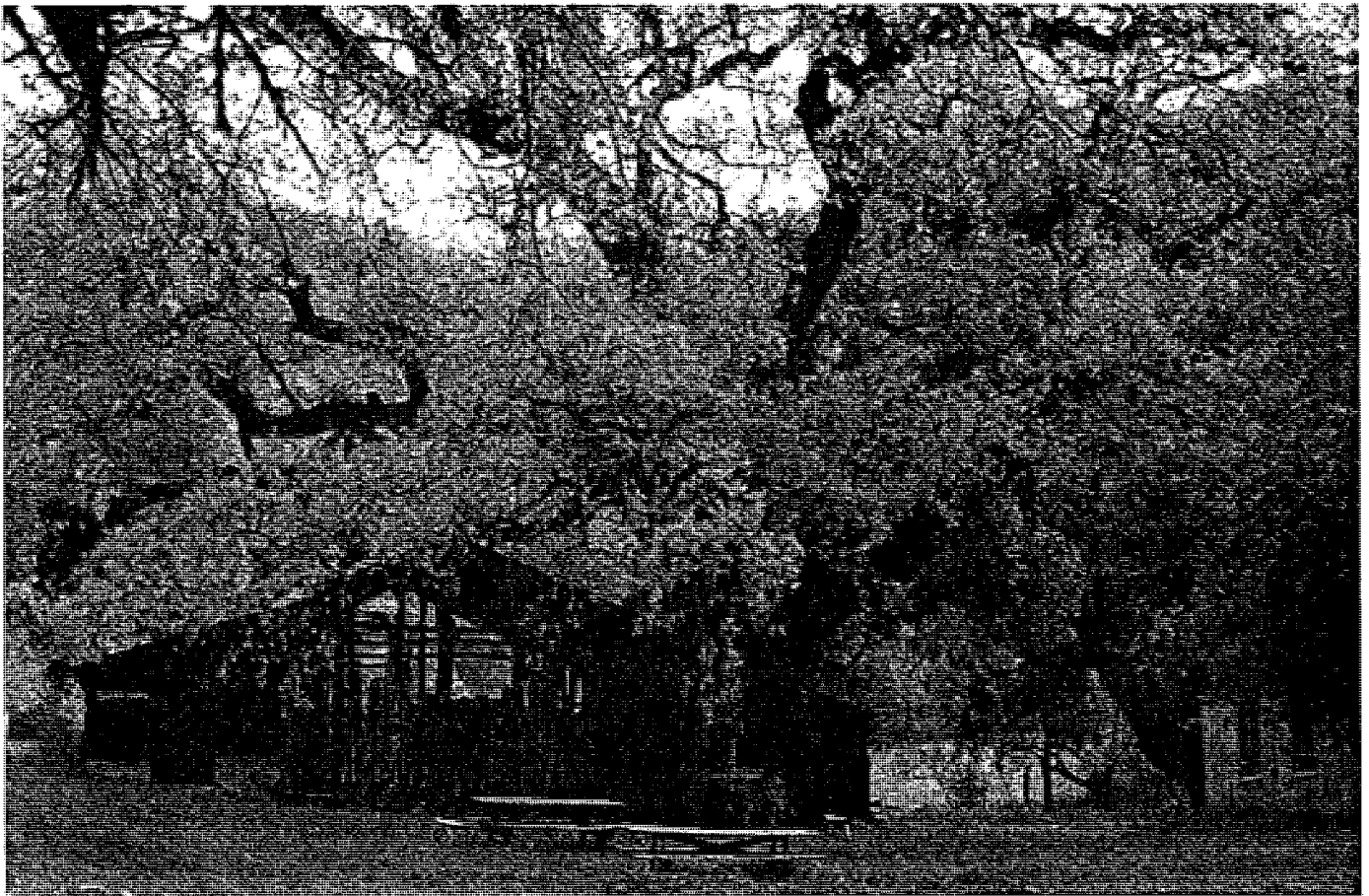
Attachments: Exhibit A: Monterey County Voluntary Oak Woodlands Stewardship Guidelines
Exhibit B: Response to Comments

This report was reviewed by Taven Kinison Brown, Planning Services Manager *TKB*

Exhibit A

Monterey County

Voluntary Oak Woodland Stewardship Guidelines



Monterey County

July 2009



Monterey County Voluntary Oak Woodland Stewardship Guidelines

Adopted by the Board of Supervisors <INSERT DATE>

Fernando Armenta, District 1

Louis R. Calcagno, District 2

Simon Salinas, District 3

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Prepared by:

Monterey County Planning Department
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Technical Information Obtained From:

Dr. Mark Stromberg, Director, Hastings Natural History Reserve
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Executive Summary

This document is designed to promote the voluntary long-term conservation of Monterey County's oak woodlands. It provides information on the cultural, economic and ecological values of Monterey County's oak woodlands and encourages their conservation through voluntary stewardship, habitat protection, education, and outreach.

1. Conservation Opportunity

The California Oak Woodlands Conservation Program (OWCP) is a voluntary program implemented by the Wildlife Conservation Board designed to conserve the integrity and diversity of oak woodlands across California's working landscapes through incentives and education. Specifically, it funds projects conducted by landowners, public agencies and nonprofit organizations to conserve and restore oak woodlands, educate county residents about the values of oaks, and provide landowners with assistance in voluntary oak conservation.

To participate in the OWCP, each county in which the project occurs must first develop and adopt by resolution by the board of supervisors an Oak Woodlands Management Plan to promote oak woodland conservation and education. When backed by a resolution of support by the Monterey County Board of Supervisor's, the *Voluntary Oak Woodland Stewardship Guidelines* is intended to satisfy the requirement so that the citizens of Monterey County can participate in the OWCP.

2. Status of Oak Woodlands in Monterey County

Monterey County supports 11 species of oak trees and an estimated 538,000 acres of oak woodlands which span the county. Coast live oak woodlands and tanoak woodlands dominate the coastal watersheds, while blue oak woodlands cover a broad expanse of hills and valleys that are sheltered from the coast. Patches of valley oak woodlands line reaches of Monterey County's rivers, and also dot rounded mountain peaks.

Oaks and oak woodlands are threatened by a variety of factors including: 1) conversion of oak woodlands for other uses, 2) fragmentation and isolation, 3) lack of recruitment necessary to maintain the stands, 4) sudden oak death, a new disease that causes rapid oak mortality, 5) woodcutting for firewood or other uses, and 6) climate change, which threatens to reduce the availability of habitat for oaks within Monterey County.

3. Values of Oak Woodlands to Community

Oak woodlands play an important role in Monterey County communities. They provide valuable rangelands essential to Monterey County's ranching operations, which produced \$20 million in income in 2006. Through their scenic qualities, oaks increase quality of life as well as real estate values.

4. Oak Woodland Natural Resource Values

Oak woodlands have exceptional natural resource value and provide a host of ecosystem services. Much of Monterey County's high level of biodiversity (i.e., number of species) is due to the various oak woodlands, which provide year-round habitat for native species. Oak woodlands are complex ecosystems that provide an array of additional benefits and services,

including: 1) protecting water quality and quantity by filtering runoff during winter rains and increasing infiltration and ground water storage, 2) enhancing soil quality by preventing erosion and increasing soil productivity, and 3) sequestering carbon—a leading greenhouse gas contributing to climate change. Changes in the historic natural fire frequency and unmanaged vegetation areas can also contribute to the loss of oak woodlands and associated habitat and ecosystem functions.

5. Impacts of Oak Woodland Loss

Given the benefits of oaks and oak woodlands for Monterey County's communities and natural resources, oak woodland conversion, fragmentation, and degradation can impact:

- important wildlife habitat and native biodiversity
- rangelands essential for livestock grazing and the local economy
- soil, water, and air resources, including greenhouse gases
- scenery, real estate values, and quality of life.

Planning decisions for oak woodlands should take into account these potential effects on oak woodlands.

6. Participation in the California Oak Woodland Conservation Program

In recognition of the social, economic, agricultural, and biological benefits of conserving oak woodlands, Monterey County residents are encouraged to participate in the California Oak Woodland Conservation Program (OWCP)—a voluntary program designed to protect and enhance oak woodland resources by providing grants in support of:

1. Easements: Grants to purchase oak woodland conservation easements
2. Restoration: Grants to fund restoration and enhancement of oak woodlands
3. Long-Term Landowner Agreements: Grants to fund long-term leases or other landowner agreements such as cost-sharing incentive payments that promote oak woodland conservation
4. Education, Outreach, and Technical Assistance: Grants to fund public education, outreach and technical assistance projects that promote oak woodland conservation

The *Voluntary Oak Woodland Stewardship Guidelines* provides criteria for education and conservation projects that Monterey County will use to certify that proposals to the OWCP are consistent with the guidelines. These criteria mirror those established by the Wildlife Conservation Board for the OWCP.

7. Education and Outreach for Oak Woodland Conservation

Oak woodland conservation in Monterey County can be promoted by education and outreach programs that provide information about the values of oak woodlands and assist landowners seeking to conserve and restore oak woodlands on their properties. This document outlines aspects of outreach and education programs designed to accomplish these goals.

8. Oak Woodland Stewardship Guidelines Update

As new research increases understanding of aspects of oak woodlands necessary to promote their conservation, this document will be updated periodically to incorporate new information that would influence the guidelines.

Section 1: Conservation Opportunity

Enacted in 2001, the California Oak Woodlands Conservation Act (OWCA) established a bond fund and mandated the State Wildlife Conservation Board (WCB) to implement a voluntary grant program to fund oak woodland conservation. Developed as that program, the State Oak Woodlands Conservation Program (OWCP) is a voluntary program designed to conserve the integrity and diversity of oak woodlands across California's working landscapes through incentives and education. It enables landowners, public agencies and nonprofit organizations to seek grant funding for voluntary projects designed to conserve and restore oak woodlands, educate county residents about the values of oaks, and provide landowners with assistance in voluntary oak conservation.

To be eligible to participate in the OWCP, each county in which a project occurs must develop an Oak Woodlands Management Plan endorsed by a resolution of approval by the County Board of Supervisors. The OWCA requires the plan to include a description of all native oak species location within the county's jurisdiction. Such resolutions, which have been adopted by many California counties, do not establish any policies, ordinances, or other regulations.



Native wildflowers within a Monterey County Oak Woodland.

