

California Oak Woodland Policies and Laws 2006

There are three state laws governing oak woodlands: California Environmental Quality Act (CEQA), Professional Foresters Law (PFL) and Public Resources Code §21083.4 (PRC), county mitigation. This is how they work individually and in unison for the conservation of California's most biologically diverse natural resource:

Q. Which local jurisdictions are affected by state oak woodland laws?

A. The PFL and CEQA apply to all local jurisdictions, the PRC applies only to counties. The PFL addresses oak habitat evaluation; CEQA requires "feasible" and "proportional" oak habitat mitigation; the PRC describes the means for counties to obtain feasible and proportional oak habitat mitigation.

Q. What is the definition of "oak woodlands?"

A. "The Board of Forestry and Fire Protection has generally interpreted the term *significant stand of [oak] tree species* to mean those stands with a canopy cover of 10% or greater" (1/9/06). The Board has regulatory authority over all of California's *forested landscapes*, including the power to regulate oak woodlands at the local or state level.

The Board's definition means that when a local jurisdiction is determining in a CEQA Initial Study if a project will have potentially significant impacts on oak woodlands, this question must be answered: Does the site contain 10 percent or more native oak canopy cover? If the answer is no, then oak woodlands are not at issue; if the site does contain 10 percent or more oak canopy then a RPF must be used to determine if the project will significantly impact oak woodlands.

Q. What is the role of the Registered Professional Forester (RPF)?

A. In addition to quantifying oak woodland impacts, RPF mitigated negative declaration and environmental impact report responsibilities include collecting inventory data and supervising the development of feasible and proportional oak habitat mitigation measures.

Q. What state policies guide RPFs for CEQA oak woodland reviews?

A. The Board of Forestry and Fire Protection/Fish and Game Commission *Joint Policy on Hardwoods* establishes publications by the University of California, California Department of Fish and Game and California Department of Forestry and Fire Protection as the principal oak woodlands reference source for RPFs. Important joint agency publications include *A Planner's Guide to Oak Woodlands, 2nd Edition* and *Guidelines for Managing California's Hardwood Rangelands*, particularly Appendix A.

Q. What determines if oak woodland impacts are significant?

A. Significance is determined by how many oaks will be removed, how many acres of oak woodlands will be impacted, the diameter of the individual trees removed or their collective average canopy cover per acre and proximity to other habitat elements.

Q. What is the key feature of PRC county oak woodlands mitigation?

A. PRC stipulates that the planting of oaks shall not fulfill more than 50 percent of the required mitigation. Therefore, the planting oaks must always be accompanied by one of the three other mitigation alternatives.