

From: Woody Elliott
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Cc: [Calarco, Pete](#); [Kirk, Maureen](#); [Natalie Carter](#); [Richard Harriman](#); [Snellings, Tim](#); [Janet Cobb](#); [Angela Moskow](#)
Subject: DRAFT Oak Woodlands Mitigation Ordinance: Planning Commission Workshop Sept. 27
Date: Tuesday, September 25, 2018 5:16:10 PM

Planning Commissioners: I have participated in all opportunities by the Dept. of Development Services to comment in writing and discuss during meetings provisions of the draft Oak Woodlands Mitigation Ordinance. So, I am compelled to reiterate some of my concerns and suggestions for its improvement as follows:

1. Non-discretionary projects are exempt e.g. residences, businesses, etc. on land zoned for such.
2. It facilitates removal of oak woodlands by planting oaks where they are not present for natural reasons or conserving existing oak woodlands by purchasing conservation easements and preserves resulting in the net loss of oaks. Janet Cobb, Executive Officer of Calif. Wildlife Foundation/California Oaks states in a recent letter to the Butte Co. Board of Supervisors, which I forwarded to you: "... it cannot be considered an **Oak Ordinance**. As it stands, it is an **Oak Destruction Plan**."
3. The draft ordinance allows for total removal of oak woodlands on agricultural lands and reduction of oak woodland cover to below the optimum of 40% on all other project sites. I suggest the County require a minimum of 40% oak canopy cover remain for harvesting of firewood resulting in the conversion of oak woodland to rangeland for livestock production because:
 1. "(T)he conversion of oak woodland into annual grassland by extensive clearing represents a consumptive use of oaks with only short-term economic benefits at best" (Pavlik, B.M., Muick, P., Johnson, S., and Popper, M., Oaks of California, Chacuma Press and California Oak Foundation, 1991, rev. 2006. Page 113).
 2. "40% canopy cover is about right in most places" for optimum forage production for livestock according to Steven Swain, UC Coop Extension, Environmental Horticulture Advisor, Marin & Sonoma Counties.
 3. Increasing areas of vineyards may be coming to Butte County displacing oak woodlands as have occurred in areas throughout Calif.!
 4. The Oak Woodland Management Plan adopted by the Board of Supervisors in year 2007 incorporated **Policy 4.1.2** in its accompanying Oak Woodland Resource Assessment: *When harvesting oaks for fuel or range improvement, encourage landowners to maintain an average leaf canopy of at least 30 percent.*
4. Likewise, all discretionary projects affecting oak woodlands that result in less than 30% (preferably 40%) oak woodland canopy cover across the project site should be subject to section XX-5 Alternative Project Design and Review. Otherwise, this ordinance facilitates removing excessive amounts of oak woodland, e.g. 70% of a 10% oak canopy resulting in 3% cover.
5. An arborist, certified to do "physical work on trees" is not a sufficient qualification for preparation of an Oak Woodlands Evaluation Plan. The qualifications for registered or certified arborists do not encompass the qualifications for producing an this Plan (see: See ISA Certified Arborist® Application Guide1.2MB PDF and

consultants.org/page/RCA) as does a Registered Professional Forester (RPF). Nor is a wildlife biologist, even if Certified by The Wildlife Society, necessarily qualified for this work.

6. Butte County should maintain a list of individuals qualified to prepare an Oak Woodlands Evaluation Plan as other agencies do for professional expertise needed for submittal of various environmental documents pertaining to applicable ordinances and CEQA. Such qualifications could include as stated in the draft ordinance for wildlife biologist: *professional with a BA or BS or advanced degree in biological sciences or other degree specializing in the natural sciences; professional or academic experience as a biological field investigator, with a background in field sampling design and field methods; taxonomic experience and knowledge of plant and animal ecology; familiarity with plants and animals of the area, including the species of concern; and familiarity with the appropriate county, state, and federal policies and protocols related to special status species and biological surveys.*
7. The Oak Woodlands Technical Manual incorrectly lists Silvergate Mitigation Bank as located in Butte County. It is located in Yuba County

I hope these comments are useful toward Butte County's efforts to preserve oak woodlands in the future.

Woody Elliott, Conservation Chair



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