The *Voluntary Oak Woodland Stewardship Guidelines* was prepared to promote the appreciation and conservation of Monterey County's oak woodlands, and to encourage the voluntary stewardship of oak woodlands by farmers, ranchers, developers, as well as planners, conservationists, educators and others interested in oak woodland conservation. The adoption of these guidelines by a resolution of the County Board of Supervisors will enable partnerships of landowners and qualified non-profits, local governments; and resource districts, to conserve oak woodlands through projects eligible for grant funding through the OCWP. The California Oak Woodlands Conservation Program provides funding for voluntary projects designed to

conserve and restore oak woodlands, educate county residents about the values of oaks, and provide landowners with assistance in voluntary long-term oak conservation. It offers pathways and incentives to help address oak woodland conservation at the county-wide level and to help support farming, ranching and grazing operations on lands that support oak woodlands.

Conservation of oak woodlands requires an understanding of the relevant science including the structure and function of the ecosystems. *Oak Woodlands in Monterey County* (Stromberg 2009) provides background information, a summary of current scientific studies regarding oak woodlands of California and Monterey County, and the references used to inform development of these guidelines.

Section 2: Status of Oak Woodlands in Monterey County

Oak Woodlands are a major component of Monterey County’s rural landscape. As of 2000, oak woodlands covered more than 22 percent (537,600 acres) of the total land area of the County and is one of the top three largest acreage of all California counties. Although much of Monterey County’s oak woodlands are on federal lands, including the Los Padres National Forest and in Fort Hunter Liggett, extensive oak woodlands occur on privately owned lands, which are primarily used as rangeland (1,038,000 acres). To conserve this valuable natural heritage and resource, Monterey County residents can cooperate to conserve and manage oak woodlands and protect their natural, cultural, and economic values including the ranches, scenic landscapes, ecosystem services, and important wildlife habitats they provide.

2.1 Oak Species in Monterey County

Monterey County supports 10 species of “true oaks”: plant species that are included in the genus *Quercus*. It also supports tanoaks, which are closely related to true oaks, but are not a true oak (Table 1).

Table 1: Species of oaks that occur within Monterey County, noting whether they are evergreen or deciduous.

Common Name	Scientific Name	Leaves
Dominant oak species in Monterey County:		
Coast Live Oak	<i>Quercus agrifolia</i>	Evergreen
Blue Oak	<i>Quercus douglasii</i>	Deciduous
Valley oak	<i>Quercus lobata</i>	Deciduous
Less common or scattered oak species:		
Oracle Oak	<i>Quercus parvula</i>	Evergreen
Canyon Live Oak	<i>Quercus chrysolepis</i>	Evergreen
Leather Oak	<i>Quercus durata</i>	Evergreen
Oregon Oak	<i>Quercus garryana</i>	Deciduous
Black Oak	<i>Quercus kelloggii</i>	Deciduous
Interior Live Oak	<i>Quercus wislizenii</i>	Evergreen
Scrub Oak	<i>Quercus berberidifolia</i>	Evergreen

2.2 Oak Woodlands in Monterey County

Four of the oak species occur as the dominant tree within a vegetation type that has been named after them. Table 2 identifies their approximate current acreage while Figure 1 illustrates their distribution in Monterey County. There are no known available estimates of their historical acreage. The following sections describe each of the four common oak woodlands and their threats. Representative photographs of select oak woodlands are provided in Figure 2.

Table 2: Oak Woodland communities within Monterey County, noting their estimated acreage, percent of the total Monterey County oak woodland acreage, and percent of the total acreage of Monterey County (CalVeg 2000).

Oak Woodland Type	Acres in Monterey County	Percent of Total Oak Woodland Acres in Monterey County	Percent of Monterey County
Coast Live Oak Woodland	252,500	47%	10%
Blue Oak Woodland	249,200	46%	10%
Valley oak Woodland	6,600	1%	0%
Mixed Black Oak Woodlands	6,000	1%	0%
Total	537,600	100%	22%

2.2.1 Coast Live Oak Woodlands

Dominated by the evergreen coast live oak, this woodland is widespread in places with moderate climates and thrives in Monterey's cool, foggy coastal areas. In moist areas, associated species are pacific madrone, California bay, poison oak, tanoak, and canyon live oak. In dryer areas, coast live oak woodlands include valley oak, blue oak, and foothill pine.

Coast live oaks grow rapidly and produce many seedlings that rapidly become saplings and large trees. A large mature coast live oak may be 200 years old. They are susceptible to a uncontrolled plant disease that has been aptly named "sudden oak death" (SOD; Section 2.3.3). The loss of these large, majestic oaks would dramatically change the look of the Monterey County landscape.

2.2.2 Blue Oak Woodlands

Blue oak is often the dominant tree in the woodlands where they occur, and can be the only tree in large areas of these woodlands. Patches of blue oak can extend from a few trees to several miles in extent and often include very old trees (300-800 years old). Blue oak woodlands are generally associated with steep, hot, dry, often west-facing or south-facing hillsides. The understory vegetation is comprised of wildflowers, non-native annual grassland, and patches of native perennial grasses such as needle grass, California melic, and June grass (Figure 1b). Blue oaks grow slowly and even knee-high saplings can be 50 years old. In Monterey County, blue oak woodlands with enough saplings currently thought necessary to replace the mature trees and maintain the stands through time are uncommon.

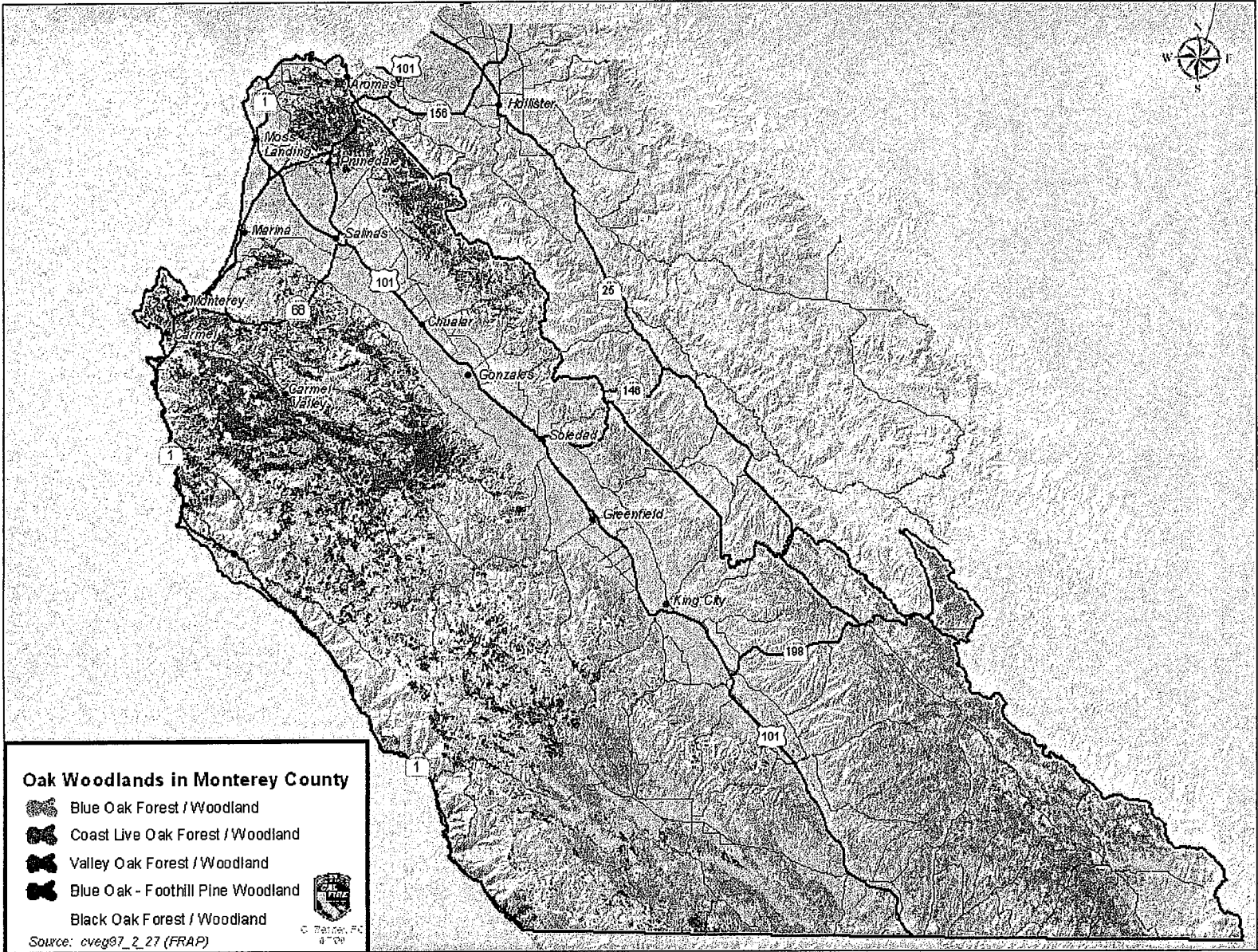


Figure 1: Map of the oak woodlands in Monterey County (cvea 97 2 27 (FRAP)).

