



April 12, 2022

Senator Benjamin Allen, Chair
Senate Environmental Quality Committee
1021 O Street, Room 3230
Sacramento, CA 95814

Transmitted via email: <https://calegislation.lc.ca.gov/Advocates/>

RE: Comments on the Senate Bill 1404

To the Honorable Senator Allen and fellow members of the Senate Environmental Quality Committee:

The Foothill Conservancy is a non-profit environmental organization focused on conserving the environment and keeping our local communities healthy. As a member of California Oaks Coalition, we are committed to conserving and perpetuating 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 (Stern) 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."

2) Language defining "appropriate" mitigation (lines 7 and 8 on page 3) 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. 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.

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. The Foothill Conservancy 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, Foothill Conservancy suggests that the following language on lines 11 and 12 of page 2 and line line 1 of page 3 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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