ATTACHMENT A

TO: Board of Supervisors

FROM: Lisa Plowman, Supervising Planner
Planning and Development, Comprehensive Planning Division
Staff Contact: Alex Tuttle

DATE: March 25, 2003

RE: Revisions to 00-EIR-07

A Proposed Final Program EIR (00-EIR-07) was prepared for the Draft Oak Tree Protection Program in April 2001 to assess the potential impacts resulting from oak tree removals allowed under the proposed program.

There have been subsequent modifications to the program as a result of Board of Supervisor direction during their public hearings and the work of the Oak Working Group, which is made up of representatives from the agricultural and environmental communities. The revisions include new and revised amendments to the Conservation Element, Zoning Ordinance Amendments (County Code Chapter 35, Article IX), and Guidelines to the Grading Ordinance (Chapter 14 of the Santa Barbara County Code). Amendments to the Land Use Element and Environmental Thresholds and Guidelines Manual remain as originally proposed under the original program. This EIR Revision document (RV1) details these modifications and examines the revised environmental effects of the Oak Tree Protection Program changes as compared to the original proposed program and alternatives analyzed in the EIR. The EIR Revision also documents minor text changes, amplifications and clarifications to the impact analysis and alternatives sections of the proposed Final EIR. In response to the work of the Oak Working Group the program, originally referred to as the "Oak Tree Protection Program," is now referred to as the "Oak Tree Protection and Regeneration Program" in this and all other applicable documents.

CEQA Guidelines Section 15088.5 describes the circumstances under which a lead agency is required to recirculate an EIR when new information is added to the EIR after public notice is given of the availability of the draft EIR for public review and the close of the public comment period on the draft EIR, but before EIR certification by the project decision-makers. Guidelines Section 15088.5(a) provides that "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives. Section 15088.5(b) states "recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR."

Revision Findings: It is the finding of the Board of Supervisors that the proposed Final EIR (00-EIR-07), as herein amended by the attached EIR Revisions analysis, may be used to fulfill the Oak Tree Protection and Regeneration Program's environmental review requirements. None of the changes made would result in any new significant environmental impacts, nor would they result in a *substantial increase* in the severity (i.e. change in impact classification level) of any environmental impact. Furthermore, it is the finding of the Board that the impacts associated with the revised project description fall within the range of impacts assessed under the original project description and program alternatives previously analyzed in the EIR. Therefore, pursuant to CEQA Guidelines Section 15088.5(b), the proposed revisions described in this document have not been recirculated for additional public comment. The proposed Final EIR for the Oak Tree Protection and Regeneration Program is hereby amended by this revision document, together identified as 00-EIR-07 RV1.

REVISIONS (RV1) TO 00-EIR-07
for the
OAK TREE PROTECTION AND REGENERATION PROGRAM
March 25, 2003

Contents: **Page**

Exhibits

1. INTRODUCTION

Pursuant to CEQA Guidelines Section 15156, a Project EIR (00-EIR-07) was prepared for the Oak Tree Protection and Regeneration Program and related amendments to the General Plan and Chapter 35 of the County Code. The proposed Final EIR was released in April 2001 and has not yet been certified.

The proposed Final EIR (00-EIR-07) prepared for the project concluded that the Oak Tree Protection and Regeneration Program would result in significant unmitigable (Class I) impacts related to the following subject areas: biological resources; cultural resources; geological resources and water quality; and visual resources. In addition, the EIR concluded that significant but mitigable (Class II) impacts would also result from the Oak Tree Protection and Regeneration Program in the following subject areas: biological resources and air quality. Additional impacts to agricultural resources, biological resources, air quality, and cultural resources were identified as adverse but less than significant (Class III). Significant and unavoidable (Class I) cumulative impacts were identified in the areas of biological resources, cultural resources, and visual resources. Significant but mitigable (Class II) cumulative impacts were identified for geologic resources, while adverse but less than significant (Class III) cumulative impacts were identified in the areas of agricultural resources and air quality.

The Planning Commission considered the Oak Tree Protection and Regeneration Program during a series of public hearings between May 2001 and July 2001. The Planning Commission (PC) recommended an Oak Tree Protection Program, which slightly amended alternative 6 of the proposed Final EIR (identified as the environmentally superior alternative in the EIR). In September of 2001, P&D brought forward the PC recommended program to the Board, at which time the Board directed staff to postpone hearings on the Planning Commission recommendation to allow the Resource Protection Technical Advisory Committee (TAC), which was working on a program to balance agricultural expansion with the protection of wetlands, sensitive species habitat, cultural resources, and riparian corridors, an opportunity to incorporate oak protection into their emerging program. With the premature dissolution of the TAC, staff returned to the Board of Supervisors again on April 9, 2002 for direction on how to proceed with the Oak Tree Protection Program.

At the hearing of April 9th the Agricultural Advisory Committee (AAC) submitted a memo to the Board that proposed a voluntary program for live oaks and indicated that they had been working with representatives of the county's environmental community (later referred to as the Oak Working Group) to develop a program that would be acceptable to both the agricultural and environmental communities for deciduous oaks. The Board elected to pursue this process initiated by the AAC and in subsequent hearings in October and December of 2002 identified the proposed Oak Tree Protection and Regeneration Program, which was developed by the Oak Working Group and based on elements of the original project description, as the preferred program and directed staff to complete environmental review of the Board revised program (Exhibit 1).

2. LOCATION

The Oak Tree Protection and Regeneration Program covers an area of approximately 770,000 acres in the inland rural areas of Santa Barbara County, outside of the coastal zone and urban boundaries within Agricultural I (AG-1), Agricultural II (AG-II), Resource Management (RES) and Mountainous Goleta (MT-GOL) zone districts of Article III of Chapter 35 of the Santa Barbara County Code; Agricultural I (AG-I) and Resource Management (RES) zone districts of Article IV of Chapter 35 of the Santa Barbara County Code; and the Unlimited Agriculture (U), Exclusive Agriculture (A-1-X), Watershed Agriculture (WA), General Agriculture (AG), Intensive General Agriculture (AGI), and Limited Agriculture (AL) zone districts of Article V of Santa Barbara County Zoning Ordinance 661.

3. CHANGES TO THE PROGRAM

The original Oak Tree Protection and Regeneration Program's project description is summarized in Section 2.0 of the proposed Final EIR (00-EIR-07). The Board of Supervisor's revised Oak Tree Protection and Regeneration Program dated March 25, 2003, is attached. Following is a summary of the changes to the original project description reflected in the final program, which was developed by the Oak Working Group pursuant to direction from the Board of Supervisors. One of the primary changes made to the original project description is that the revised program regulates deciduous and live oaks under two separate programs, structured and regulated in different ways. It is also important to note that a majority of the revised program is regulated under the new Grading Ordinance Guidelines for Native Oak Tree Removal and that only oak removals requiring discretionary permits are regulated under the proposed amendment to the Zoning Ordinance.

A. Comprehensive Plan Amendments

Similar to the original program, oak removal associated with a development permit under the revised program needs to be found consistent with County policy. The goal, policies, actions and development standards to be added to the Conservation Element that are recommended in the revised program are slightly amended from the original program. The amendments are outlined in Appendix B of this EIR revision document, with the changes shown in strike-through (for deletions) and underline (for additions).

B. Removal Period

The removal (tracking) period was changed from 50 to 30 years as a compromise between the approximate time it takes for an oak to mature and be able to reproduce (50 years) and the years each human generation may have responsibility for ranch and farmland operations (20-25 years).

C. Removal Percentage Cap

The original program stated that removal of more than 30% of the existing live or deciduous oak tree canopy would require a discretionary permit. The revised program provides for the same

percentage cap for legal lots 100 acres or greater in size, and a 50% cap for legal lots less than 100 acres in size. These caps, however, have been limited to the deciduous oak program, since the revised live oak program is based on percentage of canopy removed. This change was in response to the concern that a 30% cap on a small parcel would mean that the removal of only a few trees could trigger the need for a discretionary permit, which could be overly burdensome for a small landowner removing a small number of trees.

D. Removal Thresholds

The structure of the program has been modified from a 3-tiered permit system for all native oak removals (deciduous and live – see Table 1) to a 4-tiered system for agricultural deciduous oak removals (see Table 2), a 3-tiered system for non-agricultural deciduous oak removals (see Table 3), and a 2-tiered system for live oak removals based on percentage canopy. Removal numbers have also changed and differ between the different species (live vs. deciduous) and types of removals (agricultural vs. non-agricultural). (The differences are pointed out in the following subsections). These changes reflect the need for treating agricultural removals differently than non-agricultural removals and deciduous oaks differently than live oaks. Agricultural operations require a greater level of freedom and flexibility for managing crops and carrying on routine agricultural practices. This level of flexibility is not needed for non-agricultural purposes and therefore the removal thresholds are lower for non-agricultural purposes than they are for agricultural purposes. The more restrictive removal thresholds for deciduous oaks compared to live oaks reflects the fact that deciduous oaks in Santa Barbara County are much less numerous and suffer greater recruitment and regeneration problems relative to live oaks.

1. Tier 1 (for all oak removals)

Under Tier 1 of the revised program, exempt removals do not need to be reported to the Agricultural Commissioner. (See tables 2 and 3 for removal thresholds for deciduous oaks). However, these removals must be accounted for by the landowner in order to track cumulative removals during the removal period. This change serves to simplify the tracking process and reduce the amount of paperwork needing to be filled out by landowners and reviewed by the Agricultural Commissioner.

2. Tier 2

a. Deciduous oak removal

Under Tier 2 of the revised program, triggering the Tier 2 thresholds would require notification of the deciduous oak removals to the Agricultural Commissioner and self-certified replanting by the landowner according to established replanting standards, as opposed to a non-discretionary permit and replanting requirement under the original proposed program. (See tables 2 and 3 for removal thresholds for deciduous oaks). By removing the permit requirement, the revised program is more efficient and less costly, while still meeting the same goals of regeneration. The only difference between agricultural and non-agricultural removals under this tier is that the thresholds are higher

for agricultural removals to give farmers and ranchers more flexibility in managing their lands and maintaining a viable agricultural enterprise.

b. Live oak removal

In recognition of the fact that live oaks are more prevalent and less threatened than deciduous oaks in Santa Barbara County, the revised program provides more flexibility and fewer requirements on the landowner for removing live oak trees. There are no permit requirements for live oak removals. Rather than requiring a non-discretionary permit at Tier 2 and a discretionary permit at Tier 3, as required under the original program, the revised program requires the development of a management plan and adherence to accompanying standards approved by the Agricultural Commissioner for any live oak removals associated with agriculture beyond 15% of the live oak canopy on a given property during the removal period.

For live oak removal not associated with agriculture the management plan requirement is triggered for any live oak removals beyond 5% of the canopy (all other aspects and components of the non-agricultural program are the same as for the agricultural program).

The replacement standards for both agricultural and non-agricultural removals are similar to those recommended in the original program, with the addition that naturally occurring live oak seedlings and saplings between 6 inches and 6 feet in height may be used in replacing removed trees; allowing seedlings and saplings enhances the replacement potential. By eliminating the need for permits, the revised program achieves a similar level of protection without the requirements and potential project delays placed on the landowner by a permit process.

3. Tiers 3 and 4

a. Deciduous oak removal for agricultural practices

Under the original program, triggering Tier 3 would require a discretionary permit accompanied by replanting and customized mitigation measures (a management plan). (See Table 2 for removal thresholds). Under the revised program, Tier 3 requires replanting and the development of a management plan, which is customized to the site-specific characteristics of an individual property, approved by the Agricultural Commissioner although no permit is required. This change was made to provide more flexibility and a lesser burden to landowners in managing their farmland and also to avoid potentially long delays in processing permit applications, while at the same time providing a similar level of protection as would be required under a discretionary permit. Under the revised program large removals beyond Tier 3 thresholds would still trigger a discretionary permit under Tier 4. The permit under this final tier would require environmental review and public hearings, as well as the development of a management plan and required replanting similar to the standards proposed in the original program.

b. Deciduous oak removal for non-agricultural purposes

Under the revised program, a discretionary permit is required for non-agricultural removals of deciduous oak trees that trigger Tier 3 thresholds (these thresholds are substantially lower than those proposed for agricultural-related removals) for non-agricultural removal, similar to the original program. (See Table 3 for removal thresholds). There is no 4th tier for non-agricultural removals of deciduous oaks. In addition to the discretionary permit, the revised program requires the development of a management plan approved by the administering agency. This management plan was identified as a mitigation measure (Mitigation BIO-9) in the EIR. The management plan is designed to provide greater consideration for the protection of deciduous oak habitats and the benefits they create for wildlife, rather than simply focusing on the replacement of individual trees. It also allows for flexibility in managing the replanting and regeneration projects so that site-specific characteristics and issues can be taken into account.

Table 1. Oak Removal Permit Thresholds and Requirements Under Original Program

	TIER 1 EXEMPT (Notification required only)		TIER 2 NON-DISCRETIONARY PERMITS REQUIRED (See Table 2-2 for standards that would apply to Non-discretionary Projects)	
Parcel Acreage	***Maximum number of protected native DECIDUOUS oak trees removable without permits***	***Maximum TOTAL number of protected oak trees (deciduous and/or live) removable without permits***	***Maximum number of protected native DECIDUOUS oak trees removable with a non-discretionary permit***	***Maximum TOTAL number of protected oak trees (deciduous and/or live) removable with a non-discretionary permit***
≤ 49	1	8	2	16
50 – 99	2	15	4	30
100 – 199	3	30	6	60
200 – 299	4	45	8	90
300 – 399	6	60	12	115
400 – 499	7	75	14	140
500 – 599	9	90	18	150
600 – 699	10	105	20	175
700 – 799	12	120	24	200
800 – 899	13	135	26	225
>899	15	150	30	250
	Removal of protected oak trees in numbers greater than these would require a non-discretionary permit		Removal of protected oak trees in numbers greater than these would require a discretionary permit	
TIER 3 DISCRETIONARY (Permits Required)	Removal of more than 30 percent of the total existing native oak tree canopy or 30 percent of the existing native deciduous oak tree canopy on a parcel would require a discretionary permit.			

Table 2. Grading Ordinance Administrative Guidelines (Tiers 1-3) and Discretionary Permits (Tier 4) for Deciduous Oak Removals from Agricultural Operations.

Lot Size	Tier 1 Exempt From Regeneration Requirement; Count Toward Cumulative # Removed	Tier 2 Landowner Regeneration Required; Self-Certification of Compliance	Tier 3 Management Plan Required	Tier 4 P&D Discretionary Permit Required
Less than 50	1	2 – 3	4 – 8	> 8
50 – <100	2	3 – 6	7 – 17	> 17
100 – <150	3	4 – 10	11 – 26	> 26
150 – <200	4	5 – 13	14 – 34	> 34
200 – <250	5	6 – 16	17 – 42	> 42
250 – <300	6	7 – 19	20 – 50	> 50
300 – <350	7	8 – 22	23 – 58	> 58
350 – <400	8	9 – 25	26 – 66	> 66
400 – <450	9	10 – 28	29 – 74	> 74
450 – <500	10	11 – 31	32 – 82	> 82
500 – <550	11	12 – 34	35 – 90	> 90
550 – <600	12	13 – 37	38 – 98	> 98
600 – <650	13	14 – 40	41 – 106	> 106
650 – <700	14	15 – 43	44 – 114	> 114
700 – <750	15	16 – 46	47 – 122	> 122
750 – <800	16	17 – 49	50 – 131	> 131
800 – <850	17	18 – 52	53 – 138	> 138
850 – 899	18	19 – 55	56 – 146	> 146
Greater than 899	19	20 – 58	59 – 154	> 154
Removals of deciduous oaks that equal or exceed 30% of all deciduous oaks on legal lots 100 acres or greater, or which equal or exceed 50% of deciduous oaks on lots less than 100 acres shall be deemed significant and trigger Tier 4 review.				

Table 3. Removal Thresholds for Non-Agricultural Deciduous Oak Tree Removal.

Lot acreage	Tier 1 Exempt Removals	Tier 2 Removals (Replanting Required)	Tier 3 Removals (P&D Discretionary Permit Required)
< 50	1	2	> 2
50 – <100	1	2 – 3	> 3
100 – <200	1	2 – 4	> 4
200 – <300	1	2 – 5	> 5
300 – <400	1	2 – 6	> 6
400 – <500	1	2 – 7	> 7
500 – <600	1	2 – 8	> 8
600 – <700	1	2 – 9	> 9
700 – <800	1	2 – 10	> 10
800 – 899	1	2 – 11	> 11
> 899	1	2 – 12	> 12

E. Oak Tree Removal Definition

The definition has been revised to specify that controlled burns leading to the death of an oak tree are not considered removal, nor is death by natural causes such as sudden oak death syndrome. While it was not explicitly stated in the original definition, controlled burns were considered exempt under the original program and it was intended but also not explicitly stated that death by natural causes not be considered removal. Therefore this revision simply clarifies the scope of the original definition. The removal definition was further amended to include excessive pruning, topping, or severing an oak tree's roots enough to lead to the death of the tree. Under the original program, pruning was unregulated. These changes were made in order to cover a broader range of circumstances that might lead to the death of an oak tree, thereby reducing any ambiguities created by the definition.

F. Unit of Land

The unit of land to be regulated by the program has been changed from Assessor parcels to legal lots, or where applicable, contiguous legal lots under single ownership. These units are more easily interpreted by landowners and are more consistent with how they manage agricultural operations.