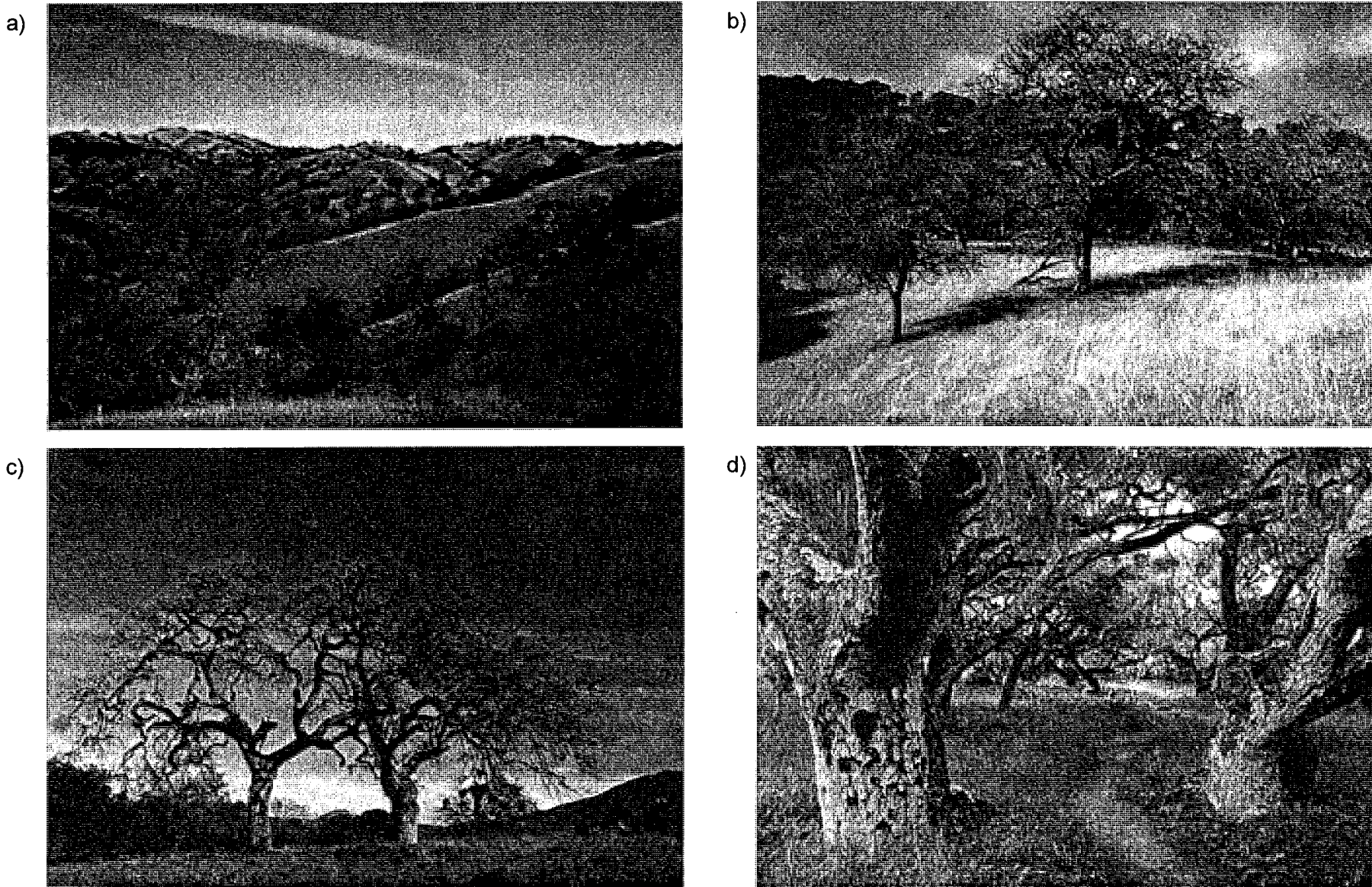


Figure 2: Monterey County oak woodlands, showing: a) an expanse of blue oak and valley oak woodlands atop the rounded hills in the Sierra de Salinas Range, b) a stand of blue oaks with an understory of native perennial needle grasses, c) two mature valley oaks on a river bench above the Arroyo Seco, and d) coast live oak woodland on ancient dunes in Fort Ord.

2.2.3 Valley oak Woodlands

Valley oaks occur in small pockets, relatively undisturbed valley floor habitat, and also high on ridges above the valleys. They typically have a grassy understory and vary from open savannas to forest-like stands with partially closed canopies.

Valley oaks, which can live as long as 800 years and reach over 100 feet in height, are slow growing. Like the blue oaks, valley oaks are rarely found in populations featuring enough saplings to replace the mature trees. There are no detailed accounts of the current or past extent of the valley oak woodland in Monterey County, though exemplary stands occur near Fort Hunter Liggett and in Carmel Valley.

2.3 Threats to Oak Woodlands

Oak species and oak woodland communities in Monterey County are threatened by a variety of factors.

2.3.1 Habitat Conversion

Oak woodlands are threatened by conversion of the land for other uses, including development and agriculture. Though there are no data available for the amount of oak woodland conversion that has occurred to date in Monterey County, more than 50% of the original oak woodlands (10-12 million acres) has been removed in California. A better understanding of the current status and trends in conversion of oak woodlands in Monterey County could help focus conservation work.

Disruption of the natural fire regime may be contributing to loss of oak woodland habitat, by facilitating succession of oak woodlands to other types of vegetation. More information is needed to understand this trend, as well as other factors that threaten to convert oak woodlands including: groundwater pumping, the invasion and spread of non-native plant species, compaction of soil by humans and animals, and loss of riparian corridors.

2.3.2 Habitat Fragmentation and Isolation

As human development continues in Monterey County, intact oak woodlands and habitat will become more fragmented and degraded. Smaller oak woodlands that are isolated from other habitats are less able to support certain plants and animal species, which can become extirpated (i.e. locally extinct). For example, many birds and mammals need oak woodland and will not venture out to open areas, or even cross open areas. Thus some oak woodlands become critical corridors for dispersal of young and movement of wide-ranging adults. As an ecosystem is simplified (i.e. has fewer species), it becomes weakened and less resilient.

The system further erodes as individual trees become isolated. Oak trees can only cross-pollinate if they are within approximately 1,000 yards of another oak. Declines in acorn production amongst isolated oaks not only reduce oak establishment, thus potentially reducing the oak population, but also decrease food availability for the numerous animal species that forage on acorns.

2.3.3 Low Recruitment

Throughout much of Monterey County, populations of certain oak species are not regenerating: that is, young trees are not replacing older trees that are removed or die of natural causes. Oak species that are particularly impacted by the lack of regeneration include the valley oak and blue oak, though coast live oak and California black oak recruitment are also low in some areas.

The factors affecting regeneration are varied and complex, and may include fire suppression, competition from non-native annual grasses, herbivory by wildlife and livestock and climate, among others.

Where oak regeneration is limited, it can be facilitated by installing shelters to protect seedlings and saplings from excessive herbivory, controlling non-native plant species, and adjusting the intensity and seasonality of livestock grazing. A common concern in all of California's oak woodlands is reproduction of the oaks, particularly the valley oak and blue oak. Further science-based information and long-term monitoring is needed to understand the causes and consequences of low oak recruitment.

2.3.4 Sudden Oak Death

In 1995, scientists discovered a plant pathogen, *Phytophthora ramorum*, which causes rapid death of infected oaks and was thus named sudden oak death (SOD). Dispersed through water and able to persist for years in the soil, the disease spores are readily moved by wildlife, humans, and other vectors. Presently, there is no treatment to stop its spread or cure infected trees.

In Monterey County, sudden oak death (SOD) has caused extensive mortality in coast live oaks and tanoaks in coastal areas. Drier conditions within the interior of the county may be slowing spread of the disease. However, this disease is new and its ecology and potential impacts remain poorly understood.

2.3.5 Woodcutting/Energy

Oaks are desirable for firewood, and as prices for fossil fuels rise, oak woodlands may face increased use for fuel wood. Because oak recruitment is low, even selective harvest can reduce populations of oaks and alter the structure of oak woodlands.

2.3.6 Climate Change

California's endemic oak species are sensitive to climate and are distributed in relatively narrow, species-specific 'climatic envelopes'—unique combinations of temperature and precipitation. As California's climate becomes warmer and possibly drier, as predicted by current climate change models, oak distributions are anticipated to shift. In Monterey County, valley oak and blue oak ranges are expected to contract overall, though the scale, specific location, and magnitude of these shifts cannot be predicted with certainty.

Section 3: Values of Oak Woodlands to Community

As throughout much of California, oak woodlands play an important role in Monterey County communities. In addition to providing wonderful recreational opportunities, oak woodlands on private land also benefit landowners and the broader community.

3.1 Livestock Grazing

In Monterey County, oak woodlands through much of the Santa Lucia, Sierra de Salinas and Gabilan mountain ranges are predominantly used to graze cattle. Oak woodlands are valuable to ranching operations because the amount and quality of forage tend to be higher than in rangelands without oaks. Oak trees act as water pumps, bringing up deep water and making it available to forage plants. These patches of green around oak trees increase soil fertility under oak canopy and produce better forage. Countywide, ranching in oak woodlands produced an income of over \$20 million in 2006.

Well-managed ranches provide many benefits including wildlife habitat, open-space, fire control, weed management, recreational opportunities, and watersheds that produce abundant clean water. Ranching is a vital and integral part of the economy and culture of Monterey County, and oak woodlands are an essential part of the cattle industry.

3.2 Real Estate and Scenery

Whether in woodlands or as majestic individual trees, oaks are highly regarded and valued for their scenic qualities. Oak woodlands can increase the quality of life for residents and contribute to a community's economic well-being. In Monterey County, "oak" is a frequent component of street, business and place names—a testament to their important role Monterey County's landscape and communities.

Oak woodlands and oak trees can directly enhance the value of real estate. In one study, land with 40 trees per acre appraised at 22-28% more than bare lots, while homes having mature oak trees typically sell for up to 30% more than homes without them. For example, individual oak trees of large size or landmark status within a community can have exceptional value: \$18,000 - \$50,000 in 1999. In an urban setting, a single mature tree provides measurable economic benefit each year related to storm water runoff control, increased groundwater infiltration, temperature moderation, air pollution reduction and carbon sequestration.

Section 4: Oak Woodland Natural Resource Values

Oak woodlands have exceptional natural resource value and provide a host of ecosystem services.

4.1 Wildlife Habitat and Species Diversity

Monterey County is unusual in that it harbors more native plant and animal species than comparably sized areas elsewhere in the United States. Much of this biodiversity lives in and around the oak woodlands, where the mild Mediterranean climate combines with the abundant

acorn crop to create suitable year-round habitat for many animal species. Over 1,600 plant and animal species live in and among Monterey County's oaks (Table 3). At least fifteen of these species are rare.

Many readily recognized and appreciated wildlife, including deer, band-tailed pigeons, and squirrels, depend on acorns and oaks for much of their food. Most of the small mammals including mice and woodrats also depend on acorns and, in turn, provide abundant food for predators like bobcat, mountain lions, hawks, owls and eagles. As a result, oak woodlands also have the greatest wildlife species abundance of any terrestrial habitat in California.

This diversity of animals can have surprising benefits to people. For example, in California the western fence lizard is the preferred host in the early life of the tick that carries Lyme disease. A protein in the lizard's blood kills the microbe that causes Lyme disease and thus reduces the probability that a tick bite in Monterey County will transmit the disease to humans. This may explain why the risk of contracting Lyme disease in Monterey County is small while the disease is epidemic in some northeastern states where lizards are rare.

Table 3. Approximate number of species of various life forms in Monterey County Oak Woodlands (Stromberg 2009).

Life Form	Estimated Number of Species
Vascular Plants	600
Mosses, Liverworts, and Lichens	175
Invertebrates (insects, etc.)	580
Birds	200
Mammals	50
Amphibians and Reptiles	30
Total	1,635

4.2 Carbon Sequestration

Carbon dioxide is a greenhouse gas that is increasing in the Earth's atmosphere as a result of human activities. Through photosynthesis, oaks convert carbon dioxide into leaves, roots, and wood, which sequesters the carbon dioxide and keeps it from entering the atmosphere.

In Monterey County, oak woodlands sequester an estimated 5,300,000 metric tons of carbon dioxide each year. Oak woodlands may therefore have new value in the emerging market of carbon credits. Land owners with oak woodlands may be able to sell carbon credits to those wishing to purchase credits to offset the production of carbon dioxide elsewhere.

