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March 11, 2022

Senator Henry Stern
Capitol Swing Space Building
10th and O Street, 7th Floor
Sacramento, CA 95819

Transmitted via email: Rachel.Buller@sen.ca.gov

RE: Comments on the Senate Bill 1404

To the Honorable Senator Stern:

The California Wildlife Foundation is committed to conserving, restoring, and maintaining habitats and corridor linkages throughout the state to ensure the biological diversity of species over time. California Wildlife Foundation's California Oaks program works to conserve and perpetuate the oak ecosystem because of its critical role in sustaining cultural values, maintaining healthy watersheds, sequestering carbon, and providing plant and wildlife habitat. We commend you for your leadership on behalf of California's primary old growth resource. This letter is in support of Senate Bill 1404's expanded California Environmental Quality Act (CEQA) protections for oaks beyond the county level and establishment of a uniform threshold of significance. This letter also conveys recommendations to strengthen the protections in the legislation, as detailed below:

1) The addition of a definition of oak woodland is needed to ensure the legislation is effective: "*Oak woodland* means an oak stand with a greater than 10 percent canopy cover or that can be demonstrated to have historically supported greater than ten percent oak canopy cover." The Board of Forestry and Fire Protection communicated to counties that greater than 10 percent canopy cover is the appropriate measure to define oak woodlands for CEQA reviews after the enactment of Public Resources Code §21083.4, yet many environmental analyses do not utilize this metric.

2) Language defining "appropriate" mitigation (lines 20 and 21 on page 2) for replacement plantings would further strengthen the legislation. Suggested language:

> Appropriate mitigation formulas for Engelmann oak *(Quercus engelmannii)* and island oak *(Q. tomentella* Engelm.) are 15:1 because of their *Red List of US Oaks* designation as *Threatened.*[1] Appropriate mitigation formulas for valley oak *(Q. lobata)*, Palmer oak *(Q. palmeri)*, and Santa Cruz Island oak *(Q. parvula* including *Q. parvula var. tamalpaisensis)* are 10:1 because of their *Red List of US Oaks* designation as *of conservation concern*. Appropriate mitigation formulas for blue oaks (*Q. douglasii*) are 8:1 because of their demonstrated problems with recruitment associated with climate change, herbivory and browsing, and invasive grasses.

[1] The Red List report utilizes the International Union for Conservation of Nature (IUCN) Red List threat categories for each species. IUCN threat categories are separate from and do not align with state or federal threat designations associated with the state or federal Endangered Species Act.

3) The 7-year establishment period language for mitigation plantings needs strengthening to ensure that mitigation plantings survive at a certain rate after 7-years. Suggested language: “At the end of the establishment period, 90% of trees established for every protected tree removed must be alive, in good health as determined by an oak tree specialist, and capable of surviving without nurturing and protection.”

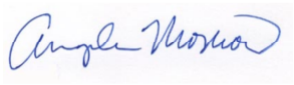
4) The legislation should include language about root protection zones. California Wildlife Foundation/California Oaks suggests that the following language be added after line 7 on page 2: “Tree root protection zones of oaks should be undisturbed. This area, which is half again as large as the area from the trunk to the dripline, is the most critical to the oak’s health. Any impacts within this zone must be mitigated.”

Further, California Wildlife Foundation/California Oaks suggests that the following language on lines 13 and 14 of page 2 of the legislation: “The removal of three or more oak trees within an oak woodland shall constitute a significant effect on the environment” be expanded to read: “The removal or disturbance within the root protection zone of three or more oak trees within an oak woodland shall constitute a significant effect on the environment.”

Thank you for your consideration of these recommendations and for your collaboration to keep California’s oaks standing.

Sincerely,





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