G. Replacement Standards for Deciduous and Live Oak Removals

1. The replacement standards under the original program called for the survival of all replacement trees during the first 5 years. The revised program calls for the survival of two-thirds of the replacement trees (live and deciduous) during the first 5 years. It was recognized that it would place an undue burden on agricultural production if all replacement trees survived, thereby potentially reducing the amount of farmable land beyond that which was available prior to the oak removals. In addition, requiring the survival of all trees during the first 5 years was seen as an unreasonable expectation.

2. The original program allowed naturally occurring deciduous oak trees between 6 inches tall and 4 inches dbh to be used as replacement trees. The revised program extends this to live oak trees as well, recognizing the benefits that are gained from including naturally occurring seedlings as replacement trees, as they tend to have higher survivorship. The maximum allowable size for including these naturally occurring trees as replacement trees has been modified from 4 inches dbh to 6 feet tall (regardless of dbh).
3. Under the revised live oak program, a replacement ratio of 360 trees for every acre of contiguous canopy removed (or fraction thereof) has been added to govern live oak removals in cases where it is impossible or impractical to count individual trees removed and calculate the required tree replacement (i.e. in the case of dense woodlands or forests). This is equivalent to the 10:1 replacement ratio standard, with the assumption that one acre of contiguous live oak canopy would contain roughly 36 mature trees given an average oak canopy of approximately 1,200 square feet.

H. Thinning Exemption for Live Oaks

1. Under the original program as presented in the EIR, live oak thinning related to rangeland improvement was given a special allowance. Thinning which exceeded the exempt levels under Tier 1 would only require a non-discretionary permit unless either more than 50% of the canopy was being removed or if thinning was proposed on a parcel with less than 50% existing canopy coverage, in which cases a discretionary permit would be required. In addition, the original program stated that thinning would require the preparation and submittal of an approved thinning plan in order to qualify for this allowance. In order to simplify this allowance for landowners, so they do not have to worry about counting trees and calculating canopy cover, the thinning allowance under the revised live oak program states that all thinning for rangeland improvement is exempt from permits or mandatory replanting provided that no contiguous canopy is removed. This also simplifies the administration of this portion of the program. There is no thinning allowance for deciduous oaks.
2. The definition for thinning has been amended from "evenly reducing the canopy cover of a live oak woodland or forest, without removing contiguous areas of canopy larger than the average estimated canopy of a large native coast live oak tree (roughly 2,000 square feet)" to "the removal of understory vegetation and/or evenly reducing the canopy cover of a live oak woodland or forest by means of cutting or pruning (where the root system remains in place) without removing contiguous areas of canopy (i.e. removal is scattered across the canopy and no two adjacent protected trees are removed together)." This revision was made to provide the same level of protection while making it easier for landowners to implement.

I. Pre-mitigation/Credit Trees

1. Deciduous Oaks

   The program has been amended from the original program (which only allowed the use of new plantings as credit trees) to allow, in addition to new plantings, the use of naturally occurring seedlings/saplings as credit trees towards future deciduous oak

removals for both agricultural and non-agricultural purposes. This change reflects the benefit received from protecting and nurturing naturally occurring seedlings and saplings, which have higher survivorship than planted trees and might otherwise die if left unattended under natural conditions. The revised program has also been changed from a 15:1 credit tree planting ratio, as proposed under the original program, to a 10:1 credit tree planting ratio. Finally, the standards for credit tree planting have been changed from a requirement that such planting adhere to the same standards as regular mitigation replacement trees, to a recommendation that such planting adhere to the Tier 2 replanting standards for deciduous oak trees.

2. Live Oaks

   Given the difficulties associated with pre-mitigating the effects of future canopy removal (e.g. it takes several decades before full canopy may be restored), the revised program eliminates the use of credit trees in the live oak tree program. However, if a landowner voluntarily plants live oaks and over time they contribute to the canopy, then the landowner would ostensibly be able to remove more trees before triggering the 15% removal threshold.

J. Spacing Requirement for Replanting Deciduous Oaks

A maximum spacing of between 165 and 180 feet apart from each other or from existing trees has been added to the replanting standards for deciduous oaks under the revised program. This change was made to ensure that replanted trees are located close enough together to allow for cross-pollination, which will improve their natural regeneration, and habitat connectivity.

K. Browse Line

The program has been amended to include an established browse line of eight (8) feet, up to which all replacement trees (deciduous and live oaks) must be fenced to protect them from grazing or browsing by animals both below and above ground. This change was made in response to concern that browsing animals can do significant damage to young trees and inhibit the ability of replacement trees to survive.

L. Exempt Oak Removals by Utilities within Easement

Another program revision states that landowners are not responsible for oaks removed by a public utility within a utility easement, and that such removals do not count towards their cumulative removals.

4. CHANGES IN ENVIRONMENTAL EFFECTS

There are no new impacts resulting from the revised program that have not been analyzed within the range of alternatives in the proposed Final EIR. Nor has the revised program led to the increase in the classification level of any impact beyond that which has been analyzed in the EIR

alternatives. Nor has the revised program led to Class I impacts becoming substantially more severe than analyzed under any of the EIR alternatives. Thus, the impacts resulting from the revised project fit within the range of alternatives within the EIR and have therefore already been analyzed. The following section repeats the previously-described changes presented in Section III and discusses how these changes in the program would result in either environmental effects that fit within the range of EIR alternatives or in some cases provide superior environmental protection relative to the original project description or program alternatives.

Revision A – Comprehensive Plan Amendments: Similar to the original program, oak removal associated with a development permit under the revised program needs to be found consistent with County policy. The goal, policies, actions and development standards to be added to the Conservation Element that are recommended in the revised program are slightly amended from the original program. The amendments are outlined in Appendix B of this EIR revision document, with the changes shown in strike-through (for deletions) and underline (for additions).

Revision Reflected in Range of Alternatives: The amendments that were made to the goal, policies, development standards, and actions being proposed for the Conservation Element reflect minor changes in language and do not lead to substantial changes in any impact classification levels analyzed in the EIR. Therefore, no further analysis is required.

Revision B - Removal Period: The removal (tracking) period was changed from 50 to 30 years as a compromise between the approximate time it takes for an oak to mature and be able to reproduce (50 years) and the years each human generation may have responsibility for ranch and farmland operations (20-25 years).

Revision Reflected in Range of Alternatives: While the original project proposed a 50-year removal or tracking period, the High Land Use Flexibility alternative proposed a 25-year removal period. Therefore, the revised program's removal period of 30 years falls between these two program alternatives and serves as a compromise between the approximate time it takes for an oak to mature and reproduce (50 years) and the number of years each human generation may have responsibility for ranch and farmland operations (25 years). Therefore, this revision falls within the range of alternatives in the EIR. Impacts resulting primarily from exempt removals and removals of trees below protected size (unaffected by the removal period) identified for the original program and High Land Use Flexibility alternative (Impacts BIO-1, BIO-10, CR-1, CR-2, GEO-1, VIS-2, and VIS-3) remain Class I under the revised program. Therefore, because the impacts of this revision have already been analyzed in the EIR, no further analysis is required.

Revision C - Removal Percentage Cap: The original program stated that removal of more than 30% of the existing live or deciduous oak tree canopy would require a discretionary permit. The revised program provides for the same percentage cap for legal lots 100 acres or greater in size, and a 50% cap for legal lots less than 100 acres in size. These caps, however, have been limited to the deciduous oak program, since the revised live oak program is based on percentage of canopy removed. This change was in response to the concern that a 30% cap on a small parcel would mean that the removal of only a few trees could trigger the need for a discretionary permit, which could be overly burdensome for a small landowner removing a small number of trees.

Revision Reflected in Range of Alternatives: The percentage canopy cap for the revised program is the same as that presented in the High Land Use Flexibility alternative for parcels 100 acres or greater (30%), but higher than the High Land Use Flexibility alternative for parcels less than 100 acres (50% vs. 30%). However, a 50% cap on parcels less than 100 acres provides greater protection than that afforded by the Voluntary Guidelines alternative, which places no limits or thresholds on deciduous oak removal and instead only calls for avoidance and voluntary replanting upon removal. Therefore, the revision falls within the range of alternatives in the EIR and no further analysis is required. The increase in the percentage cap for smaller parcels could potentially result in adverse impacts to the character of scenic corridors, as described in Impact VIS-1. However, it is expected that this impact would be more severe under the Voluntary Guidelines alternative . Under either program option, the impact remains Class I. In an analysis of the Los Alamos Valley watershed, approximately 90% of the valley oak habitat were found on parcels greater than 100 acres; this suggests that having the higher cap on smaller parcels for deciduous oak removals may not have much of an environmental impact in many areas within the range of deciduous oaks. Even with the percentage cap, impacts associated with exempt and permitted removals, and removals of trees below protected size (Impacts BIO-1, BIO-10, CR-1, CR-2, GEO-1, VIS-2, and VIS-3) remain *significant and unavoidable* (Class I).

The percentage canopy cap has been omitted for non-agricultural removals of deciduous oaks because the thresholds for allowable removals under those circumstances are relatively low, and requiring discretionary permits for the removal of a small number of trees is overly burdensome. Even without the percentage canopy cap, the revised program for non-agricultural removal still provides a greater level of protection than the Voluntary Guidelines alternative. Compared to the original program, the potential increases in severity of biological, cultural, visual, and geological impacts associated with this revision are not substantial and are less severe than the impacts associated with the Voluntary Guidelines alternative. In either case, Impacts BIO-1, BIO-10, CR-1, CR-2, GEO-1, VIS-1, VIS-2, and VIS-3 remain Class I.

Revision D1 – Removal Thresholds for Tier 1 (for all oak removals): Under Tier 1 of the revised program, exempt removals do not need to be reported to the Agricultural Commissioner. (See tables 2 and 3 for removal thresholds for deciduous oaks). However, these removals must be accounted for by the landowner in order to track cumulative removals during the removal period. This change serves to simplify the tracking process and reduce the amount of paperwork needing to be filled out by landowners and reviewed by the Agricultural Commissioner.

Revision Reflected in Range of Alternatives: Under the High Land Use Flexibility alternative in the EIR, exempt removals do not require notification and/or documentation to the Agricultural Commissioner. Therefore, this program revision falls within the range of alternatives analyzed in the EIR and requires no further analysis.

Exempt removals under the revised live oak program (up to 15% canopy removal) provide the same level of environmental protection as is afforded under the Voluntary Guidelines alternative in the EIR, therefore the potential impacts associated with this program component have already been analyzed and no further analysis is required. Hence, there are no substantial changes in impact levels as a result of this revision. Impact classification levels associated with these

exempt removals would remain significant (Class I) for Impacts BIO-1, BIO-4, BIO-10, CR-1, CR-2, GEO-1, VIS-1, and VIS-3.

Exempt (Tier 1) removals under the revised deciduous oak program for *agricultural* removals are more restrictive than the exempt thresholds under the High Land Use Flexibility alternative and only slightly more lenient than the exempt thresholds under the original project description. Therefore, the revised Tier 1 thresholds fall within the range of alternatives analyzed in the EIR and there are no substantial changes to impact classification levels associated with this revision. Impacts associated with these exempt removals would remain significant (Class I) for Impacts BIO-1, BIO-4, BIO-10, CR-1, CR-2, GEO-1, VIS-1, and VIS-3. Hence, no further analysis is required.

Exempt (Tier 1) removals under the revised deciduous oak program for *non-agricultural* removals are equal to the exempt thresholds under the High Protection for Deciduous Oak Trees alternative. Therefore, there is no change in impact levels associated with this revision (Impacts BIO-1, BIO-4, BIO-10, CR-1, CR-2, GEO-1, VIS-1, and VIS-3 remain Class I). As a result, the impacts have already been analyzed in the EIR and no further analysis is required.

Revision D2a – Removal Thresholds for Tier 2 (Deciduous oak removal): Under Tier 2 of the revised program, triggering the Tier 2 thresholds would require notification of the deciduous oak removals to the Agricultural Commissioner and self-certified replanting by the landowner according to established replanting standards, as opposed to a non-discretionary permit and replanting requirement under the original proposed program. (See tables 2 and 3 for removal thresholds for deciduous oaks). By removing the permit requirement, the revised program is more efficient and less costly, while still meeting the same goals of regeneration. The only difference between agricultural and non-agricultural removals under this tier is that the thresholds are higher for agricultural removals to give farmers and ranchers more flexibility in managing their lands and maintaining a viable agricultural enterprise.

Revision Reflected in Range of Alternatives: For *agricultural* removals under the revised deciduous oaks program, removal numbers within this tier are less restrictive than those under the High Protection for Deciduous Oak Trees alternative, but more protective than those under the High Land Use Flexibility alternative. The only difference between the revised program and these alternatives is that no non-discretionary permit is required for Tier 2 removals under the revised program; replanting is still required. The replanting standards required under Tier 2 of the revised program therefore provide a similar level of environmental protection as that afforded by a non-discretionary permit. Relative to the High Land Use Flexibility alternative, replanting under the revised program would be required at lower removal numbers, thereby having a greater environmental benefit by resulting in a higher number of replacement trees. Therefore, this revision fits within the range of alternatives analyzed in the EIR and there are no expected substantial changes in impact classification levels associated with the revision. Impacts BIO-1, BIO-4, BIO-6, BIO-8, BIO-10, CR-1, CR-2, GEO-1, VIS-1, and VIS-3 that were identified under the original project description and High Land Use Flexibility alternative remain Class I under the revised program. Since a non-discretionary permit is no longer required for removals below the discretionary level, there is no longer any standard for identifying and protecting cultural resources on the property. This component of the program provides a similar level of

protection to cultural resources as the Voluntary Guidelines alternative and Impacts CR-1 and CR-2 that were identified under the original program and each of the program alternatives remain Class I under this revision. Therefore, no further analysis is required.

For *non-agricultural* Tier 2 removals under the revised program, the removal numbers are the same as those under the High Protection for Deciduous Oak Trees alternative. Therefore, this revision fits within the range of alternatives in the EIR and results in no changes to impact classification levels. Since the impacts associated with this revision have already been analyzed, no further analysis is required.

Revision D2b – Removal Thresholds for Tier 2 (for live oak removal): In recognition of the fact that live oaks are more prevalent and less threatened than deciduous oaks in Santa Barbara County, the revised program provides more flexibility and fewer requirements on the landowner for removing live oak trees. There are no permit requirements for live oak removals. Rather than requiring a non-discretionary permit at Tier 2 and a discretionary permit at Tier 3, as required under the original program, the revised program requires the development of a management plan and adherence to accompanying standards approved by the Agricultural Commissioner for any live oak removals associated with agriculture beyond 15% of the live oak canopy on a given property during the removal period.

For live oak removal not associated with agriculture the management plan requirement is triggered for any live oak removals beyond 5% of the canopy (all other aspects and components of the non-agricultural program are the same as for the agricultural program).

The replacement standards for both agricultural and non-agricultural removals are similar to those recommended in the original program, with the addition that naturally occurring live oak seedlings and saplings between 6 inches and 6 feet in height may be used in replacing removed trees; allowing seedlings and saplings enhances the replacement potential. By eliminating the need for permits, the revised program achieves a similar level of protection without the requirements and potential project delays placed on the landowner by a permit process.

Revision Reflected in Range of Alternatives: Under the Canopy Retention alternative, a discretionary permit is required for removals exceeding 15% of the oak canopy. The EIR identifies several potentially significant impacts (Class I) associated with oak removals allowed under the original project description and program alternatives, including the Canopy Retention alternative. The EIR recommends the incorporation of management plans to accompany discretionary permits to help mitigate Impacts BIO-1 and BIO-10 associated with oak removals at those levels. This mitigation measure (BIO-9) is the originally proposed foundation of discretionary permits and is now a primary component of the revised program. Therefore, a site-specific management plan, in addition to adherence to stringent replacement standards, provides a similar level of environmental protection as a discretionary permit. Despite implementation of this mitigation measure and more stringent replacement standards than those found in the original program, Impacts BIO-1, BIO-6, BIO-8, BIO-10, CR-1, CR-2, GEO-1, VIS-1, VIS-2, and VIS-3 remain Class I. Since the revised program requires a similar level of environmental protection for *agricultural* removals exceeding 15% of the canopy as that under the Canopy

Retention alternative, this revision fits within the range of alternatives analyzed in the EIR and results in no substantial changes to impact levels. Therefore, no further analysis is required.

The 5% threshold for *non-agricultural* live oak removals under the revised program is the same percentage threshold that is required under the Canopy Retention alternative for non-discretionary permits. Because a site-specific management plan plus replacement standards provides a similar level of protection as a discretionary permit, the revised program provides a similar level of environmental protection as that provided by the Canopy Retention alternative program for non-agricultural removal. However, impacts associated with the revised program remain significant (Class I). Because this program revision fits within the range of alternatives analyzed in the EIR and no substantial changes in impacts occur, no further analysis is required.

Revision D3a – Removal Thresholds for Tiers 3 and 4 (Deciduous oak removal for agricultural practices): Under the original program, triggering Tier 3 would require a discretionary permit accompanied by replanting and customized mitigation measures (a management plan). (See Table 2 for removal thresholds). Under the revised program, Tier 3 requires replanting and the development of a management plan, which is customized to the site-specific characteristics of an individual property, approved by the Agricultural Commissioner although no permit is required. This change was made to provide more flexibility and a lesser burden to landowners in managing their farmland and also to avoid potentially long delays in processing permit applications, while at the same time providing a similar level of protection as would be required under a discretionary permit. Under the revised program large removals beyond Tier 3 thresholds would still trigger a discretionary permit under Tier 4. The permit under this final tier would require environmental review and public hearings, as well as the development of a management plan and required replanting similar to the standards proposed in the original program.