4.3 Additional Resource Values

Oak woodlands are complex ecosystems that provide an array of additional benefits and services. For example, oaks protect water quality and quantity by filtering and slowing runoff during winter rains and increasing infiltration and ground water storage. Oaks protect soil by

decreasing erosion. They also improve soil quality by adding organic matter (e.g. leaves) and releasing groundwater pumped from depth near the soil surface, where it enriches the surface soil and promotes plant growth. Compared to annual grasslands, the soil under oaks is less dense, has higher pH and greater concentrations of organic carbon, phosphorus, nitrogen and other soil nutrients.

Oak woodlands enhance our quality of life by providing open space, scenic landscapes, areas for recreation such as hiking, hunting, fishing, and nature photography; and providing habitat that supports hundreds of life forms, plants and wildlife in fascinating and complex natural communities.

Fire is a natural part of oak woodland life history. A change in the historic natural fire frequency and unmanaged conservation areas could be reasons that oak woodlands convert to other vegetation and habitat types. Fire suppression has led to the build-up of woody vegetation in the under story, increasing “ladder” fuels connecting ground vegetation to tree canopies. This has resulted in oak woodlands that are more susceptible to catastrophic crown-consuming fires where more frequent low-intensity fires could reduce fire fuel buildup. Severe fires can also have negative consequences to other ecosystem functions such as regeneration, erosion and impacts to water quality when fires are followed by severe rain events and sediment from burned slopes clog streams. Conservation-based, fire-wise, vegetation management in woodlands, as has been promoted by the local fire authorities and the Fire Safe Council, should be encouraged in areas of Monterey County at the wildland-urban interface. For example wildfire management methods such as “shaded fire breaks”, where instead of clear-cutting vegetation, trees can be thinned and limbed up from the ground to reduce wildfire hazards while preserving the tree canopy.

Section 5: Impacts of Oak Woodland Loss

Given the benefits of oaks and oak woodlands for Monterey County’s communities (Section 3) and natural resources (Section 4), oak woodland conversion, fragmentation, and degradation can impact:

- important wildlife habitat and native biodiversity
- rangelands essential for livestock grazing and the local economy
- soil, water, and air resources, including greenhouse gases
- scenery, real estate values, and quality of life.

Planning decisions for oak woodlands should take into account these potential effects on oak woodlands.

Section 6: Participation in the California Oak Woodland Conservation Program

Because of the social, economic, agricultural, and biological benefits of conserving oak woodlands, Monterey County residents are encouraged to participate in the California Oak Woodland Conservation Program (OWCP)—a voluntary program designed to protect and enhance oak woodland resources by providing grants in support of:

1. Easements: Grants to purchase oak woodland conservation easements

2. Restoration: Grants to fund restoration and enhancement of oak woodlands
3. Long-Term Landowner Agreements: Grants to fund long-term leases or other landowner agreements such as cost-sharing incentive payments that promote oak woodland conservation.
4. Education, Outreach, and Technical Assistance: Grants to fund public education, outreach and technical assistance projects that promote oak woodland conservation

The Act requires that 80% of funds be used for the purchase of conservation easements, restoration and long-term landowner agreements. Twenty percent of the funds can be used for public education, outreach and technical assistance projects.

Conservation easements are legal agreements, entered into voluntarily, between a landowner and a non-profit organization or government agency that limits certain uses of the land in order to protect specific conservation values. Each conservation easement is individually tailored to the site and is negotiated with the owner and private nonprofit organization or public agency that will hold and monitor the easement. The terms, allowed uses and maintenance, and specific conservation values to be protected will be determined in collaboration with the landowner, partner organizations and resource specialists, including State Fish and Game biologists, Federal Fish and Wildlife Service in order to protect conservation values in perpetuity.

Before the WCB can evaluate a project for funding under the OWCP, the city or county in which the project occurs must prepare an oak woodlands management plan, pursuant Section 1366 of the California Fish and Game Code. When backed by a resolution of support by the Monterey County Board of Supervisor's, this document is intended to satisfy the Act's requirement.

After the *Voluntary Oak Woodland Stewardship Guidelines* are adopted by the Monterey County Board of Supervisors, grant proposals submitted to the Wildlife Conservation Board for funding under the OWCP must be certified by the county to be consistent with the criteria below. These criteria mirror those established by the Wildlife Conservation Board for the OWCP designed to encourage the long-term conservation of oak woodlands. Certification is also required that the proposed project is not required to satisfy a condition imposed upon the landowner by any lease, permit, or other entitlement issued by a public agency, including a mitigation under the California Environmental Quality Act. The OWCP application packet is available on the WCD website: www.wcb.ca.gov. See Exhibit B outlining the OWCP application process.

6.1 Criteria for Projects

6.1.1 Criteria for Easement Acquisition, Restoration or Long-Term Agreement Projects

To qualify for funding consideration for restoration, enhancement, purchase of an oak conservation easement, or long-term agreement, projects must meet one or more of the following criteria, must contain an appropriate management plan to assure project goals are maintained.

- The project is of sufficient size to promote biological integrity and provide superior wildlife values.
- The project area contains oak woodlands and/or a diversity of oak classes that will promote the sustainability and perpetuation of oak woodlands.

- The project area will contribute toward ease of wildlife movement across ownerships.
- The project is consistent with regional and/or General Plan and community land use plans and goals, provides scenic open-space, protects historic or archeological values or contains unique geologic features.

6.1.2 Criteria for Outreach and Education Projects and Technical Assistance Projects

To qualify for funding consideration for a public education and outreach and technical assistance proposal, the project must address the following criteria:

- The project shall be designed to identify and communicate the social, economic, agricultural and biological benefits of conserving oak woodlands.
- The project shall be designed and targeted to reach the maximum number of local landowners that could benefit from public education and outreach efforts.
- The project shall be designed and implemented as a collective effort or partnership that, where appropriate, includes local entities such as; landowners, the Resource Conservation District of Monterey County, the California Fish and Game biologist, UCCE Farm Advisor, representatives from farming or ranching organizations; California Department of Forestry and Fire Protection (Cal Fire) or local fire authority; and the county or city planning department.
- The project shall be designed to promote and encourage oak woodland conservation through voluntary approaches.
- The project shall provide sources of available financial and/or technical information to assist landowners conserve their oak woodlands.
- The project will identify measurable goals and objectives to evaluate the success of the project. For projects not completed within one year of the approval date, the proposal shall include specific interim deliverables or benchmarks and a timeline for completion.
- If requested by the WCB, project sponsors must be willing to make project information available online so that other project proponents may benefit from the education and outreach effort. Such information should not include private or proprietary information about private landowners or their operations.

6.2 Voluntary Program

The conservation of oak woodlands in Monterey County is dependent on the voluntary actions of residents and landowners who value the scenic, ecological, and economic benefits of these unique trees and habitats. Landowner participation in the OWCA is entirely voluntary and neither the program nor this document outlining guidelines for participation has a regulatory component or role.

As part of a separate process, Monterey County will address the requirements of Senate Bill 1334 (Kuehl) passed by the California Legislature in 2004, which adds Section 21083.4 to the Public Resources Code related to oak woodland conservation. The act requires consideration the conversion of oak woodlands as part of the California Environmental Quality Act (CEQA). Specifically, it requires that a county determine whether a project may result in a potentially significant effect on the environment by conversion of oak woodlands, as part of their evaluation

of whether an environmental impact report, negative declaration, or mitigated negative declaration is needed. Such a determination of significance is made the county and would be required to implement one or more specified alternatives to mitigate the effect of woodland conversion. As noted above, the Monterey County Voluntary Oak Woodland Conservation Guidelines are not part of this future regulatory requirement.

Section 7: Education and Outreach for Oak Woodland Conservation

Conservation of oak woodlands within Monterey County can be promoted by education and outreach programs that provide information about the values of oak woodlands. The following are some specific objectives or actions for education and outreach programs that would accomplish this goal.

- Educate county landowners on the long-term economic benefits of maintaining and restoring oak woodlands.
- Refer to resources such as University of California Cooperative Extension practices regarding harvesting, which currently include: maintaining an average leaf canopy of at least 30%, retaining trees of all sizes and species at the site, maintaining old hollow trees for nesting, roosting, and feeding wildlife, piling brush to provide wildlife cover, and seeking professional advice before conducting harvesting. Hundreds of publications have been produced aimed at helping individual homeowners, ranching families and large agricultural operations to conserve and steward their oak woodlands, including conservation-based fire-wise vegetation management practices.
- Articulate the importance of landscape variables (size, shape, connectivity to other woodlands and important habitats, etc.) that support rich, sustainable wildlife populations associated with oak woodlands.
- Encourage landscape design and development that can enhance property values and retain intact oak woodlands
- Provide technical assistance to reduce impacts of construction practices, roads, hard surface run-off, and utilities on the long-term survivorship of oaks.
- Describe how homes can be clustered to help protect wildlife corridors and maintain more wildlife habitat.
- Assist private landowners with information on the values of using oaks in the urban landscapes and at the urban-wildland interface.
- Promote conservation-based, fire-wise, vegetation management in woodlands in consultation with fire control agencies and other resource specialists to avoid conversion to other vegetation and habitat types, reduced regeneration, and susceptibility to severe fires that can also have negative consequences to other ecosystem functions.
- Promote the important role of land management programs using low intensity fires to manage and maintain oak woodlands, particular on federal lands.
- Restore areas where oaks have been removed and/or are not regenerating, particularly for valley oak woodlands on deep, level soils.
- Promote voluntary tree planting programs that provide protection of oak seedlings from rodents, browsing by deer and domestic animals, and weeds, and incorporate long-term monitoring.

A second main goal of the education and outreach for oak woodlands is to assist landowners seeking to conserve and restore oak woodlands on their properties. The following are actions for specific outreach and education programs that would accomplish this goal.

