

Senate Bill 1334 (Kuehl) – Synopsis of the Main Points

SB 1334 would require that timberland conversions (that take place outside of a Timber Harvest Plan) be mitigated by making a monetary contribution to the California Forest Legacy Program.

SB 1334 would require oak woodlands conversions to be subject to CEQA and to be mitigated. It would do so by requiring all 58 counties in California to adopt oak woodlands management plans and ordinances that require a discretionary permit for oak woodland conversions and set a minimum mitigation standard.

SB 1334 would only apply to counties. It would not apply to incorporated cities or other local jurisdictions. A county may impose a fee to cover administrative costs and the costs of monitoring and enforcing mitigation activities.

SB 1334 offers a “menu” of mitigation options. Mitigation options double the acreage of the land converted and provide for equivalent biological value. The planting option requires replacement trees at a five to one ratio. For projects located within an existing urbanized area, Urban Reserve Line, Urban Services Line, or within a city’s sphere of influence as approved by LAFCO, mitigation could be reduced to one to one.

Mitigation options in SB 1334 options include:

- A monetary contribution to the Oak Woodlands Conservation Fund for the purpose of purchasing oak woodlands conservation easements.
- Onsite mitigation which requires the dedication in perpetuity of a conservation easement on mitigation lands that are contiguous to the project and that will provide for a biologically functional
- Offsite mitigation which requires the procurement of oak woodland habitat of equivalent biological value. Those mitigation lands shall be purchased in fee or by a conservation easement and conserved in perpetuity.
- Planting of replacement trees at a five to one ratio, on up to 10 acres , for each oak woodlands conversion project. Monitoring and replacement of dead and diseased trees would be required. The planting mitigation alternative may be used in conjunction with the other mitigation alternatives.
- If the Department of Fish and Game establishes a mitigation bank, the mitigation bank could be used to fulfill the offsite mitigation requirements of an oak woodlands conversion project, but no landowner may be compelled to use the mitigation bank.

For the purposes of SB 1334, the following terms have the following meanings:

- “Conversion” means cutting or removing 30 percent or more of the canopy from an oak woodland and changing the land use so that the converted acreage will not sustain oak species functioning as a biological unit in the future, or undertaking an activity within the dripline of an oak tree in order to convert the land into another use.

- “Oak” means a native tree species in the genus *Quercus* that is five inches or greater in diameter at breast height (dbh).
- “Oak woodland” means a tree habitat with five or more oak trees per acre, except for valley oaks (*Quercus lobata*) that include one or more trees per acre.
- “Equivalent biological value” means that the mitigation shall provide for the biological relationships between the affected oak woodland and the needs of affected plant and wildlife species in order to accommodate the normal life cycle of those species, including migration corridors, food availability, denning, spawning, nesting, and other functions necessary to complete a life cycle. The habitat components shall be in sufficient quantities and arranged to support the diverse plant and animal species that are normally found on or use the affected oak woodlands.

The oak woodlands management plan or county ordinance may exempt the following activities:

- Affordable housing projects for low and very low income (as defined HCD) located within an existing urbanized area, Urban Reserve Line, Urban Services Line, or within a city’s sphere of influence as approved by LAFCO.
- The conversion of three acres or less of oak woodlands. A person or other legal entity may not use this exemption more than once in a five-year period.
- The harvesting of fuelwood for (non-commercial) use on the parcel from which it is harvested.
- An approved Natural Community Conservation Plan or approved subarea plan within an approved Natural Community Conservation Plan that includes oaks as a covered species.
- The removal of dead and diseased trees that pose significant risks to life, property, or to healthy trees.
- Projects within oak woodlands in which no oak trees greater than five inches in diameter at breast height are to be removed or projects that do not encroach upon the dripline of oak trees greater than five inches at breast height.

Nothing in SB 1334 prohibits a county from adopting a plan or ordinance that is more protective of oak trees or oak woodlands than provided for in the bill.