Revision Reflected in Range of Alternatives: Within Tier 3 of the revised program removal numbers are lower than those within Tier 3 of the High Land Use Flexibility alternative. Under this revision a customized management plan would still be required but a discretionary permit and further environmental review is not required for removals allowed within Tier 3. However, a discretionary permit is required if a management plan is violated under Tier 3, thereby further ensuring a similar level of environmental protection. A site-specific management plan provides essentially an equivalent level of protection as a discretionary permit, since it is the management plan standards that are a major component of a discretionary permit and which help to reduce the impacts associated with oak removals, as discussed in the EIR. Therefore, protection and regeneration similar in nature to a discretionary level permit would occur at lower thresholds under the revised program compared to the High Land Use Flexibility alternative. Consequently, no substantial changes to the impact classification levels result from this revision (Impacts BIO-1, BIO-6, BIO-8, BIO-10, CR-1, CR-2, GEO-1, VIS-1, VIS-2, and VIS-3 remain Class I). Given that this revision fits within the range of alternatives analyzed in the EIR, no further analysis is required.

Discretionary permits (Tier 4) are triggered later under the revised program compared to the High Land Use Flexibility alternative analyzed in the EIR. As discussed above, however, a management plan provides a similar level of protection as a discretionary permit and is triggered

(at Tier 3) earlier than under the High Land Use Flexibility alternative. The EIR identified Class I impacts (BIO-1 and BIO-10) associated with discretionary level oak tree removal permits for the original program and all alternatives and suggested the implementation of Mitigation BIO-9 (management plan standards) to reduce the potential effects identified. Since this mitigation measure is now a primary component of the revised program, and management plans are required at lower removal thresholds at Tier 3 compared to the High Land Use Flexibility alternative, and the combination of the management plan and replacement standards under Tier 3 and the discretionary permit requirements under Tier 4 are similar to Tier 3 of the High Land Use Flexibility alternative, no substantial changes to impact classification levels are expected to occur. Thus, this revision fits within the range of alternatives analyzed in the EIR and no further analysis is required. Despite these changes, Impacts BIO-1, BIO-6, BIO-8, BIO-10, CR-1, CR-2, GEO-1, VIS-1, VIS-2, and VIS-3, which were identified under the original project description and High Land Use Flexibility alternative remain Class I (in part due to the exempt removals that are still allowable under the revised program).

Revision D3b – Removal Thresholds for Tier 3 (Deciduous oak removal for non-agricultural purposes): Under the revised program, a discretionary permit is required for non-agricultural removals of deciduous oak trees that trigger Tier 3 thresholds (these thresholds are substantially lower than those proposed for agricultural-related removals) for non-agricultural removal, similar to the original program. (See Table 3 for removal thresholds). There is no 4th tier for non-agricultural removals of deciduous oaks. In addition to the discretionary permit, the revised program requires the development of a management plan approved by the administering agency. This management plan was identified as a mitigation measure (Mitigation BIO-9) in the EIR. The management plan is designed to provide greater consideration for the protection of deciduous oak habitats and the benefits they create for wildlife, rather than simply focusing on the replacement of individual trees. It also allows for flexibility in managing the replanting and regeneration projects so that site-specific characteristics and issues can be taken into account.

Revision Reflected in Range of Alternatives: The thresholds under this program revision are equivalent to the Tier 3 thresholds under the High Protection for Deciduous Oak Trees alternative. By incorporating many of the recommended management plan standards (Mitigation BIO-9), which address Impacts BIO-1 and BIO-10, this revision somewhat lessens Impacts BIO-1 and BIO-10, though they remain Class I. Impacts BIO-6, BIO-8, CR-1, CR-2, GEO-1, VIS-1, VIS-2, and VIS-3 remain Class I as well, in part due to the exempt removals that are still allowable under the program. Since this program revision fits within the range of alternatives analyzed in the EIR and results in no changes to impact classification levels, no further analysis is required.

Revision E - Oak Tree Removal Definition: The definition has been revised to specify that controlled burns leading to the death of an oak tree are not considered removal, nor is death by natural causes such as sudden oak death syndrome. While it was not explicitly stated in the original definition, controlled burns were considered exempt under the original program and it was intended but also not explicitly stated that death by natural causes not be considered removal. Therefore this revision simply clarifies the scope of the original definition. The removal definition was further amended to include excessive pruning, topping, or severing an oak tree's roots enough to lead to the death of the tree. Under the original program, pruning was

unregulated. These changes were made in order to cover a broader range of circumstances that might lead to the death of an oak tree, thereby reducing any ambiguities created by the definition.

Revision Reflected in Range of Alternatives: The additional language regarding burning and natural deaths in the revised definition of oak tree removal primarily serves to clarify intentions that had not been explicitly stated in the original program definition. No changes in impact classification levels result from this change. The additional language regarding excessive pruning and topping creates a more inclusive definition, thereby potentially providing greater environmental protection than under the original definition. Furthermore, this language partially incorporates Mitigation BIO-2 and reduces the impact to oak trees by excessive pruning identified in Impact BIO-3 of the EIR. This is expected to reduce Impact BIO-3 to *less than significant* (Class II). Impact VIS-1, which is also associated with pruning, remains significant (Class I). Since the revised definition provides a greater level of protection than the definition under the original program, no further analysis is required.

Revision F -Unit of Land: The unit of land to be regulated by the program has been changed from Assessor parcels to legal lots, or where applicable, contiguous legal lots under single ownership. These units are more easily interpreted by landowners and are more consistent with how they manage agricultural operations.

Revision Reflected in Range of Alternatives: The change in unit of land from assessor's parcels to legal lots was made to provide landowners with a more meaningful way in which to determine oak removal thresholds on the ground. For landowners, legal lots are much more easily identified on the ground than are assessor's parcels. In some cases there are multiple assessor's parcels within a single legal lot, and in other cases the opposite is true.

By allowing contiguous legal lots under single ownership to be used as the unit of land, this addition serves to assist landowners whose operations do not recognize lot lines and which are farmed as one single unit. The Agricultural Commissioner will have discretion in allowing the use of contiguous legal lots as the unit of land for determining removal thresholds. In cases where such a determination would potentially result in the manipulation of thresholds to allow for clearcutting of a single area, the Agricultural Commissioner could rule that such cases are non-applicable and need to remain as single lots. In addition, the lot determination and associated removal thresholds would run with the land and be binding on future owners (e.g. in the case of a lot sale or subdivision). This will help to ensure that oak removals are consistent with the program's goals and standards related to maintaining and increasing native oak trees and avoiding clearing and fragmenting oak habitats. For these reasons it is not expected that this change will lead to any new or increased impacts, as none were originally identified in the EIR associated with the unit of land. Therefore, no further analysis is required.

Revision G1 - Replacement Standard: The replacement standards under the original program called for the survival of all replacement trees during the first 5 years. The revised program calls for the survival of two-thirds of the replacement trees (live and deciduous) during the first 5 years. It was recognized that it would place an undue burden on agricultural production if all

replacement trees survived, thereby potentially reducing the amount of farmable land beyond that which was available prior to the oak removals. In addition, requiring the survival of all trees during the first 5 years was seen as an unreasonable expectation.

Revision Reflected in Range of Alternatives: Under the live oak program, the revised replacement standards would equate to the survival of 6 trees after 5 years. This revision requires the survival of fewer trees after 5 years than are required under the original project description, which proposes the replacement and survival of 10 live oak trees for every protected tree removed. However, the expected survival under the revised program is greater than that proposed under the High Land Use Flexibility alternative, which requires a replanting ratio of 5:1, and hence the survival of only 5 trees after 5 years. Similarly, the revised replacement standards of the deciduous oak program would equate to the survival of 10 trees after 5 years, which is equal to the number required to survive under the High Land Use Flexibility alternative's replacement ratio of 10:1 for deciduous oaks. Therefore, the revision to the replacement standards leads to survival rates similar to those required under various alternatives, and so the revision fits within the range of alternatives analyzed in the EIR. Consequently, no substantial changes to impact classification levels identified in the original project description and High Land Use Flexibility alternative result from this revision (Impacts BIO-6, BIO-8, BIO-10, VIS-2, and VIS-3 remain Class I) and no further analysis is required.

Revision G2 – Replacement Standard: The original program allowed naturally occurring deciduous oak trees between 6 inches tall and 4 inches dbh to be used as replacement trees. The revised program extends this to live oak trees as well, recognizing the benefits that are gained from including naturally occurring seedlings as replacement trees, as they tend to have higher survivorship. The maximum allowable size for including these naturally occurring trees as replacement trees has been modified from 4 inches dbh to 6 feet tall (regardless of dbh).

Revision Reflected in Range of Alternatives: The EIR analysis considered it to be biologically beneficial to include naturally occurring deciduous oak seedlings/saplings as replacement trees. Naturally occurring seedlings and saplings tend to be more vigorous and have a better chance of survival than planted trees and acorns, especially when nurtured and protected, as they are more suited to the environmental conditions of that site. Higher survivorship leads to greater success in mitigating the impacts associated with oak tree removal. This revision simply extends this benefit to live oak trees as well.

Another reason for including naturally occurring seedlings as replacement trees is to improve their chances of survival, since without nurturing and protection there is often high mortality between the seedling and sapling stages. Regarding the revision to qualifying trees, a 4-inch dbh tree can be a relatively old and established tree, especially in the case of slower growing deciduous oaks. Furthermore, a 4-inch dbh tree is likely taller than the browse line in most cases, so it has already grown beyond its most vulnerable stage and its chances of surviving under natural conditions are higher. Therefore, credit should not be given for these trees, but rather it is more prudent to focus protection and nurturing efforts on smaller, more susceptible trees. This change from 4 inches dbh to 6 feet tall is therefore an environmentally superior program element than that which is found in the original project description and program alternatives within the EIR. Under the original project description and program alternatives, the

EIR identifies Impact BIO-2, which suggests a potentially significant impact resulting from landowners being potentially encouraged to remove the maximum number of oak trees allowed at exempt levels to avoid or lessen permit and mitigation requirements for oak trees removed in subsequent removal periods. In addition, landowners may be potentially encouraged to remove oak trees before they reach protected size to reduce the number of trees on site and avoid or lessen future mitigation requirements. This program revision may potentially reduce this impact (Impact BIO-2) by encouraging the protection of these trees for use as replacement trees, but it is still expected to remain Class I. Therefore, it is not expected that this improvement will substantially change impact classification levels. Since this revision results in no new impacts or substantially increases any of the existing impacts that are already analyzed in the EIR, no further analysis is required.

Revision G3 – Replacement Standard: Under the revised live oak program, a replacement ratio of 360 trees for every acre of contiguous canopy removed (or fraction thereof) has been added to govern live oak removals in cases where it is impossible or impractical to count individual trees removed and calculate the required tree replacement (i.e. in the case of dense woodlands or forests). This is equivalent to the 10:1 replacement ratio standard, with the assumption that one acre of contiguous live oak canopy would contain roughly 36 mature trees given an average oak canopy of approximately 1,200 square feet.

Revision Reflected in Range of Alternatives: This replacement ratio is covered under the Canopy Retention alternative of the EIR, which uses the same standard for replacing canopy. In addition, a replacement ratio of 360 trees/acre of canopy removed is functionally equivalent to the replacement ratio of 10 trees for every 1 tree removed, which is the proposed standard under the High Protection for Deciduous Oak Trees alternative and original project description. Therefore, this program revision falls within the range of alternatives in the EIR and since the impacts associated with this revision that were identified under the original program and program alternatives have not changed (Impacts BIO-6, BIO-8, BIO-10, and VIS-2 remain Class I and Impact BIO-7 remains Class II), no further analysis is required.

Revision H1 - Thinning Exemption: Under the original program as presented in the EIR, live oak thinning related to rangeland improvement was given a special allowance. Thinning which exceeded the exempt levels under Tier 1 would only require a non-discretionary permit unless either more than 50% of the canopy was being removed or if thinning was proposed on a parcel with less than 50% existing canopy coverage, in which cases a discretionary permit would be required. In addition, the original program stated that thinning would require the preparation and submittal of an approved thinning plan in order to qualify for this allowance. In order to simplify this allowance for landowners, so they do not have to worry about counting trees and calculating canopy cover, the thinning allowance under the revised live oak program states that all thinning for rangeland improvement is exempt from permits or mandatory replanting provided that no contiguous canopy is removed. This also simplifies the administration of this portion of the program. There is no thinning allowance for deciduous oaks.

Revision Reflected in Range of Alternatives: Thinning is exempt under the High Land Use Flexibility alternative, as long as at least 30% canopy cover is retained and if the number of trees removed do not exceed the maximum removal under a non-discretionary permit for that parcel

size, in which case a non-discretionary permit is required (but never a discretionary permit). While the thinning exemption under the revised live oak program allows for potentially greater live oak removals than under the High Land Use Flexibility alternative, the revised program provides a higher level of protection than that which is provided under the Voluntary Guidelines alternative. There are no restrictions on the types of oak removals allowed under that alternative, whereas the thinning definition under the revised program protects against the removal of contiguous canopy (see discussion below). Furthermore, the safety clause in the new thinning exemption, which states that "if rangeland is converted to cultivated agriculture, resulting in the removal of live oak tree canopy, any thinning of live oak tree canopy prior to the conversion within the 30-year removal period will be added to the landowner's cumulative live oak removal in determining whether a management plan is required", addresses some of the potential biological impacts of a thinning allowance discussed under Impact BIO-5 in the EIR. For these reasons, the level of environmental protection provided under this program revision falls within the range of alternatives in the EIR. It is not expected that this revision will substantially change any impact classification levels (Impact BIO-5 identified for the original project description and High Land Use Flexibility and Voluntary Guidelines alternatives remains Class I). Allowable thinning may increase the impacts to the character of scenic corridors identified by Impact VIS-1, but not substantially, since thinning is not widely practiced in Santa Barbara County (Impact VIS-1 remains Class I). Therefore, the impacts of this revision have already been analyzed and no further analysis is required.

Revision H2 - Thinning Exemption: The definition for thinning has been amended from "evenly reducing the canopy cover of a live oak woodland or forest, without removing contiguous areas of canopy larger than the average estimated canopy of a large native coast live oak tree (roughly 2,000 square feet)" to "the removal of understory vegetation and/or evenly reducing the canopy cover of a live oak woodland or forest by means of cutting or pruning (where the root system remains in place) without removing contiguous areas of canopy (i.e. removal is scattered across the canopy and no two adjacent protected trees are removed together)." This revision was made to provide the same level of protection while making it easier for landowners to implement.

Revision Reflected in Range of Alternatives: This change to the definition is designed to make it more meaningful to landowners involved in thinning without effecting the scope and intention of the original definition. The impacts associated with this revised definition are similar to those associated with the original definition and have therefore already been analyzed. The revision results in no changes to impact classification levels. Therefore, no further analysis is required.

Revision I1 - Pre-mitigation/Credit Trees (Deciduous Oaks): The program has been amended from the original program (which only allowed the use of new plantings as credit trees) to allow, in addition to new plantings, the use of naturally occurring seedlings/saplings as credit trees towards future deciduous oak removals for both agricultural and non-agricultural purposes. This change reflects the benefit received from protecting and nurturing naturally occurring seedlings and saplings, which have higher survivorship than planted trees and might otherwise die if left unattended under natural conditions. The revised program has also been changed from a 15:1 credit tree planting ratio, as proposed under the original program, to a 10:1 credit tree planting ratio. Finally, the standards for credit tree planting have been changed from a requirement that

such planting adhere to the same standards as regular mitigation replacement trees, to a recommendation that such planting adhere to the Tier 2 replanting standards for deciduous oak trees.

Revision Reflected in Range of Alternatives: The EIR identified the benefits associated with using naturally occurring deciduous oak seedlings and saplings as replacement trees, rather than simply relying on planted acorns and seedlings. By extending credit trees to include naturally occurring seedlings/saplings between 6 inches and 6 feet tall and less than 2 inches dbh, and requiring the protection and nurturing of these trees for a minimum of 5 years, it helps these trees to survive. This provision also encourages the protection of these trees, thereby potentially reducing the impacts described in Impact BIO-2. This revision is therefore considered an environmentally superior program component than what existed under the original project description and alternatives in the EIR. Despite this change, Impact BIO-2 is expected to remain Class I. Since no changes to impact classification levels are expected from this revision, no further analysis is required.

The 10:1 credit tree planting ratio proposed under the revised program is the same ratio as that which is proposed under the High Land Use Flexibility Alternative, therefore this revision falls within the range of alternatives analyzed in the EIR. The change in credit tree planting requirements, reflected in the change from a requirement to a recommendation, is not expected to substantially change the impacts associated with this program component, and provides significantly more protection for than under the Voluntary Guidelines alternative. The credit tree program is an incentive element for landowners to use to avoid triggering the requirements of the higher tiers (i.e. management plans and/or discretionary permits). In order for credit trees to count towards increasing the removal thresholds for a property, they must be accepted by the Agricultural Commissioner's office. Therefore, it behooves the landowner to coordinate with the Oak Tree Specialist before planting and to plant the credit trees in locations suitable for their growth to better guarantee their survival. Given these facts, this revision is not expected to change the impact classification level of Impact BIO-7 relative to the original program or High Land Use Flexibility alternative; it remains Class II under the revised program. Since this revision falls within the range of alternatives analyzed in the EIR and no changes to impacts are expected to occur, no further analysis is required.