- Identify programs available to assist landowners seeking to voluntarily protect and manage oak woodlands.
- Describe techniques to restore degraded oak woodlands, including tree planting programs or mechanisms to protect oak seedlings from herbivory by deer, rodents, and domestic animals, and from competition from non-native plants or other weeds.
- Identify state and federal cost share programs and grants for restoration projects.
- Describe planting guidelines for oak woodland restoration, which include planting the appropriate species of oak and using native plants in the understory. In general, the species of oak to be replaced should be the same species as was removed.
- Describe methods to control invasive, non-native weeds in oak woodlands, particularly along county road rights-of-way that link agricultural lands to oak woodlands and provide a corridor for weed movement.
- Promote control of invasive, non-native weeds in oak woodlands. This can be particularly effective along county rights-of-way on roads that go from agricultural lands where invasive weeds are largely controlled to sites along roads where the weeds are establishing pioneer populations.
- Study and educate how prescribed fire can be safely used as a management tool for invasive species and potentially to promote oak regeneration.
- Promote and encourage conservation-based, fire-wise, vegetation management in woodlands in consultation with fire control agencies and other resources specialists, in areas of Monterey County at the wildland-urban interface.
- Encourage County ranching and farming operations that support large stands of oak woodlands.
- Encourage continuation and initiation of Williamson Act contracts to maintain large parcels in agricultural and grazing uses.
- Build partnerships between local government, the development community and non-profits for targeted and meaningful conservation efforts.
- Encourage conservation easements and other forms of land conservation action.
- Assess and track progress of voluntary conservation and stewardship programs.
- Study and document the rate of loss/gain of woodlands in Monterey County. Modern remote sensing could be used to assess the areas of various categories of oak woodlands. These need to be backed up with ground surveys. Consider repeated surveys, at perhaps 5-10 year intervals to provide the information on the certainty and urgency of the problem.

Section 8: Oak Woodland Stewardship Guidelines Update

Research and other studies will increase understanding of oak woodlands, including their ecology, value to the community, threats, and factors necessary to promote their conservation. Accordingly, this document should be periodically updated as needed to incorporate new information that would influence the guidelines. The RMA - Planning Department shall review the Guidelines every five years and present a status report to the Planning Commission every five years to determine if an update is warranted.

Conclusion

Since 80% of the state's oak hardwood rangelands are in private ownership, voluntary efforts by landowners can be the most effective conservation measures. Residents, landowners and decision makers can work together cooperatively to conserve and manage oak woodlands and protect their natural, scenic, cultural and economic, ecosystems and habitats values they provide. Education, outreach and encouraging conservation and promoting programs will serve to achieve the County's diverse and often mutual goals.

More science-based information about the relationships among oak regeneration, fire, wildlife, grazing practices, agricultural and other land uses, and any other factors affecting the oaks can help inform conservation and education programs.

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A compilation and discussion of these references, in "Monterey County Oak Woodlands" online at: <http://www.hastingsreserve.org/OakStory/OakIntro.htm>



Valley oak at sunset, Sierra de Salinas, Monterey County, California.

EXHIBIT B: Oak Woodland Conservation Program Submittals

The Oak Woodlands Conservation Program, implemented by the Wildlife Conservation Board (WCB) offers landowners, conservation organizations, cities and counties, an opportunity to obtain funding for projects designed to conserve and restore California's oak woodlands. While the Program is statewide in nature, it provides opportunities to address oak woodland issues on a regional priority basis.

This voluntary State Program is designed to provide incentives for local efforts to achieve oak woodland protection. More importantly, this Program provides a mechanism to bring farmers, ranchers and conservationists together in a manner that allows both to achieve that which is so valued — sustainable ranch and farming operations and healthy oak woodlands.

The program is not designed to accept applications directly from private property owners. Proposals developed in partnership with landowners, nonprofit organizations, and local, regional and state resource specialists bring a diversity of skills, expertise, ideas, and often the ability to leverage funds not otherwise available for a project. Please refer to the References and Resources section of the Voluntary Oak Woodlands Stewardship Guidelines for additional information on oak woodlands.

STEP 1: Contact the WCB for an Oak Woodlands Conservation Program application package: www.dfg.ca.gov/wcb or call (916) 445-8448.

STEP 2: Applications for public education and outreach and technical assistance should be designed and implemented as a partnership with local entities such as: landowners, Resource Conservation District, California Fish and Game Department, University of California Cooperative Extension Farm Advisor, representatives from farming and ranching organizations, the County Planning Department, and others.

Contact information for these agencies:

State Department of Fish and Game

www.dfg.ca.gov

Central Region (559)-243-4005

State Department of Forestry and Fire Protection

www.fire.ca.gov

Cal Fire San Benito-Monterey Unit (831) 333-2600 (ask for the unit forester)

**University of California Cooperative Extension <http://danr.ucop.edu>
and Integrated Hardwoods Management Program**

<http://danr.ucop.edu/ihrmp>

UCCE San Luis Obispo County) (805) 781-5938

**Natural Resources Conservation District (NRCS) and Resource Conservation
District www.ca.nrcs.usda.gov**

Salinas office (831) 424-1036

Applications for conservation easements, restoration or other long-term land conservation methods, also contact an eligible participant such as a nonprofit land trust to discuss your goals. A number of nonprofit land trusts are actively conserving land with conservation easements and other methods in Monterey County. Currently the land trusts listed below have the expertise to work with homeowners to develop customized land conservation easements, the legal authority to acquire and manage conservation easements (deed of conservation easement), and the capacity to perform the required monitoring.

Big Sur Land Trust www.bigsurlandtrust.org
(831) 625-5523

California Rangeland Trust www.rangelandtrust.org
(805) 688-8466

Ag Land Trust www.aglandconservancy.org
(831) 422-5868

Elkhorn Slough Foundation and Elkhorn Slough National Estuarine Research Reserve www.elkhornslough.org
(831) 728-5939

The Nature Conservancy www.nature.org
(831) 333-2047

Land Trust Alliance www.lta.org for more information on land trusts and conservation easements

STEP 3: County Certification

Contact the Monterey County Resource Management Agency - Planning Department for certification that the grant proposal is consistent with the Monterey County Voluntary Oak Woodland Stewardship Guidelines. The appropriate authority to review and certify grant proposals consistency is the RMA - Planning Director. A fee will be charged for the review and certification process. The applicant is also required to certify that the proposal is not required to satisfy a condition imposed on the landowner by any lease, permit, license, certificate or other entitlement, or mitigation of significant effects on the environment.

County of Monterey Resource Management Agency – Planning Department
www.co.monterey.ca.us (831) 755-5025

STEP 4: Once an application proposal is completed, submit it to the WCB for review and consideration for funding. Applications are accepted year round, however WCB Board meetings are held quarterly.

Exhibit B

EXHIBIT B

Response to Comments submitted at the 4/8/09 Planning Commission Hearing (letters attached)

Sierra Club, Ventana Chapter, letter dated 4/7/09

Note: Comments below were taken from the letter dated 4/07/09, were numbered, and are included as a heading to correspond to each section in the letter.

Comment 1: “The Ventana Chapter’s overriding concern is that the proposed “voluntary actions” do not satisfy the State requirement for a “management plan.”

Response/Action Taken:

The Monterey County Voluntary Stewardship Guidelines (Guidelines) meet the State requirements and the revised Guidelines have been reorganized and revised to clearly relate to the State’s (Wildlife Conservation Board (WCB)/Oak Woodlands Conservation Program (OWCP) requirements for an Oak Woodlands Management Plan. Section 6 lists the criteria for application projects. Section 7 lists goals and objectives for education and outreach programs. Revisions were incorporated into the revised Guidelines as a result of suggestions and comments received and some text was removed not because it was inaccurate or not valuable, but because it was not closely relevant to the documents requirements and purpose. Fragmentation of oak woodlands is discussed as a threat to be considered as part of the criteria to certify OWCP project proposals in terms of size to promote biological integrity and sustainability and wildlife movement (Section 6.1.1).

Comment 2: “As written the draft guidelines would allow (1) public funds to be used for private property owners to remediate code violations on private property or mitigations required under CEQA, and (2) a net loss of oak woodlands.”

Response/Action Taken:

The OWCP (Section 1366(b)) requires that the County shall certify that the application project is not required to satisfy a condition imposed upon the landowner by a lease, permit, license, certificate, or other entitlement of use issued by a public agency including but not limited to the mitigation of significant effects under CEQA. The use of OWCP funds is regulated by Fish and Game Code Section 1363 and the Oak Woodlands Conservation Act of 2001 implemented by the Wildlife Conservation Board (WCB) and is discussed in Section 6 of the Guidelines. Applications for OWCP funds are reviewed and approved by the WCB.

The OWMP is an entirely voluntary program and the OWSG are not part of any regulatory or mandatory requirements such as CEQA mitigation measures or County land use policies, plans or ordinances. In a separate effort, as directed by the County Board of Supervisors, staff will develop options to mitigate impacts to oak woodlands pursuant to CEQA (PRC 21083.4) and present recommendations to the Planning Commission for revisions to policies and ordinances to incorporate oak woodlands preservation.

The OWCP and the OWMP criteria does not require or address “net loss” of oak woodlands, nor does PRC (CEQA) Section 21083.4, Conversion of Oak Woodlands. The Oak Woodland Conservation Act (Act), OWCP is designed to fund projects developed in partnership with public agencies and private conservation entities to develop and to implement stewardship practices to protect and restore oak woodlands and does not specify “no net loss” of oak woodlands.

Comment 3: “There are instances in which the draft guidelines contradict one another.”

Response/Action Taken: The Guidelines have been revised. Details for site specific biological and fire management practices will be developed for each project application site and circumstances by the agencies such as the Department of Fish and Game, State and local Fire Districts and for the project conservation goals.

Comment 4: “The guidelines fail to meet the minimum requirements lists in Exhibit E.”

Response/Action Taken: The Guidelines were reorganized to clearly correspond to the Oak Woodlands Conservation Act Program Minimum Elements, and subject areas are now numbered Sections 1-8. The OWCP and the OWMP criteria, and PRC 21083.4 (CEQA) do not require or address “net loss” of oak woodlands. The Oak Woodland Conservation Act (Act), OWCP is designed to fund projects developed in partnership with public agencies and private conservation entities to develop and to implement stewardship practices to protect and restore oak woodlands and does not specify “no net loss” of oak woodlands.

The OWCP program includes as part of its mission statement: “Provide incentives to protect and encourage farming and ranching operations that are operated in a manner that protect and promote healthy oak woodlands.” And the goal of working in partnerships with landowners, state and local public entities, nonprofit organizations and developing partnerships is to implement good stewardship practices, and reward landowners who continue to integrate oak woodlands conservation into their farming and ranching operations.

Comment 5: “Politics is Politics. Science is Science.”

Response/Action Taken: Both documents were reviewed by a variety of stakeholder agencies, groups and individuals and suggestions were incorporated into the documents. The technical references document “Oak Woodlands in Monterey County” is no longer an Exhibit to the Guidelines.

Comment 6: “Other Comments.” The draft guidelines does not include regional threats to OW as listed as WCB regional threats including vineyards, agricultural development, regeneration and drought.

Response/Action Taken:

Section 2.3, Threats to Oak Woodlands, includes factors including conversion of land for other uses including development and agriculture, fire, habitat fragmentation, low recruitment Sudden Oak Death, wood cutting, and climate change. Vineyards and drought would be incorporated into these categories. More science-based information is needed about the conversion of oak woodlands and the effects of agricultural and vineyards and grazing, fire, and other practices threatening oak woodlands and regeneration, as well as climate change and drought in Monterey County. Section 8 was added to the Guidelines to periodically update the Guidelines as research and studies increase information and best practices.

