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Date: March 8, 2021

To: Mendocino County Board of Supervisors, bos@mendocinocounty.org

From: Sierra Club, Redwood Chapter, Forest Committee–Oaks Working Group
Chair, Jeanne Wetzel Chinn, M.S.

Re: Board of Supervisor Meeting March 9, 2021, Agenda Item 5f

Dear Mendocino County Board of Supervisors,

Sierra Club's Redwood Chapter Forest Committee, Oak Woodlands Working Group, is writing in support of a strong Oak Woodland Protection Ordinance for Mendocino County.

At this time California oaks are not protected under the California Forest Practice Act. The Board of Forestry, "is recognized as having the legislative authority to regulate both privately owned conifer and oak woodland forest types. Historically, the Board has focused on its regulatory authority on those lands capable of producing commercial lumber products choosing to support an educationally based program for woodlands...In 1983 the Board delegated to the University of California Integrated Hardwood Management Program the responsibility of assisting counties in the development of locally based conservation strategies for oak woodlands. In response to this directive, counties have developed a wide array of resolutions, ordinances and monitoring efforts through a variety of committees."

The lack of a standardized statewide approach to oak conservation has prompted a variety of protection measures. Development of comprehensive strategies are needed to protect oak woodlands and forests and enhance their survival and thriving into the future (Giusti 2011). It would be advantageous for individual counties to band together and encourage the Board of Forestry to take the reins and create regulations for protection of California oak woodlands, savannas, and forests to support California in meeting the goal of 30% wildlands protected by 2030 (CA AB3030).

In the meantime, immediate protection measures are needed for oak woodlands and oak forests in Mendocino County. Without a comprehensive county ordinance, oaks are vulnerable to development by cannabis cultivation, vineyard development outside of zoned Agricultural lands, and residential development in the wildland urban interface. Because the majority of oak woodlands are privately held,

landowners need a regulatory process that will support protection of oaks while educating the landowners to the value of oak woodlands and oak forests.

The current county oak ordinance draft is a good start; however, more comprehensive details are needed to provide clear protection for oaks. These include:

1. Section 20.248.030 (D)(1)(a) Oak trees have very low levels of recruitment, thus replacement rates must be high. To replace a mature oak requires a great number of recruits with a drip system or hand watering for up to 5 years, depending on how harsh the soil conditions are and how close the recruits are to a water source. The chances of any one of the recruits surviving to mature status is very low, and these trees take many decades to reach maturity. A replacement ratio of 8:1 or higher is acceptable, do not go any lower or the mitigation will fail.
2. Section 20.248.040(B)(1)(a) Agricultural Zoning District: Rangelands contain the majority of oak woodlands. Clarify that rangelands are not included in Agricultural zoning land exemptions.
3. Section 20.248.040 (B)(4) Utility Line Maintenance: Add the underlined words to the last sentence: Actions outside the utility company rights-of-way, and actions associated with development of new utility facilities, including transmission or utility lines, are not exempt.
4. Section 20.248.040(B)(5) County Road Projects: Add sentence at the end: Vegetation maintenance higher than 14 feet above the road and greater than 20 feet from the centerline of the road is not exempt.
5. Section 20.248.040(B)(8) Removing live standing oaks for firewood is unacceptable, the focus should be on dead wood and non-native or fast-growing conifer species.
6. Section 20.248.040(B)(9) Dead, Dying, or Diseased Trees: Delete “(i) The tree is dead, dying, or diseased; and”. This statement is not a reason to remove a dead, dying or diseased tree. Delete: “(iii) The tree is not providing important habitat to any other species that would otherwise be without a habitat if the tree were removed.” All dead, dying, and diseased trees provide important habitat to species. Add: The dead, dying, or diseased tree is within 100 feet of a structure.
7. Section 20.248.045 Exemptions to the Oak Ordinance should be limited and then only with strict mitigation measures agreed upon by the California Department of Fish and Wildlife (CDFW), and the Mendocino County Resource Conservation District (MCRCD).
8. Section 20.248.045 (C)(1, 2, 3) Stronger teeth are required for the public to respect the Oak Ordinance by increasing fines and land use restrictions for violations such that they will not remove oaks, and with greatly increasing fees on repeat offenders per tree. The current penalties for nonpermitted oak removal of \$500 or \$1,000 and \$0 for Heritage Oak Tree(s) plus 2 times the cost of an Oak Tree Removal Permit is a pittance.
9. Up to date data is required to help make good policy. Older studies have attempted to record oak resources of our county (Giusti 2001, Gamon 2008), but they are based on incomplete data.

10. Maps: development of a current map showing oak woodlands and rangeland resources, as well as a vegetation map for Mendocino County are necessary tools for county planners to identify areas where development activities are appropriate and where they are unsuitable. This will also be valuable for reducing housing development in Wildland Urban Interface (WUI) zones, and in providing clarification of oak woodland protection areas.

Mendocino County is fortunate to have high oak species diversity. These native trees provide a wealth of valuable ecological importance:

1. Shading and improved air quality;
2. Carbon sequestration including the trees, litter, and stored soil carbon, Mendocino County is estimated to store 28,579,950 metric tons of carbon in oak forests, and 14,740,523 metric tons of carbon in oak woodlands as of 2008, higher than any other county in California (Gamon 2008);
3. Critical habitat intensively used by wildlife for nesting, refugia, and foraging
4. Several herbivore species selectively choose valley oak acorns over other species;
5. Mature oak trees have extensive shallow feeder and structural root zones extending laterally way beyond the drip line fanning out as much as 90 feet or more, helping to stabilize soils (Costello, et al. 2011) and branching slows precipitation drip to infiltrate into soils slowly; and
6. Oaks are naturally tolerant of arid conditions and capable of occupying a broad landscape gradient.

Sierra Club encourages the Mendocino County Board of Supervisors to create strong protection measures for our native oaks to ensure their survival and for the enjoyment of future generations.

REFERENCES:

CA AB303 <https://openstates.org/ca/bills/20192020/AB3030/>

Costello, Laurence R., Hagen, Bruce W., Jones, Katherine S. 2011. Oaks in the Urban Landscape, publication 3518, Chapter 10, pp.225-226

Gamon, T. 2008. An Inventory of Carbon and California Oaks. [online] <https://californiaoaks.org/wp-content/uploads/2016/04/CarbonResourcesFinal.pdf>

Giusti, G. A. 2001. Oak Woodlands of Mendocino County: An Assessment of Their Distribution, Ownership Patterns and Policies and Projects affecting their Conservation. [online] URL: <http://danr.ucop.edu/ihrmp>. 66 pp.

Giusti, G.A. 2011. Policy Inconsistencies for the Forgotten Forest – California’s Oak Woodlands; Understanding the Role of History on California’s Oak Forests. [online] by Jaime Adler, www.ucanr.edu