Revision I2 – Pre-mitigation/Credit Trees (Live Oaks): Given the difficulties associated with pre-mitigating the effects of future canopy removal (e.g. it takes several decades before full canopy may be restored), the revised program eliminates the use of credit trees in the live oak tree program. However, if a landowner voluntarily plants live oaks and over time they contribute to the canopy, then the landowner would ostensibly be able to remove more trees before triggering the 15% removal threshold.

Revision Reflected in Range of Alternatives: The credit tree program is a minor component of both the original and revised programs. Eliminating the credit tree program for live oaks is not expected to substantially change any impact classification levels identified in the EIR, especially given the relatively high removal threshold that must be exceeded before mitigation and replacement planting is required. Impacts associated with exempt and permitted removals identified under the original project description and program alternatives (Impacts BIO-1, BIO-2,

BIO-6, BIO-8, BIO-10, CR-1, CR-2, GEO-1, VIS-1, VIS-2, and VIS-3) would remain Class I under the revised program. Therefore, no further analysis is required.

Revision J - Spacing Requirement for Replanting Deciduous Oaks: A maximum spacing of between 165 and 180 feet apart from each other or from existing trees has been added to the replanting standards for deciduous oaks under the revised program. This change was made to ensure that replanted trees are located close enough together to allow for cross-pollination, which will improve their natural regeneration, and habitat connectivity.

Revision Reflected in Range of Alternatives: Since this change was made to improve the likelihood that replanting efforts would help to preserve or regenerate the habitat context in which deciduous oaks live, it is seen as an environmental improvement over the spacing requirements of the original project description and alternatives analyzed in the EIR. Despite this improvement, no changes in impact classification levels are expected. Impacts associated with mitigating the removal of protected trees (Impacts BIO-6, BIO-8, BIO-10, and VIS-2), which were identified under the original project description, remain Class I under the revised program; Impact BIO-7 remains Class II. In addition, it is not expected that this change will adversely impact agriculture to any significant degree. Impacts to existing agriculture remain Class III. Therefore, no further analysis is required.

Revision K – Browse Line: The program has been amended to include an established browse line of eight (8) feet, up to which all replacement trees (deciduous and live oaks) must be fenced to protect them from grazing or browsing by animals both below and above ground. This change was made in response to concern that browsing animals can do significant damage to young trees and inhibit the ability of replacement trees to survive.

Revision Reflected in Range of Alternatives: A 6-foot browse line was suggested as part of Mitigation BIO-4 to address Impact BIO-6 and increase the likelihood that replacement trees will survive to maturity. The revised program incorporates this mitigation measure as a program component and increases the browse line from 6 to 8 feet. Therefore, the revision provides greater environmental protection than the mitigation measure and no further analysis is required. However, Impact BIO-6 remains Class I despite implementation of this measure. In addition, while this revision could potentially lead to extended protection requirements placed on a landowner beyond the minimum five-year monitoring period, the change is not expected to result in any substantial changes to the impacts on existing agriculture; agricultural impacts remain Class III.

Revision L - Exempt Oak Removals by Utilities within Easement: Another program revision states that landowners are not responsible for oaks removed by a public utility within a utility easement, and that such removals do not count towards their cumulative removals.

Revision Reflected in Range of Alternatives: Not counting oak trees removed by a public utility within a utility or other public easement towards the program's removal thresholds would not substantially change the environmental impacts of the program, as these removals are limited. Nor were these removals originally intended to be counted towards cumulative removals. Therefore, no further analysis is required.

5. CUMULATIVE IMPACTS

It has been demonstrated that the revised program provides greater resource protection under some program elements and lesser protection under other program elements as compared to the original project description. Most of the revisions to the program have resulted in only minor changes in terms of environmental effects, none have resulted in a change in impact classification level or are substantially more severe, and all have been shown to fall within the range of alternatives analyzed in the EIR. Given this, the revised program is not expected to result in any changes to the cumulative impacts identified in the EIR. Cumulative impacts for biological resources, cultural resources, geological resources and water quality, and visual resources remain Class I.

6. POLICY CONSISTENCY ANALYSIS

The State CEQA Guidelines require that an EIR "discuss any inconsistencies between the proposed project and applicable general plans and regional plans" (§15125.(b)). Accordingly, this section discusses the consistency of the proposed Oak Tree Protection and Regeneration Program with the County's Comprehensive Plan, which sets policy for land use decisions in the unincorporated areas of the county. The Comprehensive Plan elements that contain the policies most applicable to the proposed program are the Land Use, Agricultural, and Conservation elements. Applicable policies from the County's community plans are included as well, because rural portions of the community plan areas are within the project boundaries. Because the proposed program does not apply within the coastal zone, this analysis does not include the Coastal Land Use Plan.

It is important to note that vegetation removal (which includes oak removal) is not considered "development" in the county's inland areas. In contrast, oak removal is considered "development" in the coastal zone, and requires a Coastal Development permit for removal of one or more mature oak trees. One reason for this is that native vegetation and habitat are more limited on California's narrow coastal strip than they are inland. As evidenced in stricter coastal conservation policies statewide, the protection of the coastal zone environment is a paramount purpose of the Coastal Act. Vegetation removal is excluded from the definition of "development" in the inland areas because when not associated with a development permit, it is most often done for agricultural purposes. Agriculture has not historically been defined as development, and the County has encouraged agriculture and applied only limited restrictions to it. The proposed Oak Tree Protection and Regeneration Program originated and was developed primarily in the context of agricultural land use and accordingly the oak removal measures are less restrictive than those applied during the County's development permitting process. Because of this, policies applying only to development are not relevant and are omitted.

This section also discusses consistency with other adopted plans and policies including the Uniform Rules for Agricultural Preserves under the Williamson Act, the right to Farm Ordinance, the regional Water Quality Control Plan, and the Clean Air Plan.

Adopted policies that are directly applicable to the program are quoted, followed by a consistency analysis and preliminary finding of potential consistency or inconsistency. A final determination of the program's consistency with these existing plans and policies is made by the County Board of Supervisors at time of adoption.

A. Agricultural Resources

1. Land Use Element

Agricultural Goal:

AGRICULTURE: *In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.*

Area/Community Goals – Carpinteria (page 95)
Every effort should be made to preserve fertile lands for agriculture.
The agricultural economy and the semi-rural qualities of the area should be preserved.

Area/Community Goals – Santa Ynez Valley (page 117)
Agriculture should be preserved and protected as one of the primary economic bases of the Valley.

Area/Community Goals – Santa Maria/Orcutt Area (page 124)
Promotion and protection of agriculture as an industry.

Area/Community Goals – Lompoc Area (pages 119-120)
The unique character of the area should be protected and enhanced with particular emphasis on protection of agricultural lands, grazing lands, and natural amenities.
Prime agricultural lands should be preserved for agricultural use only. Preservation of lesser grades of presently producing or potential agricultural land should be actively encouraged.

2. Agricultural Element

Goal I: *Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.*

Policy I.B: *The County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional scope of agricultural management decisions. These rights and freedoms shall be conducted in a manner which is consistent with: (1) sound agricultural practices that promote the long-term viability of agriculture and (2) applicable resource protection policies and regulations.*

Policy I.D: *The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs.*

Policy IV.A: *Major wildfires cause severe erosion, property damage, and safety hazards. The County shall encourage range improvement and fire hazard reduction programs, including prescribed burning of brush and alternative non-burning techniques. Such programs shall be designed and conducted to avoid excessive erosion and other significant adverse effects on the environment for the purpose of increasing water yields, improving wildlife habitat, wildlife protection, and increasing agricultural productivity.*

3. Open Space Element

Potential Cultivated Agriculture: *There are portions of the County not now devoted to cultivated agriculture that have potential for such use because of favorable combinations of soil, slope, and existing or potential water supply. The importance of agriculture suggests the advisability of reserving such lands for agricultural expansion rather than putting them to other uses, particularly where lands suitable for urban expansion are available elsewhere.*

4. Conservation Element

Mitigation of the potential environmental impacts of some agricultural operations should continue to be encouraged (p.223).

5. Goleta Community Plan

Policy LUA-GV-1: *Land designated for agriculture within the urban boundary shall be preserved for agricultural use, unless the County makes findings that the land is no longer appropriate for agriculture or there is an overriding public need for conversion to other uses for which there is no other land available in the Goleta urban area.*

6. Montecito Community Plan

Policy BIO-M-1.17: *Oak trees, because they are particularly sensitive to environmental conditions, shall be protected to the maximum extent feasible. All land use activities, including agriculture shall be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.*

7. Orcutt Community Plan

Policy LUA-O-1: *The County shall develop and promote programs to preserve agriculture in the Santa Maria Valley.*

DISCUSSION

The above policies express the County's commitment to protect and encourage agriculture. Greatest emphasis is given to limiting the conversion of agricultural lands to non-agricultural uses and discouraging disruption of agriculture by non-agricultural activities. They also direct the County to respect and allow relative freedom of agricultural practices, consistent with promotion of long-term agricultural viability and applicable resource protection policies and regulations. Thus, they call for the County to encourage that agriculture be practiced in such a way as to protect natural resources, and that agricultural expansion take into account environmental considerations.

No changes in land use would occur as a result of the proposed program. No changes would occur to the urban/rural boundary or to the limits on conversion of agricultural lands to other uses. The proposed program would enact regulations requiring permits for specific levels of native oak tree removal in areas of mountainous and agricultural zoning. The goal of the program is to ensure that while protecting oak trees, the regulations should not place undue restrictions on the reasonable use of agricultural land for the production of food and fiber. As discussed in the Impacts section of the Oak Tree Protection Program EIR (00-EIR-7), the previously proposed program would not result in a significant impact to existing agriculture, as it is not anticipated to cause existing agricultural land (cultivated or grazed) to go out of production or be converted to other non-agricultural uses. The same is true for the Oak Working Group's program as it provides even greater flexibility to the landowner.

The levels of oak removal allowed under the exemptions and the different regulatory tiers were developed in order not to unduly impede agricultural operations. Although oak removal is not considered agriculture or development, the majority of the area affected by the proposed program is zoned for agriculture, so that policies addressing the viability of this particular land use are relevant. The program clearly demonstrates special consideration for agriculture by having two different regulatory standards for oak removal, one for agriculture and one for other activities; the standards for agriculture are substantially more lenient. The requirement that landowner regeneration, a management plan or a permit be obtained for removal of substantial numbers of oak trees would not preclude expansion or intensification of agriculture, but could constrain agricultural expansion or intensification where oak forests or oak woodlands exist. Indeed, thousands of acres of crops were installed on previously uncultivated land during the 1990s' boom in agricultural expansion without removing a single oak tree. The proposed regulations do not prohibit oak tree removal. A certain amount of oak tree removal is allowed virtually unregulated in acknowledgement that such removal may be necessary for certain agricultural practices and reasonable agricultural intensification. A management plan or discretionary permit would only be needed in cases of relatively high numbers of proposed removals. Particularly in the case of live oaks, exemption levels are extensive: for agriculturally-related removals, up to 15 percent of a property's live oaks could be removed before a management plan would be required. This approach allows the management plan triggers to fit the conditions on the site; on larger or more forested parcels this could mean thousands of live oaks could be removed under an exemption, allowing greater flexibility for agricultural practices. While the permit process may require more time and thought to be put into planning for intensification or expansion, and may even result in revisions to a property owner's original concept, it was designed by the public, the Oak Working Group and

County staff to reflect a fair balance between future agricultural intensification and environmental protection.

Based on review of agricultural expansion projects over the last six years, most projects could be installed with minor project modifications to retain scattered or clustered oaks, requiring few management plans or permits. Where management plans or permits would be necessary, the added expense to an expansion project is not expected to be overly burdensome. Planting of replacement trees at specified ratios and in acceptable locations, and nurturing them according to program specifications would be the only requirement for the vast majority of projects. The tiered approach is meant to avoid delays and burdensome costs to agricultural expansion projects with low to moderate oak tree removal. Discretionary permits would be more expensive and time consuming, however, requiring these permits for expansion into oak woodlands where substantial numbers of oaks would have to be removed is consistent with balancing agriculture and oak protection.

Thus the proposed program would further the purpose and intent of the Land Use Element's Agricultural Goal, and Goal I and Policy I.B of the Agricultural Element. A primary objective of these policies is to promote harmony and balance between the encouragement of agriculture and its freedom of methods of cultivation and the protection of natural resources.

Prescribed burning of rangeland is not regulated under the proposed program. The Oak Tree Specialist would work with landowners, APCD, the Range Improvement Association and the Fire Districts to coordinate protocols for controlled burns that protect all native oaks. Hence, the program would further the intent of Agricultural Element Policy IV.A, which encourages responsible controlled burns while calling for the consideration of environmental protection when prescribing the burns.

The proposed program would not have any effect on the status of land in agricultural preserves under the Williamson Act as existing agricultural lands would remain virtually unaffected by the program. The program promotes conserving oak resources through conservation easements or similar legal instruments and commits the County to seek funding for these efforts. Such easements may impose constraints on the type of agricultural use and practices. However, the easements are voluntary and negotiated individually with property owners. Therefore, the two programs are compatible from a regulatory and policy perspective.

Based on this discussion, the proposed program would be consistent with these existing policies relevant to agricultural resources.

B. Biological Resources

In order to independently address groups of policies that address different aspects of biological resources, this section has been broken into separate parts. Five subsets of applicable policies are presented within this section, each with a related policy consistency discussion.

1. Balancing encouragement of agriculture with protection of the environment

a. Land Use Element

Agricultural Goal:

AGRICULTURE: *In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.*

b. Agricultural Element

Goal I: *Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.*

Policy I.B: *The County shall recognize the rights operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional scope of agricultural management decisions. These rights and freedoms shall be conducted in a manner which is consistent with: (1) sound agricultural practices that promote the long-term viability of agriculture and (2) applicable resource protection policies and regulations.*

Policy I.F: *The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.*

Goal IV: *Recognizing that agriculture can enhance and protect natural resources, agricultural operations should be encouraged to incorporate such techniques as soil conservation and sound fire risk reduction practices.*

c. Conservation Element

Mitigation of the potential environmental impacts of some agricultural operations should continue to be encouraged (p.223).

DISCUSSION

These goals and policies are included in the Biological Resources policy section because not only does their purpose direct the County to support agriculture, it also includes direction to protect biological resources (which include oak trees) on agricultural lands and as part of agricultural practices. Thus these policies seek to establish the County's policy objective of balancing and harmonizing the encouragement of agriculture with the protection of the environment that is discussed throughout this analysis. As discussed above, the program clearly demonstrates special consideration for agriculture by having two different regulatory standards for oak removal, one for agriculture and one for other activities; the standards for agriculture are substantially more

lenient. The proposed Oak Tree Protection and Regeneration Program requires replanting of oaks when certain levels of removal take place, planting and/or other measures such as preservation when higher numbers are removed, and includes other oak protection incentives and requirements where no similar regulations exist currently. However, the program allows substantial oak removal without permits. Because the program was designed to protect and regenerate oak trees without putting undue burden on agricultural operations, the program is consistent with these goals and policies.

2. Protection of natural resources

   a. Land Use Element

      Area/Community Goals – Lompoc Area (pages 121 - 122)
      Changes in natural or re-established topography, vegetation, biological communities should be minimized in an attempt to avoid the destruction of natural habitats
      Unique ecological areas should be identified and preserved.

      Area/Community Goals – Santa Barbara Area (page 102)
      Removal of major trees should be strictly limited.

   b. Conservation Element

      Although at present an area of extreme beauty, the Valley Oak Savanna is in danger of rather rapid destruction. Much of the valley is ranch land, and the cattle graze and kill the seedling oaks. The available evidence strongly suggests that oak regeneration in the valley is very sparse, much less than is needed to replace mature oaks as they die. Thus, if present conditions persist, the oaks will gradually disappear from most of the valley. We recommend that a study be made of regeneration in the valley and the effects of cattle grazing. We also recommend that, on the basis of information obtained, an overall management plan for the valley be drawn up which would protect seedlings on a scale large enough to maintain the savanna oak community in its present status. In addition, special treatment should be given to the bottomland south of Santa Ynez. This area supports a rather large population of White-tailed Kites. Destruction of the oak woodland habitat in this portion of the Santa Ynez Valley will result in a rapid decline in the number of birds in the area (p.139).

      To support the Central Oak Savanna and protect the White-tailed Kite, a program of seedling protection should be instituted in the Santa Ynez Valley and grazing restricted to appropriate areas (p.166).

      In Coast Live Oak forests, urbanization, expansion of agriculture, and moderate or heavy recreational use should not be allowed. A natural park would be desirable (p.166).

   c. Goleta Valley Community Plan

      Policy BIO-GV-16: *To the maximum extent feasible, "protected trees" shall be preserved. Protected trees are defined for the purposes of this policy as mature native trees that are*

healthy and structurally sound and have grown into the natural stature particular to the species.