Comment 7: "If the County envisions holding any of the conservation easements under this program, the County should ensure that adequate resources are committed to monitoring the easements in perpetuity and that the County's stewardship of the easements is accountable and transparent."

Response/Action Taken:

The County will not "hold" any of the OWCP conservation easements. For conservation easement proposals, an "eligible participant" such as a non-profit land trust would provide that function along with required annual monitoring. The OWCP requires application proposals to be developed in partnership with such organizations to be considered for funding.

Comment 8: "Please identify the five land trusts who were contacted regarding these draft guidelines, and the individuals that were contacted."

Response/Action Taken:

This information was provided, including the those individuals contacted, when the comment letter was received. The five local land trusts are: Big Sur Land Trust, The Nature Conservancy, Elkhorn Slough Foundation, Ag Land Trust and the California Rangeland Trust.

Mike Caplin, letter dated 4/0/09

Comment 1: "As currently written the Oak Woodlands Stewardship Guidelines are not exempt from CEQA, and pose a threat to Monterey County's environment, with potential for substantial social and economic impacts from physical changes to the environment."

Response/Action: Fire issues and overgrown areas are the subject of much discussion locally and statewide. The County is in the process of developing a Community Wildfire Protection Plan which is grappling with these fire issues, best fire-wise vegetation management within the regulatory environment. For the most part this issue is beyond the scope of the minimum requirements of the OWCP and Oak Woodlands Management Plans. Guidelines, Section 4 addresses the importance of fire fuel reduction, Section 6 include designing projects in partnership with appropriate agencies and organization

including fire authorities, and Section 7 Education and Outreach includes incorporating resources for and promoting conservation-based fire-wise management practices.

Some of Mr. Caplin's comments are concerning Conservation and Scenic Easements that have been required by the County to prohibit development in order to protect environmental resources such as steep slopes, visual or biological resources and sensitive environmental resources. Conservation easements resulting from the OWCP are not County required conservation easements and the County will not review the terms of those easements, nor will the County be responsible for monitoring such easements. Each conservation easement is individually tailored to the site and is negotiated with the owner, public agency and private nonprofit conservation organization that will hold and monitor the easement. The terms, allowed uses, maintenance, and specific conservation values to be protected will be determined in collaboration with the landowner, partner organizations and resource specialists, including State Fish and Game biologists, and the Federal Fish and Wildlife Service, in order to protect conservation values in perpetuity. It would not be consistent with oak woodlands preservation to create conservation easements that would perpetuate or create conditions for catastrophic fires, rather than promote fire-wise vegetation management practices. The County will review the requirements and terms of County required conservation easements so as not to preclude fire-wise vegetation management practices.

Values statements (Section 4.3) are included in the Guidelines concerning fire and include conservation-based vegetation management practices and the criteria Sections 6.1.2 and Section 7, Outreach and Education. Specific methods of vegetation management will be determined by State and local Fire Authorities and the Fire Safe Councils along with State Department of Fish and Game and Federal Fish and Wildlife, and the conservation goals for the specific site and circumstances at the time the conservation easement is proposed. Great effort among County staff has been put forward to achieve a balance of interests among State and local regulations and agencies such as the State Fire and the Coastal Commission.

Comment 2: "The white paper, *Oak Woodlands in Monterey County*, should not be referenced in the OWSG because it misleads the reader about the condition of Monterey County's oak woodlands and fails to acknowledge that Monterey County contains hazardously overgrown oak woodlands that should be thinned.

Response/Action: The OWCP does not require such statements and the need for conservation-based vegetation management is addressed in the OWCP. Although tan oaks were discussed in the previous version of the OWSG, the tan oak sections have been deleted to avoid confusion that tan oaks are included as oak woodlands. Tan oaks were discussed for informational purposes since there are large numbers of tan oaks in the County (23,300 acres). The inventory tables and the oak woodlands distribution map no longer include tan oaks. The technical references document "Oak Woodlands in Monterey County" is no longer an Exhibit to the Guidelines.

April 7, 2009

Sierra Club
Ventana Chapter
P.O. Box 5667
Carmel, Ca 93921

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MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

Monterey County Planning Commission
Keith Vandevere, Chair
Members of the Planning Commission
Monterey County
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
Email: bradleyp@co.monterey.ca.us, novom@co.monterey.ca.us

RE: PD061171, Monterey County Voluntary Oak Woodland Stewardship Guidelines,
Item 7 before the Planning Commission, 4/8/09
Sierra Club, Ventana Chapter Comments

Dear Chair Vandevere and Members of the Planning Commission,

Thank you for the opportunity to comment on the draft Monterey County Oak Woodland Stewardship Guidelines. The Sierra Club is the oldest and largest conservation organization in the United States. The Ventana Chapter of the Sierra Club has worked long and hard to protect Monterey County's natural environment. We welcome incentives which result in the voluntary conservation of Monterey County's oak woodlands.

The Ventana Chapter's overriding concern is that the proposed "voluntary actions" do not satisfy the State requirement for a "management plan."

The draft voluntary guidelines do not meet the mandatory elements of an Oak Woodlands Management Plan, as required by the California Wildlife Conservation Board, the implementing authority for the California Oak Woodlands Conservation Act (Fish and Game Code, section 1360 et seq.). Under the Act, "Oak woodlands management plan" means a plan that provides protection for oak woodlands over time and compensates private landowners for conserving oak woodlands." (Fish and Game Code section 1361, subdivision (i).) The Act requires a "management plan." (Fish and Game Code section 1366, subdivision (a) [the county "shall prepare" an "oak woodlands management plan. ") The staff report's statement that the Act requires a "conservation plan" (bottom of page 15) is not accurate.

Additionally, the County's compliance with required elements is not clear because the County's staff report fails to identify which parts of the draft voluntary guidelines meet each of the eight minimum elements. For example, where is the required statement recognizing that "planning decisions for oak woodlands should take into account potential effects of fragmentation of oak woodlands"? (See required element 5.) We cannot find it. This fundamental element implements the Legislative intent that the Oak Woodland Conservation Act will "encourage local land use planning that is consistent

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with the preservation of oak woodlands, particularly special oak woodlands habitat elements." (Fish and Game Code section 1362, subdivision (d).) Unless this element is included in the County's plan, the plan is inadequate.

Because the County's Oak Woodlands Management Plan will be used to certify individual landowners' proposals for public funding by the Wildlife Conservation Board, the Plan must comply strictly with the eight minimum elements required by the Board. That compliance should be presented to the public in a chart or other cognizable manner.

As written, the draft guidelines would allow (1) public funds to be used for private property owners to remediate code violations on private property or to fund mitigations required under CEQA, and (2) a net loss of oak woodlands.

It stands to reason that if California taxpayers are going to fund incentives for voluntary action, the guidelines should conserve more oak woodlands than would be conserved under mandatory programs. It also stands to reason that state taxpayers should not be expected to fund either remediation of code violations on private property or mitigations required under CEQA. As currently written, the guidelines achieve neither of these objectives.

The Ventana Chapter of the Sierra Club proposes that the County guidelines incorporate language that would prohibit application for and use of these state funds to remediate or mitigate for code violations, or to fund CEQA mitigations. Use of public funds for these purposes would violate public policy and sound land use planning.

The Chapter also proposes additional language under Action 3, bullet 1, point 4, which currently states, "Seek conservation easements and other forms of land conservation action." The terminology "other forms of land conservation action" is undefined and so is impossible to assess. Because certain actions that fall within this terminology might result in a net loss of oak woodlands, the Ventana Chapter recommends changing point 4 to read "Seek conservation easements and other forms of land conservation action *which result in no net loss of oak woodlands in Monterey County.*" We also recommend defining and providing examples of "other forms of land conservation action."

By including language requiring no net loss of oak woodlands in Monterey County, the County would be more consistent with its assertion that the Voluntary Oak Woodlands Guidelines are categorically exempt under CEQA. Section 15307 exempts actions taken by regulatory agencies that "assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involved procedures for protection of the environment." However, if the guidelines allow loss of oak woodlands, or actions that may result in the loss of oak woodlands, then protection of the natural resource is not assured, and the guidelines are not categorically exempt from CEQA. As an example, applicants for these state funds might choose to negotiate an easement which attempts to conserve woodlands in one location as an offset for destroying woodlands in another location. Such a loss of woodlands would not be assure the maintenance, restoration, or enhancement of oak woodlands, and therefore would not be exempt under CEQA.

There are instances in which the draft guidelines contradict one another.

In the section titled Threats to Oak Woodlands under the subheading Habitat Conversion, the guidelines state, "Fire is a natural part of oak woodland life history. A change in the historic natural fire frequency may be one reason that oak woodlands are converting to other habitat types. Conservation-based, fire-wise woodland vegetation management, as has been promoted by fire control agencies, should be encouraged in areas of Monterey County at the wildland interface. Wildfire management methods such as "shaded fire breaks," where instead of clear-cutting vegetation and trees can be thinned and limbed up twenty feet from the ground and under-story cleared to reduce fire wildfire hazards while preserving the tree canopy."

These proposed fire management practices are contradicted in two places. Under Action 1, bullet 2 "piling brush to provide wildlife cover" is recommended as a management option for maintaining viable woodlands. Under Action 3, bullet 5, sound management practice recommends "Where possible, encourage restoration of native plants in the understory as an alternative to exotic grass."

If both recommendations -- to clear understory and to restore understory -- are to be incorporated into the guidelines, then criteria need to be established to determine the circumstances under which each recommendation is appropriate. This information also needs to be mapped. The same needs to be done for appropriate circumstances and locations for "piling brush," which should be defined because it is not a commonly defined term.

Due to these and other internal inconsistencies, this is another reason the guidelines may not meet the requirements for the CEQA exemption asserted by the County. The guidelines fail to identify circumstances and locations in which clearing understory is environmentally beneficial. As a matter of fact, under many circumstances clearing understory can seriously degrade habitat. The guidelines must clearly identify circumstances and locations under which clearing understory is beneficial -- and when it is not beneficial -- in order for the guidelines to be categorically exempt.

The guidelines fail to meet the minimum requirements listed in Exhibit E.

According to the staff report, preservation of oak woodlands will be accomplished "primarily through the establishment of voluntary conservation easements." The guidelines describe conservation easements as agreements "in which the landowner might give up the right to build additional structures while retaining the right to ranch or grow crops." However, without including language requiring no net loss of oak woodlands, retaining the right to ranch and grow row crops could result in further conversion of oak woodlands on the property, even though state taxpayers would be funding their conservation through the Oak Woodlands Conservation Program. This potential conflict is very real, and contradicts minimum standard #3, "The county or city shall prepare statements recognizing the economic value of oak woodlands to landowners and the community at large. These statements shall encourage and support farming, ranching and grazing operations that are compatible with oak woodland conservation." Additional conversion of oak woodlands, which could be allowed under an easement that fails to require no net loss of oak woodlands, is incompatible with oak woodland conservation. Agricultural operations, such as ranching or growing crops, in

many cases may be inconsistent with oak woodlands conservation, and may have a significant adverse environmental effect on woodlands.

According to the Summary of Stakeholder Suggestions, the Farm Bureau requested and obtained revisions to the guidelines regarding the status of oak woodlands in Monterey County. Those revisions are found in the section Threats to Oak Woodlands under subheading Habitat Conversion. The revised guidelines state, "In Monterey County, there is a critical need to document the current status and trends in conversion of lands with oak woodlands to other uses such as agricultural use and development. Monterey County oak woodlands may be stable, increasing or dwindling – we need more data."

This revision, which states that Monterey County has no idea of the status of its oak woodlands, contradicts required element #2 of Oak Woodlands Management Plan (Exhibit E). Element #2 states, "The county or city shall prepare statements that describe the status of oak woodlands in their jurisdiction. Such statements shall include a description of all native oak species, estimates of the current and historical distribution of oak woodlands, existing threats, status of natural regeneration and growth trends."

The Farm Bureau's influence appears again under Action 2, where Mr. Perkins' suggested language, found in the Summary of Stakeholder Suggestions, is incorporated into the revised guidelines. "This "regeneration problem" where oak stands are frequently observed with few or no young trees, has no clear solution at present. Before we can make meaningful suggestions to conserve the oaks, we need more science-based information about the relationships among oak regeneration, fire, wildlife, grazing practices, land uses, and any other factors affecting the oaks."

Once again, this language contradicts minimum element #2 which is supposed to be part of the oak woodlands management plan. "The county or city shall prepare statements that describe the status of oak woodlands in their jurisdiction. Such statements shall include a description of all native oak species, estimates of the current and historical distribution of oak woodlands, existing threats, status of natural regeneration and growth trends."

The Farm Bureau revision indicates that Monterey County has no idea of the status of its oak woodlands and has no meaningful suggestions to conserve oak woodlands. If this is the case, what exactly will the stakeholders who were included in development of these guidelines do with the state money for which they apply?

Because the draft guidelines are vague, because the draft guidelines are contradictory and because the draft guidelines fail to meet the state's minimum elements for an Oak Woodlands Management Plan, they cannot be construed as a management plan under the Oak Woodlands Conservation Act.

Politics is Politics. Science is Science.

As the Ventana Chapter stated at the beginning of this letter, we welcome voluntary actions which result in conservation of Monterey County's oak woodlands. We were encouraged by the wealth of information in Dr. Stromberg's Oak Woodlands in Monterey County, the report which was supposed to be the scientific basis for the voluntary guidelines.

Unfortunately, not only have some stakeholders revised the guidelines to suit their political and economic interests, they have revised the science in Dr. Stromberg's report with the County's active assistance. The Ventana Chapter strongly objects. Politics is politics. Science is science. If Dr. Stromberg's research is subject to peer review, the Ventana Chapter would be delighted to provide credentialed scientists to participate in that review. However, we would insist on being provided more than 24 hours to do so, which is the amount of time the Chapter had to review the staff report to the Planning Commission for tomorrow's hearing.

We respectfully insist that the stakeholders who revised Dr. Stromberg's report provide their scientific credentials for the public's review.

Unless we have equal opportunity to review and comment on Dr. Stromberg's report, and unless the stakeholders responsible for revisions to Dr. Stromberg's report provide their scientific credentials, we must insist that Dr. Stromberg's original report be used as the basis of any voluntary oak woodlands guidelines the County adopts.

Several of the most glaring revisions to Dr. Stromberg's report initiated by agriculture and winery interests are detailed below.

On page 21 in discussion of the rate of woodland loss, Stromberg states "Whatever the total areas, what is the rate of woodland loss? With today's rising land values, privately owned oak woodland can be worth far more when used for intensive agriculture or housing than for rangeland. Oak woodlands are up to 10 times more profitable when planted in wine grapes and 100 times more profitable when developed for housing (Johnson 1997). According to a 2001 estimate, more than 30,000 acres of oak woodlands (statewide) are now converted each year, up steeply from the mid-1980s to mid-1990s when losses were estimated at 60,000 acres for the entire decade (Gaman and Firman 2006)."

The following language, unsupported by any citation to any studies, was then added since the document was first presented in December 2008. "However, this may not be the case in Monterey County. There may be more oak woodland in Monterey County now compared to the early 1900's when oak and madrone were widely harvested and shipped out of county for fuel,

railroad ties, mine timbers and many other uses which have now been supplanted."

In the next paragraph, reference to "Clearing the land for grapes" was struck.

On page 22, the following paragraph was struck. "Yet, some very short-term conversions, *for example to grape production*, will probably only generate the most ephemeral of agricultural values. Even with the most optimistic models of reducing CO2 and other greenhouse gases, climate models predict enough warming in Monterey County and elsewhere in central and southern California to *preclude wine production in the next decade or two* (Cahil et al. 2007, Mason 2007). [The emphasis is Stromberg's, not ours.]

In the very next paragraph, Stromberg addresses some of the impacts of smaller parcel sizes and housing developments on habitat quality. "Subdividing large parcels into smaller parcels and housing development degrades wildlife habitat. For example, in Sonoma County, there are more non-native plants and fewer native birds in 10-to-40 acre parcels than in large parcels (Merenlender and Heise 200, Luther et al. 2008)."

Then the following language was added. "Individual ownership of small parcels is increasingly popular around the state; in Nevada County, the average parcel size shrank from 550 acres in 1957 to just nine acres in 2001. This pattern may not be the case in Monterey County."

In Stromberg's discussion of climate change, the following sentence was struck from his original report. "Carmel Valley is already warmer at night in the last two decades (1980s-2000) when compared to earlier decades of the 20th century (unpublished data, Hastings Reserve; J. Knops pers. com)."

According to the Stakeholder Suggestions exhibit, most of these changes were incorporated by the County at the behest of Richard Smith, Paraiso Vineyards and Bob Perkins, Monterey County Farm Bureau.

Other comments.

The State Wildlife Conservation Board has identified regional threats to oak woodlands on the Central Coast, including vineyards, agricultural development, regeneration, and drought. (See Exhibit 1 to this letter.) However, the draft guidelines' discussion of Threats to Oak Woodlands does not include those threats, and in some cases directly contradicts it. For example, under Habitat Conversion on page 12, the guidelines state that "Monterey County's oak woodlands may have escaped much of this historic loss [of oak woodlands] as much of the agricultural development has been in the Salinas Valley where oaks may not have been a dominant vegetation type." That unsupported statement directly contradicts the State.

If the County envisions holding any of the conservation easements under this program, the County should ensure that adequate resources are committed to monitoring the easement in perpetuity, and that the County's stewardship of the easements is accountable and transparent. The County should ensure that adequate funding is required for all easements under this program, and we urge the County to consult with sophisticated local land trusts for information on these points.

Please identify the five land trusts who were contacted regarding these draft guidelines, and the individuals at each who were contacted.

The version of the guidelines presented to the public after 5 PM on Monday, April 6, does not delineate all changes with strikeouts and underlining. Numerous words were added that are not underlined. For example, see under Ecosystem Benefits on page 10,

The document provided to the public was not in a searchable format, which made it even more challenging to determine whether the draft guidelines contained the required eight minimum elements, which it did not. Please provide the next version in a searchable format.

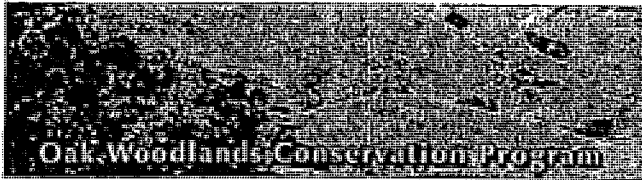
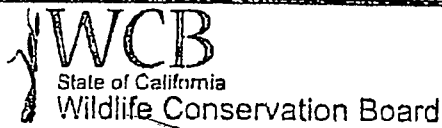
Conclusion

The Ventana Chapter of Sierra Club appreciates the opportunity to comment on the draft guidelines. The Chapter appreciates the seriousness with which the guidelines should be considered, and urges the County to prepare an Oak Woodlands Management Plan that complies with the California Oak Woodlands Conservation Act and its implementing regulations.

Sincerely,

Julie Engell, Conservation Committee Co-Chair
Ventana Chapter of Sierra Club

JE/RD/GT



Oak Woodlands — Regional Threats

Element of Threat	North Coast Section	Central Coast Section	South Coast Section	Modoc Section	Klamath South Section	Sierra Foothill Section	Sierra Nevada Section	Great Valley Section
Riparian Protection	0		0					0
Water Control					0		0	0
Vineyards	0	0				0	0	
Ag Develop		0	0		0	0		0
Ranchettes	0				0	0		0
Fragmentation			0			0	0	0
Over Grazing	0			0		0	0	0
Regeneration	0	0			0	0	0	0
Wood Cutting	0			0	0	0	0	0
High Fire Risk		0					0	
Drought		0						
Development	0		0			0	0	0
Water Diversion					0			0
Sudden Oak Death	0	0						

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Item 7

4/8/09

APR 08 2009

Oak Woodlands
Stewardship
Guidelines

Ms. Paula Bradley
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168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
Via email to: BradleyP@co.monterey.ca.us and CTTB@co.monterey.ca.us

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.
CTTB@co.monterey.ca.us

Re: Public Comment on Planning Commission agenda item 7, Oak Woodlands Stewardship Guidelines, by Michael Caplin.

Dear Ms. Bradley,

Please distribute this to members of the Planning Commission as my public comment on the Oak Woodlands Stewardship Guidelines.

1. As currently written, the Oak Woodlands Stewardship Guidelines are not exempt from CEQA, and pose a substantial threat to Monterey County's environment, with potential for substantial social and economic impacts from physical changes to the environment.

Due to decades of the otherwise beneficial policy of wildland fire suppression, in combination with decades of imprudent, overly-restrictive, vegetation removal policies, Monterey County now contains vast areas of hazardously overgrown woodlands of all kinds, including oak woodlands.

Overgrown woodlands are a dangerous unnatural condition. By their nature, they literally grow worse every year. The kindling potential of overgrowth is a precursor to high-intensity catastrophic wildfires. Each year of overgrowth makes fire suppression more difficult and costly, and makes escaped wildfire more likely. When wildfire ultimately comes, overgrown woodlands are a threat to the lives and property of everyone in the area, and a threat to wildlife, wildlife-habitat and the woodlands themselves.