Policy BIO-GV-17: *Oak trees shall be protected to the maximum extent feasible. All land use development applications shall be processed in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.*

Policy BIO-GV-20: *Where appropriate, voluntary open space and conservation easements should be considered by project applicants and supported by the County as a method to preserve important biological habitats.*

d. Los Alamos Community Plan

Policy BIO-LA-1.4: *Oak trees because they are particularly sensitive to environmental conditions, shall be protected to the maximum extent feasible. Land use activities which require a land use permit shall be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.*

e. Montecito Community Plan

Policy BIO-M-1.17: *Oak trees, because they are particularly sensitive to environmental conditions, shall be protected to the maximum extent feasible. All land use activities, including agriculture shall be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.*

Action BIO-M-1.17.1: *As part of the tree protection mechanism, the County should provide greater protection of oak trees whether or not activities are part of a discretionary project.*

f. Orcutt Community Plan

Policy BIO-O-1: *Important natural resources in Orcutt, including sandhill chaparral, central dune scrub, wetlands, oak trees and woodland, Bishop pine forest, specimen trees, and central sage scrub shall be protected, consistent with the Open Space Plan and the standards below, unless this would prevent reasonable development of a property.*

Policy BIO-O-3: *Established native trees in designated open space areas shall be protected. Established native trees in developable areas shall be incorporated into the site landscaping plan to the greatest degree feasible except where it would interfere with reasonable development of a property. Native trees shall be considered established if they are six feet in height.*

DISCUSSION

As demonstrated in the policies above, the Comprehensive Plan is clear and explicit in calling for the protection of natural resources, including oak trees. Oak woodlands and oak tree habitat, and the creek and wetland systems that complement them are California's most biologically diverse ecosystem. Valley oaks and the unique habitat they support are of particular concern, having been diminished by approximately 80% in Santa Barbara County since European settlement began. At present there are no rules specifically governing oak tree removal in the inland areas of the county where the removal is not part of a project needing development permits. The proposed program furthers the policies quoted above by enacting regulations requiring landowner regeneration, a management plan or permits that include mandated tree replacement or environmental review when certain numbers of native oaks are proposed for removal. As seen throughout the Comprehensive Plan, the call for environmental protection often coincides with language encouraging the protection and promotion of agriculture, so this balance remains a guiding principle in analyzing consistency with biological as well as agricultural policies. Indeed, the discussion of biological impacts in the Agricultural Element EIR (88-EIR-17) specifically identifies the potential for agriculture to impact oak trees and recommends that oak protection be explored in an update of the Conservation Element (88-EIR 17, page IV-85).

The policies quoted above call for the protection of oak trees, either specifically or as part of protection of "natural resources" or "vegetation." Under the current regulatory setting, however, these policies are not implemented unless oak tree removal is proposed as part of a development permit or substantial grading project. In fact, Santa Barbara County has no specific regulations, outside of the coastal zone, Goleta and Toro Canyon Environmentally Sensitive Habitat (ESH) areas, or the development process, to protect oak trees or require replanting when they are removed. Because the proposed program requires landowner regeneration, a management plan or permits and, in some cases, environmental review for certain levels of oak removal when no other permit is being sought, it would expand the County's ability to protect native oak trees and would therefore further these policies. In fact, Policy BIO-M-1.17 specifically calls for the County to adopt a mechanism to protect oak trees regardless of whether or not the removal is part of a project needing other permits.

Policy BIO-GV-20 promotes the use of voluntary open space and conservation easements to protect oak habitat where appropriate. Proposed Oak Tree Protection Action 2 states that "The County shall pursue funding for conservation easements, incentive programs and funding or other assistance for landowners to retain and regenerate native oak trees" This proposed action would further Policy BIO-GV-20, and extend similar goals to most of the County's rural lands.

Based on this discussion, the program is consistent with the policies quoted above.

3. Environmentally Sensitive Habitat (ESH) areas

   a. Goleta Community Plan

      Policy BIO-GV-5: *Native woodlands designated as environmentally sensitive habitats shall be preserved and protected.*

b. Toro Canyon Area Plan

BIO-TC-8: *New or expanded cultivated agricultural uses shall be prohibited within ESH areas and avoided to the maximum extent feasible in ESH buffer areas, except on agriculturally zoned parcels (i.e., AG-I or AG-II) subject to Policy BIO-TC-9.*

BIO-TC-9: *On agriculturally zoned parcels containing Southern Coast Live oak Riparian Forest ESH, new or expanded cultivated agriculture may encroach to 25 feet from the ESH as measured from the top of bank or, if the habitat extends beyond the top of bank, as measured from the edge of riparian vegetation. Agricultural uses in the ESH buffer shall be designed to reduce and direct runoff away from the ESH habitat and minimize the use of pesticides and herbicides to the maximum extent feasible.*

DISCUSSION

The proposed Oak Tree Protection and Regeneration Program would not apply to areas designated as ESH in the Goleta Valley or Toro Canyon Plan areas, nor would it change permit requirements in these areas. The program is consistent with these policies.

4. Oak woodland habitat

a. Montecito Community Plan

Policy BIO-M-1.19: *Oak Woodlands shall be protected as habitat rather than as individual trees. Emphasis shall be placed on preservation and enhancement of oak woodlands as they provide habitat for numerous plant and animal species. Oak Woodlands are defined for the purposes of this policy as stands dominated by Coast Live Oak (Quercus agrifolia) and other trees native to oak woodlands (including vegetation transition zones) which form a closed canopy of a minimum of 1 acre and are not surrounded by or heavily influenced by urban development such as structures or roads and where the understory has not been permanently disturbed (e.g., by structures or roads). A general description of the characteristics of oak woodlands and a list of typical understory vegetation for oak woodlands in Montecito is provided in Appendix D (Excerpted from California vegetation, 4th Edition by V.L. Holland pg 172-176; 1990).*

DISCUSSION

Policy BIO-M-1.19 states that oak woodlands shall be protected as habitat rather than individual trees. (Because valley and blue oaks are not native to the Montecito area, this discussion pertains to the live oak protection measures only.) Although the proposed regulations do not address habitat per se, the recommended program's levels of live oak canopy removal exemptions are low enough to keep oak woodlands relatively intact. For non-agricultural purposes, removal of over five percent of the existing canopy on a property would require a management plan be approved; for agriculture the trigger is 15 percent. Using a percentage threshold is consistent with biological resource protection because allowed removals are based on and commensurate with the site conditions. Under a

management plan, replanting at a 10:1 ratio would be required to help restore canopy and potentially even increase age diversity in local stands.

As discussed elsewhere in this section, understanding the context of adopting the newly proposed Oak Tree Protection and Regeneration Program is important in determining consistency with policies such as this one. There are currently no regulations in the County, outside of the coastal zone, ESH-GOL and ESH-TC overlay areas, that specifically protect oak trees or habitat when removal is not associated with a development permit. Even in the ESH-designated areas of the Montecito Community Plan, there are no regulatory triggers that require permits for oak removal not associated with a development permit. The proposed oak protection regulations, and the associated goals and policies that call for maintaining and enhancing oak habitat in the long term, represent a vastly improved regulatory scenario for the protection of oak habitat throughout the rural areas of the county, and furthers the intent of this policy. Based on these factors, the proposed program is consistent with this policy[1].

5. Protection of specific oak trees

   a. Goleta Community Plan

      Policy BIO-GV-18: *Trees serving as known raptor nesting or key raptor roosting sites shall be preserved to the maximum extent feasible.*

   b. Los Alamos Community Plan

      Policy BIO-LA-1.1: *Riparian habitat on San Antonio Creek and local drainages shall be preserved and restored to the maximum extent feasible.*

      Policy BIO-LA-1.3: *To the maximum extent feasible, all existing "protected" trees shall be preserved. Protected trees are defined for the purposes of this policy as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historic value, or are unique due to species type or location shall be preserved to the maximum extent feasible.*

   c. Montecito Community Plan

      Policy BIO-M-1.15: *To the maximum extent feasible, specimen trees shall be preserved. Specimen trees are defined for the purposes of this policy as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Native or non-native trees that have unusual scenic or aesthetic quality, have important historic value, or are unique due to species type or location shall be preserved to the maximum extent feasible.*

[1] The portion of the Montecito Community Plan area where the regulations would apply is limited to the rural portion that is outside of the national forest boundary. This area totals roughly 300 acres.

Policy BIO-M-1.16: *All existing native trees regardless of size that have biological value shall be preserved to the maximum extent feasible.*

Policy BIO-M-1.18: *Trees serving as known raptor nesting or key raptor roosting sites shall be preserved to the maximum extent feasible.*

d. Toro Canyon Plan

Policy BIO-TC-11: *Native specimen trees and non-native specimen trees shall be protected to the maximum extent feasible.*

DISCUSSION

The policies above call for protection of raptor roosting trees, specimen-sized trees, and other trees of high biologic value, respectively, "to the maximum extent feasible." The exempt removals proposed in the program, and the fact that neither environmental review nor permit requirements would apply to them, suggest a certain tension with these particular policies; the case is similar for landowner regeneration-level projects. Oak removals at the exempt and landowner regeneration-levels could be carried out under the proposed program with no requirements to consider these values and resources, with the exception of replanting requirements in the latter case. This permitting structure, however, is consistent with the County's twin objectives of encouraging agriculture and protecting the environment, and ultimately furthers the recommendations and policies of the Comprehensive Plan. In addition, agriculture is an industry of great importance to the county and its residents, and one whose viability could potentially be affected by regulations as stringent as those placed on urban development. Hence, allowing specified levels of oak removal on agricultural land without permits, with only landowner regeneration or with a management plan, and requiring discretionary permits for higher levels of removal is consistent both with the balancing of agriculture and protection of the environment, and with the recognition in the policy that there may be other considerations associated with protection. For agriculture, incorporating exemptions and landowner regeneration into a program that requires permits where they have not historically been required protects the resources addressed in the policies to the maximum extent feasible for the land uses and circumstances involved.

Understanding the context in which the Oak Tree Protection and Regeneration Program is being proposed further demonstrates that the program would advance the intent of the resource protection policies quoted in this analysis. As stated above, there are currently no regulatory means in the unincorporated inland areas of Santa Barbara County (outside of ESH-Goleta and ESH-Toro Canyon areas) to protect oak trees or require replanting when oaks are cut down or otherwise removed unless grading also occurs. Therefore, adoption of the program would be an improvement over the existing regulatory and policy environment for protection of oak trees and associated natural resources, and would further these policies.

The proposed program would therefore be consistent with all of the above existing policies of the Comprehensive Plan relevant to biological resources.

C. Air Quality

1. Agricultural Element

Policy I.E: *The County shall recognize that the generation of noise, smoke, odor, and dust is a natural consequence of the normal agricultural practices provided that agriculturists exercise reasonable measures to minimize such effects.*

Policy I.F: *The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.*

2. Goleta Community Plan

Policy AQ-GV-2: *The County shall strive to maintain the consistency of all land use planning with the Air Quality Attainment Plan.*

3. Montecito Community Plan

Policy AQ-M-1.1: *Maintain consistency of all land use planning and development with the Air Quality Attainment Plan and subsequent Air Pollution Control District (APCD) air quality plans and guidelines.*

DISCUSSION

Exempt oak tree removals under the proposed program have the potential to cause impacts to air quality through generation of dust from removal of oak trees and to a lesser extent from emissions from tree removal equipment. However, at exempt removal and landowner regeneration levels these impacts are expected to be at levels low enough to preclude program inconsistency with the policies above. In addition, allowing for some dust and emissions generation from exempt removals is consistent with the spirit of Agricultural Element Policy I.E., above, when they are due to normal agricultural practices, which tree removal may be part of in some instances, and which the proposed regulations seek not to impede.

For management plans and discretionary-level tree removal under the proposed program, management practices, conditions and/or mitigation would be required to reduce air quality impacts (i.e., measures routinely applied to projects). In addition, the emphasis on replacement planting and support for conservation of oak trees could in the future help to mitigate dust by reducing land disturbance, moderating wind velocity and trapping dust. This would be an improvement over the current situation where oak removal, apart from grading, in the inland rural areas does not trigger any review.

Based on the discussion above, the proposed program is consistent with the existing Air Quality policies in the Comprehensive Plan.

D. Cultural Resources

1. Land Use Element

Area/Community Goals – Lompoc Area (page 120)
Encouragement should be given to the preservation of significant archaeological resources and sites reflecting the County's Indian, Mexican, Spanish, and early California cultural historical heritage now in both public and private ownerships.

2. Conservation Element

Urban growth and agricultural development are primary sources of direct [archaeological] site destruction. Such activities include, but are not limited to, plowing, bulldozing,… grading for roads and highways…. Any activity which involves building directly on the surface of a site or running vehicles over a site poses a direct threat of destruction. Other examples of such direct destructive factors include: cattle grazing, water projects, off-road vehicles.(pp. 251 – 252).

Activities which alter the immediate environs of archaeological sites provide a second type of indirect threat. Re-directing stream channels and construction (of the types listed under direct threats) which may increase or stimulate erosion are examples of such potential destruction. (pp.251-252)

For specific project areas, the following steps should be taken:
A systematic ground survey of the project area and alternative areas should be carried out by the archaeologist selected. Preliminary testing of sites within the designated construction area may be included. (p.253)

Salvage excavation is a last resort in the "preservation" of archaeological information. Such short notice excavations destroy relevant information which might be more effectively excavated with future improved archaeological methods and techniques. In salvage archaeology, it frequently is impossible to generate an adequate research design before excavation is commenced. Considering these factors, the loss of valuable information is inevitable. In addition, salvage operations are expensive undertakings. Consequently, every effort should be made to preserve, rather than excavate, endangered archaeological sites. (p.255)

3. Goleta Community Plan

Policy HA-GV-1: *Significant cultural, archaeological and historical resources in the Goleta area shall be protected and preserved to the maximum extent feasible.*

4. Los Alamos Community Plan

GOAL HA-LA-1: *Preserve And Protect Those Cultural Resources Deemed Of Special Significance To The Maximum Extent Feasible.*

Policy HA-LA-1.1: *Significant cultural, archeological, and historic resources in the Los Alamos Planning Area shall be protected and preserved. Efforts to preserve and enhance historic structures shall be encouraged.*

5. Montecito Community Plan

GOAL CR-M-2: *Preserve And Protect Those Cultural Resources Deemed Of Special Significance To The Maximum Extent Feasible Without Interfering With The Rights Of The Property Owners.*

Policy CR-M-2.1: *Significant cultural, archaeological, and historic resources in the Montecito area shall be protected and preserved to the extent feasible.*

6. Orcutt Community Plan

Policy HA-O-1: *Archaeological and historic resources in the Orcutt Planning Area shall be protected and preserved to the maximum extent possible.*

DISCUSSION

The removal of oaks is neither construction nor development; the removal of oaks may contribute to damage to archaeological sites. For discretionary oak removal projects, the policies quoted above would continue to be applied on a case-by-case basis as individual projects move through the permitting process. Although oak removals at exempt levels have the potential to damage cultural resources without review or permits, as discussed above, under Biological Resources, oak removal does not currently require permits outside of the coastal zone and ESH-Goleta/Toro Canyon when not associated with a development permit or grading. Thus adoption of the proposed program would be an improvement over the current situation where oak removal itself in the inland rural areas does not trigger any level of review. Therefore, the program protects these resources to the maximum extent feasible, while still providing to landowners and allowing agricultural practices to continue.

The proposed program is consistent with County policies promoting the preservation of archaeological resources in the County.

E. Geological Resources and Water Quality

1. Land Use Element

Hillside and Watershed Protection Policy #9: *Where agricultural development and/or agricultural improvements will involve the construction of service roads and the clearance of natural vegetation for orchard and vineyard development and/or improvements on slopes of 30 percent or greater, cover cropping or any other comparable means of soil protection, which may include alternative irrigation techniques, shall be utilized to minimize erosion until orchards and vineyards are mature enough to form a vegetative canopy over the exposed earth, or as recommended by the County Public Works Department.*

2. Agricultural Element

Policy IV.C: *Grading and brush clearing for new agricultural improvements on hillsides shall not cause excessive erosion or downslope damage.*

DISCUSSION

Hillside and Watershed Protection Policy #9 calls for erosion control measures to be implemented when roads are constructed and vegetation (e.g. oak trees) is removed on slopes steeper than 30 percent for purposes of agricultural development or improvements. Vegetation removal and preparation for agricultural improvements on 30 percent or greater slopes requires grading permits when the work moves 50 cubic yards of earth or more. The removal of approximately five oak trees typically results in disturbance of 50 cubic yards of earth (see Section 4.5, Geological Resources and Water Quality in the EIR for more information). Therefore, on slopes greater than 30 percent, when oak trees are being removed using methods that disturb earth, a grading permit will normally be required. Where oak removal does not result in the movement of 50 or more cubic yards on slopes above 30 percent, the potential for erosion would not be considered significant under the existing County regulatory structure, i.e. grading on slopes greater than 30 percent but under 50 cubic yards is exempt from permits. The activities described in the policy are already subject to County grading permit requirements. Consequently, in cases of exempt oak removals under the circumstances described in the policy the necessary erosion control and water quality protection measures would be required by those permits.

Discretionary oak tree removal permits would be reviewed and conditioned for consistency with all applicable policies.

Agricultural Element Policy IV.C. is similar to Hillside and Watershed Protection Policy #9. In the context of this policy, "Hillsides" is interpreted to mean slopes above 30 percent, consistent with the County's grading ordinance and other policies, which in many cases consider that gradient as a threshold for certain activities to have the potential for soil erosion or other geological impacts. Again, the activities described are subject to County permits, so that in cases of exempt oak removals or even where a management plan is required, the necessary erosion-control measures would also be required.