Stated simply, overgrown woodlands are an unnatural and extreme threat to lives, property and environment, caused in part by imprudent vegetation removal policies.

Monterey County has a history of zealously protecting trees and other vegetation, especially oak trees. Costly permit fees and requirements to employ expensive experts to prepare forest plans and studies discourages or precludes vegetation removal work where it is needed to maintain woodlands in a wildfire safe condition.

As you know from my earlier communications with you on this subject, I am concerned the proposed Oak Woodlands Stewardship Guidelines (OWSG), as currently written, is yet another poorly-conceived policy that is likely to discourage or

preclude wildfire fuel reduction work where needed, contributing to the problem of overgrowth, and threatening lives, property, oak woodlands, wildlife and habitat, including threatened and endangered species.

The changes made to the OWSG and the Stromberg white-paper referenced in the OWSG do not remove the potential for the OWSG to cause a worsening of overgrowth conditions in Monterey County's oak woodlands, especially if the OWSG is applied consistent with Monterey County's pattern and practice of zealous hindrance of vegetation removal. The addition of best practices statements does not ensure the OWSG will not contribute to the overgrowth problem.

The program relies at least in part on conservation easements. You acknowledge in your email that the County's standard conservation easements do not acknowledge the problem of overgrowth, and suggest they could be modified to avoid contributing to the problem. However, nothing in the OWSG requires such modification.

Moreover, nothing in the OWSG or in Mr. Stromberg's white-paper referenced in the OWSG, acknowledges that there are oak woodlands in Monterey County that are overgrown and in need of thinning. There is nothing to support that conservation easements need to be changed to address the overgrowth problem.

The OWSG, as currently written, has potential to have adverse, major, and long term impacts on the environment, including on threatened and endangered species, and is therefore not subject to a categorical exemption from the California Environmental Quality Act. The physical change to the environment potentially caused by the OWSG (hazardously overgrown oak woodlands) would have all the serious environmental, social and economic impacts associated with unnaturally high-heat-intensity catastrophic wildfire.

Environmental impacts include loss of habitat for threatened and endangered species and other species (both from the overgrowth directly, and by destruction from high-heat-intensity wildfire), direct wildlife loss by burning, including loss of threatened and endangered species, conversion of vegetation type including conversion of oak woodland to other types such as grassland or brushland, alterations to watersheds and hydrology due to the formation of subsurface hydrophobic soil layers caused by unnaturally high-intensity wildfire, mud-flows and debris-flows after rain on hydrophobic soil stripped of vegetative cover, and siltation of creeks, streams and rivers.

Social and economic impacts include loss of lives, loss of property including homes, loss of commercial structures such as visitor facilities, loss of infrastructure, loss of income to displaced individuals and others, especially in areas reliant on tourism where visitor facilities are damaged or lost, loss of property taxes to Monterey County due to devalued property and destroyed structures further impeding Monterey County's ability to provide needed social services, and increasing cost of fire suppression as overgrowth continues and wildfires become increasingly difficult to

control.

Monterey County must analyze the impact of the OWSG on the environment, and the social and economic impacts caused by the physical changes of overgrowth the OWSG is likely to cause to the environment. The County must modify the OWSG to reduce impacts to a less than significant level by including language that will ensure the OWSG does not contribute to overgrowth of oak woodlands, or discourage or preclude reduction of existing overgrowth.

2. The white paper, *Oak Woodlands in Monterey County*, should not be referenced in the OWSG because it misleads the reader about the condition of Monterey County's oak woodlands and fails to acknowledge that Monterey County contains hazardously overgrown oak woodlands that should be thinned.

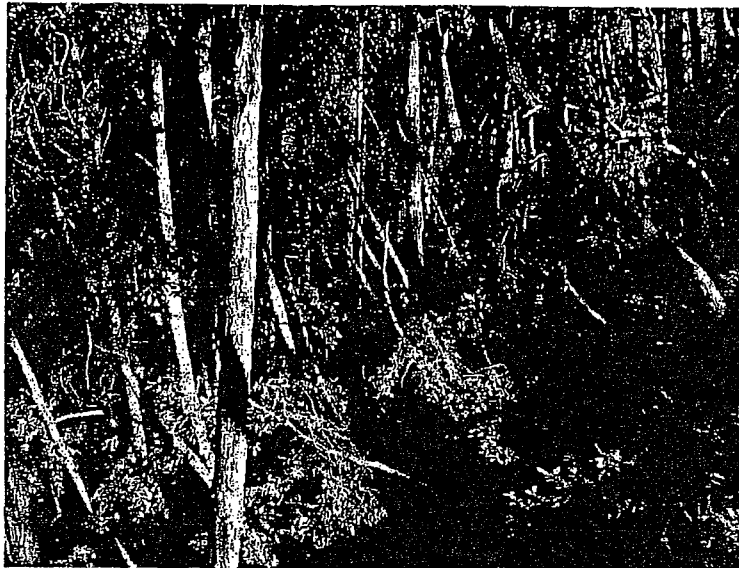
The white-paper referenced by the OWSG, *Oak Woodlands in Monterey County*, fails to acknowledge that large portions of Monterey County's oak woodlands are hazardously overgrown. The paper leaves the reader with the impression that the County's oak woodlands are in pristine condition, and beautiful photographs reinforce the impression.

The paper's photographs show primarily either oak savanna or woodlands that have been cleaned and thinned by fire relatively recently and are therefore not in overgrown condition.

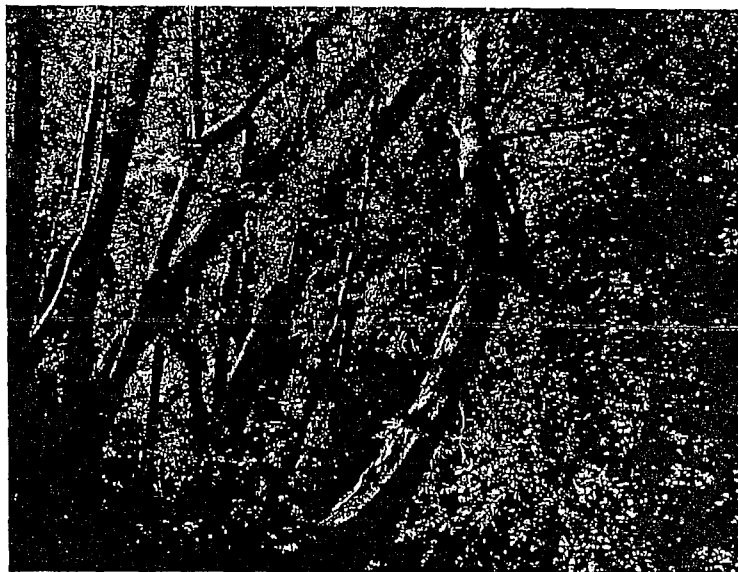
For example, page 9 of the white paper contains a photo captioned, *Tanoak woodland, central, coastal Monterey County*. I spoke with the author, Dr. Stromberg, and asked where the picture was taken, and why the woods looked so manicured. He explained the photo was taken at the Big Creek Reserve in southern Big Sur, in an area that had burned during the Rat Creek Fire in 1985. There is no date on the photo, but even if it was taken recently, Monterey County has many oak woodlands that have not burned in much more than 24 years. Here is the picture.



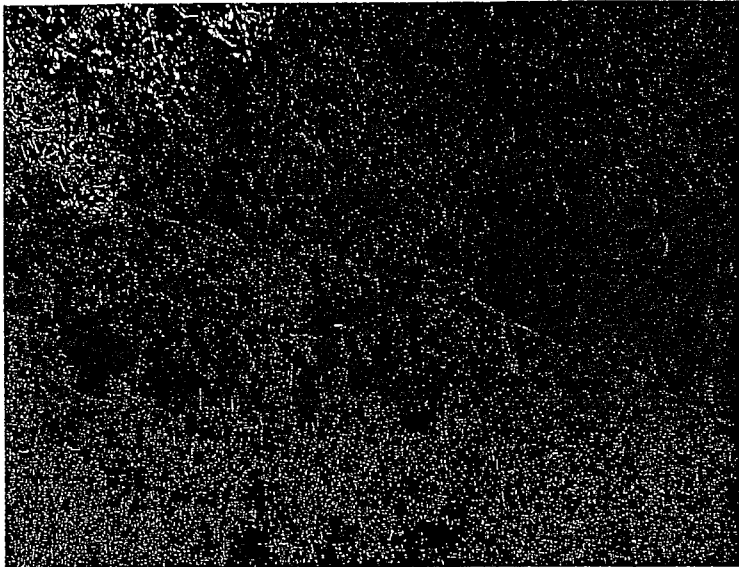
Here is a photo of overgrown Tanoak woodland in an area that has not burned in about 50 years.



Here is another photo of overgrown Tanoak woodland.



Here is what overgrown Tanoak and Live Oak woodland looks like from above (the gray trees are Tanoaks killed by Sudden Oak Death).



The white paper acknowledges that low vegetation density and resulting low-intensity fires has little effect on oak mortality. For example, from page 14:

Further, Native Americans constantly used fire to manage the landscape (Keeley 2002, Anderson 2005, Syphard et al. 2007). The high-frequency, low-intensity fires likely resulted in little mortality of mature oaks, low but continuous tree recruitment (Mensing 1991), and an open understory.

However, the paper fails to acknowledge that in areas where fire suppression and restrictive vegetation removal regulations have resulted in overgrowth, the potential exists for high-intensity fires that can result in stand-replacing mortality.

Lacking this acknowledgement, the paper also fails to acknowledge that overgrown oak woodlands in Monterey County need to be thinned, and that any conservation easements or other conservation measures need to allow and promote reduction of overgrowth.

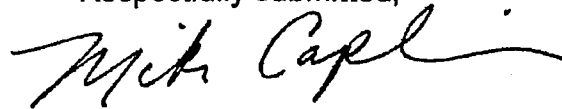
The language added to the white paper, presumably to address this issue, is off-point, and accusatory of landowners for living in wooded areas. In reality, whether an area is inhabited or not, maintaining healthy oak woodlands requires they be kept in

a condition that does not subject them to high-intensity, vegetation-type-converting, catastrophic wildfire.

Conclusion

The OWSG, as currently written, must be analyzed under the California Environmental Quality Act for its likely contribution to oak woodland overgrowth, and attendant environmental, social and economic impacts. The oak woodland white paper should not be referenced in the OWSG.

Respectfully submitted,

A handwritten signature in black ink that reads "Mike Caplin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Caplin
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