The proposed program is consistent with these policies.

3. Land Use Element

Streams & Creeks Policy #1: *All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.*

Hillside & Watershed #5: *Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.*

DISCUSSION

Tree removal is neither development nor grading. However, the most commonly used tree removal method for agricultural intensification is uprooting (i.e. pushing over with a bulldozer). For this reason, oak removal could in some cases involve grading. Tree removal methods involving earth movement may require separate grading permits under the County's Grading Ordinance. For example, if tree removal was associated with agriculture, a grading permit would be required where there was soil disturbance within 50 feet of a the top of the bank of any stream, creek or natural watercourse, on slopes 30 percent or greater where earthwork exceeds 50 cubic yards, etc. For removal that is not associated with agriculture, disturbance of more than 50 cubic yards of soil would require a grading permit. If permits are required, the erosion control and water quality protection measures called for in the policies above would be required as well. The Oak Tree Protection and Regeneration Program itself does not require those measures because oak cutting or removal does not inherently constitute or involve grading, and where it does involve grading the existing regulatory structure has been determined to be sufficient to ensure that erosion and sedimentation are minimized. For these reasons the proposed program is consistent with these policies.

4. Agricultural Element

Policy I.F: *The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.*

Policy I.G: *Sustainable agricultural practices on agriculturally designated land should be encouraged in order to preserve the long-term health and viability of the soil.*

Goal IV: *Recognizing that agriculture can enhance and protect natural resources, agricultural operations should be encouraged to incorporate such techniques as soil conservation and sound fire risk reduction practices.*

5. Montecito Community Plan

GOAL GEO-M-1: *Protect The Public Health, Safety And Welfare By Preserving The Hillsides In The Most Natural State Feasible.*

DISCUSSION

Oak tree root structures help to hold soil in place, and oak tree canopies reduce the impact of raindrops on soil surfaces. Hence, oak tree removal contributes to soil erosion and the potential for sedimentation of drainages and other impacts to water quality by exposing soil and increasing wind and water erosion. Because the proposed Oak Tree Protection and Regeneration Program would require landowner regeneration, a management plan or permits (all involving replanting) for various levels of oak removal where no such regulations exist currently, the proposed program furthers the intent of these policies and is therefore consistent with the policies listed above.

F. Visual Resources and Aesthetics

1. Goleta Community Plan

Policy VIS-GV-3: *Maintenance and expansion of Goleta's tree population shall be a high priority in the Goleta planning area. The County shall encourage projects which expand onsite and offsite provision of appropriate tree plantings, both in terms of quantity and species diversity.*

Policy VIS-O-1: *Significant scenic and visual natural resources in Orcutt shall be protected in order to preserve the semi-rural character of the OPA.*

DISCUSSION

As the deciduous oaks covered by this program are not found in the Goleta Valley, or for the most part in Orcutt either, only the program for protecting live oaks is relevant with respect to these policies. The EIR identifies a potentially significant impact to visual resources. However, the proposed program should be understood in the context of existing regulations, which offer little protection for oak trees or requirements for replanting in the specified planning areas (outside of the development process, coastal zone and the ESH-Goleta). The live oak program implements the policies quoted above by improving oak protection measures and encouraging replanting. The recommended program's levels of live oak removal under exemptions are low enough to keep oak woodlands aesthetically intact relative to existing circumstances. For non-agricultural purposes, removal of over five percent of the existing canopy on a property would require a management plan be approved; for agriculture the trigger is 15 percent. Using a percentage threshold is consistent with visual resource protection because allowed removals are based on and commensurate with the site conditions, i.e. the existing visual setting. Under landowner regeneration and management plan tiers, replanting at a 10:1 ratio would be required to help restore canopy and potentially even increase age diversity in local live oak stands. Overall, the program would serve to further these policies by providing improved protection of these important visual resources. (The Visual Resources policies of the Land Use Element are not quoted above, as they address structural development, and so are not applicable to oak tree removal.)

The proposed program is consistent with the visual resource policies in the Comprehensive Plan.

7. ERRATA IN THE EIR

The following sections provide corrections, amplifications and clarifications to minor errors and inconsistencies in the original text of the EIR. Section 7.1 clarifies discrepancies and inconsistencies between the text of the EIR and the table in the EIR that summarizes the impacts of each alternative. Section 7.2 clarifies a discrepancy between the EIR's cumulative impact analysis discussion for geologic resources and how that analysis is summarized in Table 1-2 of the EIR. Section 7.3 clarifies and amplifies the text of the EIR to provide consistent interpretation of the impact analysis related to geological resources and water quality, and how the program alternatives compare to the original project description in regards to Impact GEO-1.

7.1. Table 6-7: *Impact Comparison of Alternatives to the Proposed Project*

Impact BIO-3: allow pruning affecting overall habitat quality. This impact is Class II for Alternative 6 [the table describes the impact as Class III]. This impact is Class II for Alternative 3 [the table describes the impact as Class III].

Impact BIO-4: Allow various activities such as planting, placement of farm roads, disking, and irrigation under the dripline of oak trees. This impact is Class I for Alternative 6 [the table describes the impact as Not Applicable (NA)].

Impact BIO-7: Unsuitable locations of oak tree off-site mitigation and credit trees would impact the long-term success of these activities. This impact is Class II for Alternatives 3, 4, 5, and 6 [the table describes the impact as Class I for each].

Impact BIO-11: Tree thinning and management activities would potentially reduce or remove leaf litter and result in changes to oak microhabitats. This impact is Class I for the proposed project [the table describes the impact as Class II].

Impact AQ-1: Short term fugitive dust emissions in the form of PM_{10} would occur at a rate of about 55 pounds per acre-day of disturbed land. The text of the FEIR accurately identifies this impact as Class II for Alternatives 5 and 6 [the table describes the impact as Class III for both].

Impact GEO-1: Exposure of soil resulting in increased wind and water erosion and sedimentation of drainages. The text and Table 1-1 of the FEIR accurately identify this impact as Class I for the Proposed Project [the table describes the impact as Class II]. Furthermore, based on a comparison of the program alternatives relative to the Proposed Project, this impact is Class I for Alternatives 3, 5, and 6 as well [Table 6-7 describes the impacts for these alternatives as Class II].

7.2 Table 1-2: *Summary of Cumulative Environmental Impacts*

Geologic Resources: The text of the FEIR identifies the proposed project's contribution to cumulative impacts as *significant and unavoidable* (Class I) despite mitigation. Table 1-2

mistakenly describes the cumulative impact as Class II. The text of the discussion from Table 1-2 is hereby amended as follows:

"Oak tree removals from the proposed program together with oak tree removals in adjacent jurisdictions would potentially result in incremental erosion and sedimentation throughout the program area. Oaks within the Santa Barbara County Coastal Zone are protected by policies that would likely result in a relatively low contribution to cumulative impacts on geologic resources. Impacts in San Luis Obispo County could occur due to use of voluntary guidelines in that jurisdiction. Oak trees within Ventura County receive some level of protection, although similar types of impacts to geologic resources as described for the proposed project could occur from tree removal. Therefore, cumulative impact on geologic processes would be significant, and the proposed program's contribution to this impact would be *potentially significant*. Proposed program mitigation measures would be incapable of reducing the project's contribution to cumulative impacts to less than significant levels."

7.3 *Changes to the Text of the FEIR*

Section 4.5.6 Geological Resources and Water Quality Residual Impacts

Section 4.5.6 of the EIR describes the residual impact to geological resources and water quality as Class I under the original project description, mainly due to exempt oak tree removals allowed under the program. This determination is reiterated in Table 1-1 of the EIR. The following excerpt from this section has been amended to clarify this reasoning.

"Thresholds that would trigger the need for mitigation measures (100 feet of an intermittent drainage, removal of over 50 oaks per parcel, or removal of 5 or more oaks within a 1,000 square foot area) include scenarios that would likely include most instances where tree removal would result in potentially significant impacts, while allowing reasonable levels of oak tree removal. However, impacts would vary on a case-by-case basis due to the varied topographic regions throughout the County.

Oak tree removal less than that described above would result in localized soil erosion which would be naturally mitigated by grasses and other vegetation regenerating in the area immediately surrounding the disturbed area. This would aid in filtering eroded sediments from entering nearby drainages. Implementation of a restoration plan for oak tree removals that meet the criteria listed in section 4.5.5 would reduce impacts of non-discretionary and discretionary permit removals on geological resources and water quality to a *less than significant* level. Maximum levels for exempt oak tree removals that could proceed without mitigation, however, would disturb up to 37,500 s.f. of soil on a given parcel. Therefore, ~~T~~the incremental Impact GEO-1 on geological resources and water quality from exempt removals without mitigation would remain *significant and unavoidable* (Class I). As a result, the proposed project's contribution to cumulative impacts would be *significant and unavoidable* (Class I)."

Section 6.4.5 High Land Use Flexibility Alternative: Geological Resources and Water Quality

Section 6.4.5 describes the impacts to geological resources and water quality resulting from the High Land Use Flexibility alternative and compares them to the original project description. The following changes were made to the text to reflect the fact that this alternative allows for more exempt removal than the original project description and therefore the impact classification level would be the same as for the original project description (Class I).

"Loss of oak trees under the High Land Use Flexibility Alternative would expose soil to increased wind and water erosion and sedimentation of drainages, similar to the proposed program. Oak tree removal and associated vegetation disturbance required to smooth over root ball depressions to recontour the ground surface would expose an approximate maximum of 250 square feet of soil for each tree removed. The disturbed, loose soils would be prone to wind and water erosion. Runoff could carry soils to nearby streams and creeks, which are common throughout the County, resulting in potential water quality impacts due to increased sedimentation. The High Land Use Flexibility Alternative allows for more exempt deciduous removal than the proposed program. However, larger number of oaks could be removed with a non-discretionary tree removal permit, including up to 750 oaks on parcels over 899 acres. Loss of oak trees on this scale would result in potentially significant impacts to erosion. Impacts would be greater than the proposed program, which are Class I, as more oak tree removals would be allowed without discretionary review. Mitigation measures required for the proposed program (section 4.5), applied to this alternative, would reduce these impacts, but they would remain *significant and unavoidable* (Class I) ~~to *less than significant* (Class II)~~."

Section 6.6.5 Canopy Retention Alternative: Geological Resources and Water Quality

Section 6.6.5 describes the impacts to geological resources and water quality resulting from the Canopy Retention alternative and compares them to the original project description. The following changes were made to the text to reflect the fact that this alternative results in the same Class I impact to geological resources and water quality as the original project description and therefore the impact classification level would be the same.

"The Canopy Retention Alternative would provide more protection to oak resources in sites with very low density of oak trees, although it would provide less protection to oak resources for sites with relatively higher densities of oak trees. It therefore cannot be determined whether the Canopy Retention Alternative would have greater impacts on geological resources and water quality relative to the proposed program. Overall, impacts on geological resources and water quality are considered to be the same as the proposed program, which are Class I. ~~Nevertheless, t~~The same types of impacts that would result from the proposed program would occur under this alternative. Loss of oak trees would expose soil to increased wind and water erosion and sedimentation of drainages. Oak tree removal and associated vegetation disturbance required to smooth over root ball depressions to create an even ground surface would expose an approximate maximum of 250 square feet of soil for each tree removed. The disturbed, loose soils would be prone to wind and water erosion. Runoff could carry soils to nearby streams and creeks, which are common throughout the County, resulting in potential water quality impacts due to increased

sedimentation. Impacts to erosion would be potentially significant. Mitigation measures required for the proposed program (section 4.5), applied to this alternative, would reduce these impacts, but they would remain *significant and unavoidable* (Class I).~~to *less than significant* (Class II).~~"

Section 6.7.5 High Protection for Deciduous Oak Trees: Geological Resources and Water Quality

Section 6.7.5 describes the impacts to geological resources and water quality resulting from the High Protection for Deciduous Oak Trees alternative and compares them to the original project description. The following changes~~ were made~~ to the text ~~to~~ clarify ~~the fact~~ that this alternative provides a relatively similar level of protection for live oaks as the original project description, reflected by the similar removal thresholds and discussion in Section 6.7.2. The EIR identifies a Class I residual impact (GEO-1) associated with the original project description. Since this alternative provides a relatively similar level of protection as the original project description, it too results in a residual Class I impact to geological resources and water quality. This similarity between this alternative and the original project description is reflected by the similar removal thresholds for live oaks under both programs and the discussion of the biological impacts of this alternative (Section 6.7.2), which stated a similar level of oak protection. ~~For this reason, this alternative results in a similar Class I impact to geological resources and water quality relative to the original project description and therefore the impact classification level would be the same as for the original project description.~~

"The High Protection for Deciduous Oak Trees Alternative would provide more protection to oak resources in sites with deciduous oak trees, although it would provide ~~less~~ relatively similar protection to sites with live oaks, compared with the proposed program. The maximum number of native oaks that could be removed either without a permit or with a non-discretionary tree removal permit would be similar to the number of trees that could be removed under the proposed program. ~~For all parcel sizes it is possible to remove more live oaks without a permit, within a 50year period, under this alternative than under the proposed program. Under this scenario, impacts to geological resources and water quality would be greater relative to the proposed program. However, for most parcel sizes there is a lower threshold of oak trees removed triggering a discretionary permit, and thus it is possible that this alternative could result in fewer tree removals and fewer associated geological and water resource impacts. Nevertheless~~Therefore, the same types of impacts that would result from the proposed program would occur under this alternative. Loss of oak trees would expose soil to increased wind and water erosion and sedimentation of drainages. Oak tree removal and associated vegetation disturbance required to smooth over root ball depressions to create an even ground surface would expose an approximate maximum of 250 square feet of soil for each tree removed. The disturbed, loose soils would be prone to wind and water erosion. Runoff could carry soils to nearby streams and creeks, which are common throughout the County, resulting in potential water quality impacts due to increased sedimentation. Impacts to erosion would be *potentially significant.* Mitigation measures required for the proposed program applied to this alternative would reduce these impacts, but they would remain *significant and unavoidable* (Class I). ~~to *less than significant* (Class II).~~"

7.4 *Changes to the Policy Consistency Analysis*

Upon review of the applicability of the Oak Tree Protection and Regeneration Program, it was determined that, in regards to the Summerland Community Plan Area, all of the zoning designations that are subject to the Program are within the coastal zone of the Plan Area. Since the Program does not apply to areas within the coastal zone, the program is not required to be found consistent with Summerland Community Plan policies. Therefore, such policies have been deleted from the Policy Consistency Analysis.

8. IMPACT CLASSIFICATION CHANGES

The Board disagrees with three impact classifications found in the FEIR. The impact classification levels have been altered to reflect the Board's findings on the impacts and mitigation measures. An explanation is provided after each change below.

Impact BIO-9 has been revised as follows:

"Impact BIO-9: Removal of dead trees and granary trees would impact woodpecker and cavity nesting birds. The removal of dead trees would eliminate nest cavities and granary trees created by acorn woodpeckers. This would affect all hole-nesting birds that use oak woodlands, particularly acorn woodpeckers (Koenig 1990). Without stores of acorns, a family group could potentially be unable to survive the winter. The abundance of stored acorns is positively correlated with the number of young fledged in the spring. Because of this, acorn woodpeckers would be particularly impacted by removal of dead snags (Koenig 1990). Granary trees are distributed throughout the rural areas of Santa Barbara County and they would not be disproportionately targeted for removal under the proposed program. Education and outreach proposed as part of the program would emphasize the importance of conserving granary trees. Removal of granary trees ~~This~~ would be an ~~potentially~~ adverse but less than significant impact (Class III).

In addition, most species of cavity nesting birds would be impacted by removal of dead trees. Competition for suitable holes for nesting is high, and non-native European starlings often out-compete other birds for holes when the cavities are in short supply. Species such as oak titmouse, tree swallow, violet-green swallow, purple martin, western bluebird, Bewick's wren, house wren, and many other hole-nesting birds would decline in abundance as a result of removal of dead trees with nest holes. Dead trees also provide habitat for small mammals, reptiles and even some amphibians, such as tree frogs, as well as invertebrates. These species provide food for larger birds, such as hawks and flycatchers, and they are an important habitat component for many amphibians, reptiles, and small mammals (Block et al. 1990). Studies have generally found that the more downed wood that exists in an area, the greater the abundance of dusky-footed woodrats, California mice and pinion mice (Tietje et al. 1997). Often, many dead trees and limbs are left in place in denser woodlands and forests and in rangeland areas. Dead trees and limbs would not be expected to be disproportionately targeted for removal under the proposed program. The proposed program's education and outreach activities would highlight the value of

dead trees and limbs to wildlife. ~~This removal of wildlife habitat~~ Removal of dead trees would be an ~~potentially~~ adverse but less than significant impact (Class III)."

Explanation of change: The Board finds that the impact to biological resources due to the potential removal of granary trees is adverse but not significant. Granary trees are distributed throughout the rural areas of Santa Barbara County and they would not be targeted for disproportionate removal. Additionally, the education and outreach called for in Oak Tree Protection Action 3 would highlight the importance of leaving granary trees in place. Mitigation BIO-6, which requires that granary trees be preserved, is therefore not necessary to reduce the impact to less than significant.

The Board finds that impacts to biological resources due to the potential removal of dead trees and limbs are adverse but not significant. Dead trees and limbs would not be expected to be disproportionately targeted for removal. Many dead trees and limbs are left in place in denser woodlands and forests, and in rangeland areas. Mitigation BIO-7, which requires that dead trees and limbs be left in place unless they represent an imminent health and safety concern, is therefore not necessary to reduce the impact to less than significant, however the County shall promote the preservation of dead trees and limbs through public education and outreach materials that emphasize their importance to wildlife, pursuant to Oak Tree Protection Action 3, which is proposed for inclusion in the Conservation Element.

Impact BIO-11 has been revised as follows:

"Impact BIO-11: Tree thinning and management activities would potentially reduce or remove leaf litter and result in changes to oak microhabitats. Grazing, and reduction of the percentage of canopy cover as a result of tree thinning and management activities under the program could potentially reduce or remove leaf litter in an area. Wildlife species such as dusky-footed woodrats, black-bellied slender salamanders, and ensatina could potentially be reduced in numbers in areas where the litter layer is reduced. Thinning is not widely practiced in Santa Barbara County and there is no evidence to suggest that thinning has significantly impacted canopy cover where it has occurred. Given that thinning typically involves the removal of understory vegetation (where the larger trees contributing to the leaf litter remain in place) and/or scattered trees throughout the canopy, it is expected that the removal or reduction of leaf litter resulting in changes to oak microhabitats would be adverse but less than significant (Class III).~~This would be a *potentially significant* impact.~~"

Explanation of change: The Board finds that impacts to biological resources due to the potential removal or reduction of leaf litter by tree thinning and management activities under the Program is adverse but not significant (Class III). Leaf litter would not be expected to be reduced or removed significantly due to the methods commonly employed for thinning and the current level of thinning that occurs in Santa Barbara County. Thinning is not widely practiced in Santa Barbara County, and when it is employed for rangeland improvement or management, it typically involves the removal of understory vegetation and scattered trees throughout a canopy. The definition of thinning in the Program specifically prohibits the removal of contiguous canopy, thereby reducing the effect on litter layers. For these reasons, the impact associated with a reduction or removal of leaf litter is adverse but not significant and Mitigation BIO-8, which requires that leaf litter and downed wood be conserved and left in place to the maximum extent possible, is therefore not necessary.

Impact AQ-1 has been revised as follows:

"Impact AQ-1: Fugitive dust emissions. While there is no quantitative threshold to determine the significance of PM_{10} emissions from oak tree removal activities, the project region does not attain the state standards for PM_{10}. Fugitive dust emissions in the form of PM_{10} would occur at a rate of about 55 pounds per acre-day of disturbed land (EPA 1996). Fugitive dust emissions could also create a nuisance to persons adjacent to proposed oak tree removal sites. The air quality impacts from tree removal activities, including removing oak trees and surrounding ground cover when recontouring the ground surface, would be short-term and would only last for the duration of each individual project. Larger scale oak tree removal that involves soil disturbance is generally associated with the planting of crops and agricultural earthwork such as disking. Dust generation due to oak tree removal will be miniscule relative to the existing soil preparation practices of the associated agricultural activity and would not cause a public nuisance or exacerbate the non-attainment status for PM_{10}. PM_{10} emissions that cause a public nuisance are adequately addressed under existing APCD regulations. ~~However, since PM_{10} emissions from proposed oak tree removal activities would potentially cause a public nuisance or exacerbate the existing PM_{10} non-attainment status of the County,~~. ~~t~~These emissions would be ~~potentially~~ adverse but less than significant (Class III)."

Explanation of change: The Board finds that the impact to air quality due to PM_{10} emissions that could potentially cause a public nuisance or exacerbate the existing PM_{10} non-attainment status of the County is adverse but not significant. Larger scale oak tree removal that involves soil disturbance is generally associated with the planting of crops and agricultural earthwork such as disking. Dust generation due to oak tree removal will be miniscule relative to the existing soil preparation practices of the associated agricultural activity and would not cause a public nuisance or exacerbate the non-attainment status for PM_{10}. PM_{10} emissions that cause a public nuisance are adequately addressed under existing Air Pollution Control District (APCD) regulations. Mitigation AQ-1 is therefore unnecessary to mitigate the impact to a level of insignificance.

EXHIBIT 1

OAK TREE PROTECTION AND REGENERATION PROGRAM

Santa Barbara County
Oak Working Group Program Recommendation
March 25, 2003

The goal of the Oak Working Group's recommended Oak Tree Protection and Regeneration Program is to sustain and, where possible, enhance the native oak resources of Santa Barbara County. Specifically, the program seeks to ensure that there is no net loss of native oak trees and that, if possible and with the help of incentives, the number and extent of remaining valley, blue, and live oak trees grow greater. To accomplish this, the recommended program combines elements of landowner flexibility and voluntary oak regeneration with oak protection. The participants believe that this approach will benefit the county's oaks, avoid undue burdens on private property, and foster trust between land stewards, concerned citizens and local government.

The proposal consists of one program for deciduous oaks, which includes valley and blue oaks, and a separate program for live oaks; they would be implemented simultaneously under the combined Oak Tree Protection and Regeneration Program.

I. DECIDUOUS OAK PROGRAM

A. OAK REMOVAL FOR AGRICULTURAL PRACTICES (AS DEFINED IN THE GRADING ORDINANCE)

These provisions would apply to all private land outside of the coastal zone and urban areas. They would constitute new rules for agricultural deciduous oak (valley and blue oaks) removal that are less restrictive than those discussed under sections B and C below for non-agricultural removals, and include voluntary and self-regulating components under tiers 1 and 2 of the four-tiered structure. They would govern valley and blue oak removals, replacing the County of Santa Barbara Environmental Thresholds and Guidelines Manual as a standard for agricultural grading not requiring a discretionary permit on this issue.

1. Deciduous Oak Removal Thresholds for Agricultural Operations: the Four-Tiered Program

The program is based on a 4-tiered system (see Table 1, below). Requirements that are triggered by agricultural deciduous oak removal within Tiers 1 through 3 would be adopted as Grading Ordinance Guidelines under Section 14-8 of the Grading Ordinance ("Grading for Agricultural Practices"); those for Tier 4 would be adopted separately as a new ordinance section in Chapter 35 of the County Code.

TABLE 1. GRADING ORDINANCE ADMINISTRATIVE GUIDELINES (TIERS 1-3) AND DISCRETIONARY PERMITS (TIER 4) FOR DECIDUOUS OAK REMOVALS FROM AGRICULTURAL OPERATIONS

Lot Size	**Tier 1** **Exempt From Regeneration Requirement; Count Toward Cumulative # Removed**	**Tier 2** **Landowner Regeneration Required; Self-Certification of Compliance**	**Tier 3** **Management Plan Required**	**Tier 4** **P&D Discretionary Permit Required**
Less than 50	1	2 – 3	4 – 8	> 8
50 – <100	2	3 – 6	7 – 17	> 17
100 – <150	3	4 – 10	11 – 26	> 26
150 – <200	4	5 – 13	14 – 34	> 34
200 – <250	5	6 – 16	17 – 42	> 42
250 – <300	6	7 – 19	20 – 50	> 50
300 – <350	7	8 – 22	23 – 58	> 58
350 – <400	8	9 – 25	26 – 66	> 66
400 – <450	9	10 – 28	29 – 74	> 74
450 – <500	10	11 – 31	32 – 82	> 82
500 – <550	11	12 – 34	35 – 90	> 90
550 – <600	12	13 – 37	38 – 98	> 98
600 – <650	13	14 – 40	41 – 106	> 106
650 – <700	14	15 – 43	44 – 114	> 114
700 – <750	15	16 – 46	47 – 122	> 122
750 – <800	16	17 – 49	50 – 131	> 131
800 – <850	17	18 – 52	53 – 138	> 138
850 – 899	18	19 – 55	56 – 146	> 146
Greater than 899	19	20 – 58	59 – 154	> 154
Removals of deciduous oaks that equal or exceed 30% of all deciduous oaks on legal lots 100 acres or greater, or which equal or exceed 50% of deciduous oaks on lots less than 100 acres shall be deemed significant and trigger Tier 4 review.				

Tier 1: Exempt

- No regeneration or reporting required. (The Oak Tree Specialist and Agricultural Commissioner should outreach to landowners to request that they voluntarily report Deciduous Oak removals as part of efforts to work with the community to encourage replanting and regeneration of valley and blue oaks.) Removals exempt under Tier 1 would count as part of the total number of trees removed during the removal period for purposes of determining when tiers 2, 3 and 4 apply. See Program Basics, Section III below.

Tier 2: Landowner Regeneration Required; Self-Certification

In balancing voluntary and regulatory components of the Guidelines, this tier is designed as the predominantly voluntary, self-regulating element.

- Cumulative removals within the removal period exceeding Tier 1 allowances are subject to the requirements of Tier 2.

- 15:1 replanting ratio is required. Replacement trees shall be planted no closer than 20 feet from each other or from existing deciduous oak trees, and no farther than 165-180 feet from each other or from existing deciduous oak trees, unless recommended otherwise by the Oak Tree Specialist. Landowners shall be encouraged to consult with the Oak Tree Specialist and replant consistent with other recommended Tier 2 replanting standards (see Appendix A). Although consultation with the Oak Tree Specialist is encouraged, the landowner self-evaluates and determines success or failure. The recommended survival target for replacement trees should be a 2/3 survival rate at five years or 1/3 surviving and attaining a height above the browse line (8 feet).

- Monitoring by Agricultural Commissioner requires landowner's voluntary cooperation.

- Documentation of oak tree removals at Tier 2 is required through self-certification and notification to the Agricultural Commissioner.

- Willful failure to notify the Agricultural Commissioner of tree removals, carry out required replanting, or pursue regeneration would be a violation.

- Violations trigger Tier 3 management plan or Tier 4 permit, and/or fines, at the discretion of the Agricultural Commissioner.

Tier 3: Management Plan Required

In balancing voluntary and regulatory components of the Guidelines, this tier is designed to have more regulatory elements.

- Management plan approval by Agricultural Commissioner required before cumulative removals within the removal period exceed allowances under Tier 2.

- Agricultural Commissioner would approve management plans on a case-by-case basis without additional CEQA review or hearings where the plan for a particular property is consistent with Tier 3 management plan standards (e.g. avoidance of removal of actively used granary trees, raptor roosting or nesting trees, trees in riparian corridors, fragmentation of habitats, corridors or links to other habitat – see Appendix B).

- Management plan standards must be met in order for project to be approved (see Appendix B).

- Monitoring by Oak Tree Specialist required as a condition of the Management Plan.

- Willful failure to adhere to management plan standards would be a violation.

- Violations trigger Tier 4 permit requirement and/or fines at the discretion of the Agricultural Commissioner.

Tier 4: Planning and Development Discretionary Permit Required

- Cumulative removals exceeding Tier 3 allowances require separate discretionary review and permit approval from P&D, including CEQA review and Planning Commission hearing. [Note: Standards for Tier 4 are derived from the Planning Commission's recommended standards for Major Oak Tree Removal Permits.] The management plan standards for Tier 4 are the same as Tier 3, with one additional standard for **valley oak removals** in Tier 4 (adapted from PC recommended program standard): "valley oak tree removal encompassing an area of five (5) acres or greater shall require valley oak replanting of an area of comparable size in an area of existing or historic valley oak habitat. This area shall be protected in the long-term where feasible." This standard shall be reviewed for effectiveness at each review period.

- Tier 4 standards and permit procedures would be adopted as an ordinance amendment to Chapter 35 of the County Code.

B. Deciduous Oak Removal for Non-Agricultural Purposes, where a Development Permit is not required

For deciduous oak removals on private land outside of the coastal zone and urban areas not done as agriculturally associated earthwork as defined in §14-8 of the Grading Ordinance, the Planning Commission-recommended program thresholds shall apply (see below). Requirements and standards under tiers 1 and 2 would be adopted as Grading Ordinance Guidelines under Section 14-6 of the Grading Ordinance; those for Tier 3 would be adopted separately as an ordinance amendment to Chapter 35 of the County Code.

- Deciduous Oak removal corresponding to the Planning Commission-recommended program's Tier 1 shall be exempt

- Deciduous Oak removal corresponding to the Planning Commission-recommended program's Tier 2 shall require landowner regeneration equivalent to the Oak Working Group's Program Tier 2, and

- Deciduous Oak removal exceeding the Planning Commission-recommended program's Tier 2 shall require a P&D discretionary permit equivalent to the Oak Working Group's Program Tier 4.

The Planning Commission-recommended thresholds as adapted for the Oak Working Group's Program for Deciduous Oak removals for non-agricultural purposes, where a development permit is not required.

Tier 1: (Exempt Removals): Removal of one protected deciduous oak on legal lots of any size shall be exempt.

Tier 2: Landowner regeneration similar to the Oak Working Group's Program Tier 2 standards required (see Table 2 below).

Table 2. Tier 2 removal numbers for non-agricultural deciduous oak tree removal.

Lot acreage	Tier 2 removals Greater than one and less than or equal to:
< 50	2
50 – <100	3
100 – <200	4
200 – <300	5
300 – <400	6
400 – <500	7
500 – <600	8
600 – <700	9
700 – <800	10
800 – 899	11
> 899	12

Tier 3 (Discretionary Permits): Beyond Planning Commission's Tier 2 numbers (see Table 2 above), a discretionary permit shall be required, with a management plan requirement similar to that of Tier 4 above.

C. DECIDUOUS OAK REMOVAL ASSOCIATED WITH ACTIVITIES REQUIRING A DEVELOPMENT PERMIT (e.g. LUP, CUP, DP)

The Comprehensive Plan amendments as proposed in the Planning Commission-recommended program, with minor revisions suggested by working group members, would be adopted along with the Oak Working Group's Program. The Comprehensive Plan amendments would apply to the discretionary permits required by the Chapter 35 ordinance amendments (see Tier 4 of Section A and Tier 3 of Section B above), as well as any project requiring a development permit.

II. LIVE OAK PROGRAM

A. LIVE OAK REMOVAL FOR AGRICULTURAL PRACTICES

1. Requirements that are triggered by agricultural live oak removal would be adopted as Grading Ordinance Guidelines under Section 14-8 of the Grading Ordinance ("Grading for Agricultural Practices"). These requirements shall apply to all unincorporated lands outside of the coastal zone and urban boundaries that are subject to Santa Barbara County's Zoning Ordinance.

2. Management plan approval by Agricultural Commissioner is required before cumulative live oak removals within the 30-year removal period exceed 15 percent of live oak canopy cover on a given legal lot or, where applicable, contiguous legal lots under single ownership.

3. Agricultural Commissioner would approve management plans on a case-by-case basis without additional CEQA review or hearings where the plan for particular property is consistent with the Live Oak Management Plan Standards (see Appendix C).

4. Management plan standards must be met for project to be approved (see Appendix C).

5. Monitoring by the Oak Tree Specialist required as a condition of the Management Plan.

6. Failure to adhere to management plan standards would be a violation.

7. Violations of a management plan trigger intervention, fines and/or mandatory assistance to ensure compliance, at the discretion of the Oak Tree Specialist.

8. When designing agricultural projects not expected to trigger the 15 percent canopy removal threshold, landowners are encouraged to voluntarily develop their own management plan or at least follow the general principles of the management plan standards (e.g. avoidance of granary trees and trees within riparian and wildlife corridors, minimization of habitat fragmentation, etc. - see Appendix C). Landowners should, where appropriate, consider leaving habitat elements such as dead trees, snags, and downed wood in place and look into financial incentive programs from county, state, and federal programs to help them in developing strategies for protecting the resources

without impinging on their proposed agricultural projects. Where live oak tree removal is necessary, landowners are encouraged to engage in voluntary regeneration programs prior to reaching the 15 percent canopy removal threshold and consult with the Oak Tree Specialist on successful replanting strategies, as well as general oak management, project design, and incentives.

B. LIVE OAK REMOVAL FOR NON-AGRICULTURAL PURPOSES, WHERE A DEVELOPMENT PERMIT IS NOT REQUIRED

The guidelines would be the same as for agricultural removals except that 5 percent canopy removal would trigger a management plan requirement, rather than 15 percent. All other aspects of the program are the same as those for agricultural removals.

C. LIVE OAK REMOVAL ASSOCIATED WITH ACTIVITIES REQUIRING A DEVELOPMENT PERMIT

The General Plan amendments as proposed in the Planning Commission-recommended program, with minor revisions suggested by working group members, would be adopted along with the Oak Working Group's Program. The Comprehensive Plan amendments would apply only to oak removal associated with activities requiring a development permit or permits for agricultural oak removal as required by the Chapter 35 ordinance amendments.

III. PROGRAM BASICS

A. GENERAL (Apply to Agricultural and Non-Agricultural removals in both Deciduous and Live Oak Programs)

1. Removal Period: The Oak Tree Protection and Regeneration Program would be implemented during a 30-year "removal period" measured from program adoption.[1] Removals would be calculated cumulatively during the removal period.

2. Unit of land that the removal thresholds would be based on: Legal lots or, where applicable, contiguous legal lots under single ownership.

3. Definition of Removal: "Causing an oak tree to die, be uprooted and/or removed from the ground by any means, including, but not limited to, cutting, uprooting, poisoning, or burning (unrelated to controlled burns)[2]. Excessive pruning or topping, or severing an

[1] The Oak Working Group recognized that a time period in which to measure the number of trees removed and determine the success of regeneration is necessary for an effective program. A thirty-year period was selected as a compromise between the approximate time it takes for an oak to mature and be able to reproduce (50 years) and the years each human generation may have responsibility for ranch and farmland operations (20-25 years).

[2] The Oak Tree Specialist shall work with landowners, APCD, the Range Improvement Association and the Fire Districts to coordinate protocols for controlled burns that protect all native oaks.

oak tree's roots enough to lead to the death of the tree, would also be considered oak tree removal." Death by natural causes (e.g. sudden oak death syndrome) shall not be considered a removal.

4. Where a public utility or other public entity has an easement over a portion of a lot, and if a public utility or other public entity removes protected oak trees within a utility or other public easement located over a portion of a lot, those protected oak tree removals shall not be counted toward the cumulative thresholds set out in these guidelines for the remainder of the lot.

5. Administering Agency: Agricultural Commissioner's Office, with technical assistance from the CRCD and an Oak Tree Advisory Committee.

6. Naturally occurring valley, blue, and live oak seedlings/saplings, growing on the lot and between six (6) inches and six (6) feet in height that are protected and nurtured for five (5) years, may be counted as replacement (mitigation) trees under the Program.

7. Any combination of acorns, planted seedlings/saplings, or naturally occurring valley, blue, and live oaks between six (6) inches and six (6) feet tall, if established according to the program guidelines, may be used to achieve the required number of replacement trees. Valley oaks shall replace valley oaks removed, blue oaks shall replace blue oaks removed, and live oaks shall replace live oaks removed.

8. Replanting shall occur on the lot from which the protected oak trees are to be removed, unless the Oak Tree Specialist determines it precludes reasonable use of the lot, or no suitable area exists on the lot for replanting oak trees. In such cases the replacement oak trees may be planted in an off-site location acceptable to the applicant/landowner and the Oak Tree Specialist.

9. Program Review: Both the Deciduous Oak Program and the Live Oak Program will be the subject of an effectiveness review by the Board of Supervisors to determine, among other things, if regeneration is working. In addition, the amount of oak acreage removed versus the amount of oak acreage created and/or replaced will be analyzed at the time of these reviews to determine the effect of the program on the amount of oak habitat. There will be an initial review after two years, then a second review after five years and periodic reviews every five years thereafter. The Board could initiate program changes depending on the results of the reviews, after meeting noticing and other legal requirements.

B. DECIDUOUS OAK PROGRAM

1. The removals authorized under tiers 1-4 of Section IA and tiers 1-3 of Section IB above would be calculated cumulatively during the 30-year removal period. As removal

numbers cumulatively moved from one tier to the next, the process for removal would similarly change and be governed by the next tier.

2. Protected Trees: Valley and blue oak trees of 4" DBH or greater count towards the basic numerical removal thresholds in Table 1 and Table 2 and when measuring the 30 and 50 percent triggers. Replacement trees required as mitigation under the Deciduous Oak Program are protected trees. Trees voluntarily planted are not protected unless credited as pre-mitigation.

3. Pre-Mitigation: For every ten deciduous oak trees voluntarily planted and nurtured for a minimum of five years, or existing oak tree seedlings or saplings six inches to six feet in height and less than two inches DBH that have been nurtured for a minimum of five years, one additional deciduous oak tree of the same species can be removed under the thresholds in Table 1 and Table 2. Documentation of planting pre-mitigation trees or commencing nurturing of naturally-occurring pre-mitigation trees must be submitted prior to claiming such trees for pre-mitigation credit. Planting of pre-mitigation trees should adhere to the replacement standards listed in Appendix A and coordination with the Oak Tree Specialist should be pursued by landowners when designing their credit tree projects

C. LIVE OAK PROGRAM

1. Thinning of live oak woodlands and forests for rangeland management/improvement purposes is exempt from this program. However, if rangeland is converted to cultivated agriculture, resulting in the removal of live oak tree canopy, any thinning of live oak tree canopy prior to the conversion within the 30-year removal period will be added to the landowner's cumulative live oak removal in determining whether a management plan is required. For the purposes of this program, thinning for rangeland management/improvement is defined as "the removal of understory vegetation and/or evenly reducing the canopy cover of a live oak woodland or forest by means of cutting or pruning (where the root system remains in place) without removing contiguous areas of canopy (i.e. removal is scattered across the canopy and no two adjacent protected trees are removed together)."

2. Protected Trees: Live oak trees of 8" DBH or greater are protected trees and count towards calculating the number of required live oaks to be replaced. Replacement trees required as mitigation under the Live Oak Program are protected trees. Trees voluntarily planted are not protected.

APPENDIX A

Replanting Standards for Tier 2 of Deciduous Oak Program

1. Replacement deciduous oak trees that are planted should come from nursery stock grown from locally-sourced acorns, or use acorns gathered locally, preferably from the same watershed in which they are planted. If planting is done using acorns, the ratio of acorns to protected oak trees removed should be a minimum of forty-five (45) acorns for every protected deciduous oak tree removed. Up to three (3) acorns should be planted in the same hole.

2. Replacement deciduous oak trees should be established in a location suitable for their growth and survival as determined by the landowner and Oak Tree Specialist.

3. The replacement deciduous oak trees should be nurtured for five (5) years, the last two without supplemental watering, using techniques consistent with the most current version of the University of California publication "How to Grow California Oaks." At the end of the five years, ten trees for every protected tree removed should be alive and in good health. Alternatively, five trees for every protected tree removed should attain a height above the browse line. (See Tier 2 description.)

4. Each replacement deciduous oak tree should be protected against damaging ground disturbance, soil compaction, or over-irrigation within the dripline. It should be fenced to protect it from grazing or browsing by animals both below and above ground, until the tree has reached a minimum of eight (8) feet in height.

5. Valley oaks shall replace valley oaks removed and blue oaks shall replace blue oaks removed.

APPENDIX B

Management Plan Standards for Tier 3 of Deciduous Oak Program for Agricultural Removals

1. The plan shall:

   a. Provide a means to accomplish the long-term goal of the program which is to promote the conservation and regeneration of areas where oaks occur and work to increase the native oak population and extent. It is recognized that the replacement ratios, planting distances, and fencing and watering requirements represent averages and norms. They may be adjusted by the Oak Tree Specialist on a case-by-case basis reflecting the proven record of a participant so as to establish a practical and working relationship while meeting the goal of the program.

   b. Demonstrate how the mix of deciduous oak tree savannas, woodlands, and forests on the lot will be preserved, created, enhanced, restored, and maintained, so that:

      (1) The removal of protected oak trees does not divide the remaining savanna, woodland, and forest habitats into small, isolated fragments.

      (2) Protection, maintenance, restoration, and enhancement of large blocks of savanna, woodland, and forests are given priority over maintenance, restoration, and enhancement of smaller, more isolated habitat patches.

      (3) Valley and blue oak trees that link on- or off-site oak tree savannas, woodlands, forests, or other existing, proximate habitats are retained to the maximum extent feasible.

      (4) On-site replacement is given priority over off-site replacement except where no suitable on-site locations exist, or reasonable use of the lot would be precluded.

      (5) There is avoidance of removal of actively used granary trees, raptor roosting or nesting trees, and trees in riparian and other wildlife corridors.

   c. Comply with the following requirements, when applicable.

      (1) When required by the Oak Tree Specialist on a case-by-case basis, a buffer area protecting the critical root zone shall be maintained around identified valley and blue oak trees retained on the lot.

      (2) Protected oak trees that are removed shall be compensated at a 15:1 ratio by replacement planting, or protection of naturally occurring oak trees between six (6) inches and six (6) feet tall on the lot.

d. Identify valley and blue oak tree replanting, restoration, conservation and enhancement sites on a plan or aerial photograph to facilitate mitigation monitoring and tracking; and identify the species, location, and size of all oak trees that are planted or protected as mitigation or to fulfill a condition on the permit.

e. Provide the deciduous oak tree replanting schedule and nurturing regime.

2. Replacement deciduous oak trees that are planted must come from nursery stock grown from locally-sourced acorns, or use acorns gathered locally, preferably from the same watershed in which they are planted. If planting is done using acorns, the ratio of acorns to protected oak trees removed shall be a minimum of forty-five (45) acorns for every protected deciduous oak tree removed. Up to three (3) acorns may be planted in the same hole.

3. Replacement deciduous oak trees shall be established in a location suitable for their growth and survival as determined by the Oak Tree Specialist, no closer than twenty (20) feet from each other or from existing oak trees and no farther than 165-180 feet from each other or existing oak trees unless otherwise approved by the Oak Tree Specialist.

4. Valley oaks shall replace valley oaks removed and blue oaks shall replace blue oaks removed.

5. The replacement deciduous oak trees shall be nurtured for five (5) years, the last two without supplemental watering, using techniques consistent with the most current version of the University of California publication “How to Grow California Oaks.” At the end of the five years, ten trees for every protected tree removed must be alive, in good health as determined by the Oak Tree Specialist, and capable of surviving without nurturing and protection.

6. Each replacement deciduous oak tree must be protected against damaging ground disturbance, soil compaction, or over-irrigation within the dripline. It must be fenced to protect it from grazing or browsing by animals both below and above ground until it has reached a minimum of eight (8) feet in height.

7. Where conditions warrant and where agreed to by the landowner and Oak Tree Specialist, tree planting designs and nurturing practices (i.e. protective structures, watering schedules) may be adjusted to improve the probability that replacement trees will be established successfully.

APPENDIX C

Management Plan Standards for the Live Oak Program

1. The plan shall:

   a. Provide a means to accomplish the long-term goal of the program which is to promote the conservation and regeneration of areas where oaks occur and work to increase the native oak population and extent. It is recognized that the replacement ratios, planting distances, and fencing and watering requirements represent averages and norms. They may be adjusted by the Oak Tree Specialist on a case-by-case basis reflecting the proven record of a participant so as to establish a practical and working relationship while meeting the goal of the program.

   b. Demonstrate how the mix of live oak savannas, woodlands and forests on the lot will be preserved, created, enhanced, restored, and maintained, so that:

      (1) The removal of oak trees does not divide the remaining savannas, woodlands and forests into small, isolated fragments.

      (2) Protection, maintenance, restoration, and enhancement of large blocks of savannas, woodlands and forests are given priority over maintenance, restoration, and enhancement of smaller, more isolated habitat patches.

      (3) Live oak trees that link on- or off-site oak tree savannas, woodlands, forests, or other existing, proximate habitats are retained to the maximum extent feasible.

      (4) On-site replacement is given priority over off-site replacement except where no suitable on-site locations exist, or reasonable use of the lot would be precluded.

      (5) There is avoidance of removal of actively used granary trees, raptor roosting or nesting trees, and trees in riparian and other wildlife corridors.

   c. Comply with the following requirements, when applicable:

      (1) When required by the Oak Tree Specialist on a case-by-case basis, a buffer area protecting the critical root zone shall be maintained around identified native oak trees retained on the lot.

      (2) Protected oak trees (greater than 8 inches dbh) that are removed shall be compensated at a 10:1 ratio by replacement planting, or protection of naturally occurring oak trees between six (6) inches and six (6) feet tall on the lot. In situations where counting individual trees is infeasible or impractical given the density of the canopy, the

canopy removed shall be compensated at a ratio of 360 trees for every 1 acre of canopy removed (or fraction thereof). However, the Oak Tree Specialist shall have the discretion to reduce the replacement ratio if the goal of "no net loss" could be better achieved through creative use of conservation easements and other preservation/restoration options.

d. Identify live oak tree replanting, restoration, conservation and enhancement sites on a plan or aerial photograph to facilitate mitigation monitoring and tracking; and identify the species, location, and size of all oak trees that are planted or protected as mitigation or to fulfill a condition on the permit.

e. Provide the live oak tree replanting schedule and nurturing regime.

2. Replacement live oak trees that are planted must come from nursery stock grown from locally-sourced acorns, or use acorns gathered locally, preferably from the same watershed in which they are planted. If planting is done using acorns, the ratio of acorns to protected oak trees removed shall be a minimum of thirty (30) acorns for every protected live oak tree removed. Up to three (3) acorns may be planted in the same hole. Live oaks of the same species as those removed shall be replanted as replacement live oaks.

3. Replacement live oak trees shall be established in a location suitable for their growth and survival as determined by the Oak Tree Specialist. Twenty-foot spacing from each other or from existing oak trees is the general standard, but the Oak Tree Specialist can adjust this spacing requirement up or down based on site conditions in an effort to best meet the overall goals of this program.

4. The replacement live oak trees shall be nurtured for five (5) years, the last two without supplemental watering, using techniques consistent with the most current version of the University of California publication "How to Grow California Oaks." At the end of the five years, six trees for every protected tree removed must be alive, in good health as determined by the Oak Tree Specialist, and capable of surviving without nurturing and protection.

5. Each replacement live oak tree (including natural sprouts and seedlings that are protected) must be protected against damaging ground disturbance, soil compaction, or over-irrigation within the dripline. It must be fenced to protect it from grazing or browsing by animals both below and above ground, until it has reached a minimum of eight (8) feet in height.

6. Where conditions warrant and where agreed to by the landowner and Oak Tree Specialist, tree planting designs and nurturing practices (i.e. protective structures, watering schedules) may be adjusted to improve the probability that replacement trees will be established successfully.

EXHIBIT 2

Planning Commission-recommended Conservation Element amendments, including suggested revisions by the Oak Working Group

GOAL, POLICY AND IMPLEMENTING ACTIONS OR STANDARDS

OAK TREE PROTECTION GOAL	*Intent*
Santa Barbara County shall promote the ~~protection~~ conservation and regeneration of oak woodlands in the County over the long term, and, ~~to the greatest extent~~where feasible, shall work to increase the native oak population~~,~~ and extent of woodland acreage ~~and, over the long term, oak biomass~~. The highest priority for conservation, protection and regeneration shall be for valley oak trees, valley oak woodlands and valley oak savanna.	*Defines the county's overall objective for oak protection and regeneration.*

OAK TREE PROTECTION POLICY 1	*Intent*
Native oak trees, native oak woodlands and native oak savannas shall be protected to the maximum extent feasible in the County's rural and/or agricultural lands. Regeneration of oak trees shall be encouraged. Because of the limited range and increasing scarcity of valley oak trees, valley oak woodlands and valley oak savanna, special priority shall be given to their protection and regeneration.	*Establishes the basis for implementation of the Oak Protection Goal; promotes replanting or restoration of degraded oak woodlands to offset loss of oak trees through removals and defines approach to protect valley oaks.*

DEVELOPMENT STANDARDS FOR DEVELOPMENT

The following standards shall apply to all development (as defined in the Land Use Element of the Comprehensive Plan) in the rural areas of the County requiring a permit.

Development Standard 1: Protection of all species of mature oak trees

All development shall avoid removal of or damage to mature oak trees, to the maximum extent feasible. Mature oak trees are considered to be live oak trees six inches or greater diameter at breast height and blue oak trees four inches or greater diameter at breast

height, or live and blue oaks six feet or greater in height. Native oak trees that cannot be avoided shall be replanted on site. When replanting oak trees on site is not feasible, replanting shall occur on receiver sites known to be capable of supporting the particular oak tree species, and in areas contiguous with existing woodlands or savannas where the removed species occurs. Replanting shall conform to the County's *Standard Conditions and Mitigation Measures*. (This development standard applies to oak trees other than valley oaks. Valley oak trees are addressed in separate Development Standards.)

Development Standard 2: Protection of valley oak trees

All development shall avoid removal of or damage to protected valley oak trees. Development shall not encroach within six feet of the dripline of any protected valley oak trees. Protected valley oak trees are those valley oak trees two inches or greater diameter at breast height, or six feet or taller in height. Valley oak trees that cannot be avoided shall be appropriately replaced on site. If replanting valley oak trees on site is not feasible, replanting shall occur on receiver sites known to be capable of supporting the particular oak tree species, and that allow re-planting in areas contiguous with existing woodlands or savannas where the species to be removed occurs. All oak tree replanting shall conform to the County's *Standard Conditions and Mitigation Measures*.

Development Standard 3: Restoration of the valley oak tree population

Where development is proposed within historic valley oak tree habitat (even if no valley oak trees would be removed), mitigation of the loss of historic habitat shall be required, where feasible, through planting of locally obtained valley oaks as part of the project landscaping.

OAK TREE PROTECTION ACTION 1

Concurrent with the adoption of these amendments, the County shall amend the Santa Barbara County Code to include oak tree protection regulations developed by the Oak Working Group consistent with the Oak Tree Protection Goal and Oak Tree Protection Policy 1, and endorse a voluntary oak conservation and regeneration program. ~~for oak tree removal, consistent with the Oak Tree Protection Goal and Policy 1.~~

OAK TREE PROTECTION POLICY 2	*Intent*
The County shall pursue funding for conservation easements, ~~acquisition of oak woodlands, and~~ incentive programs and funding or other assistance for landowners to retain and regenerate native oak trees.	*Contributes to the protection of some oak woodlands.*

EXPECTED RESULT

Areas of oak forest, woodland and savanna would be preserved and land owners would be compensated for loss of potentially productive land or repaid for costs incurred.

OAK TREE PROTECTION ACTION 2

The County shall establish a fund to pursue grants for creating conservation easements, or to acquire property for protection of oaks from willing landowners. These efforts should target the most significant oak resources, especially valley oak woodlands and savanna. ~~Planning and Development~~The Oak Tree Specialist shall work with other agencies and County departments to ~~shall~~ prepare a conservation program which will identify priorities for acquisition, funding and other means to preserve selected oak habitat, and outline the steps to achieve the program goals.

OAK TREE PROTECTION ACTION 3

The County shall support and, where appropriate, directly carry out public education and outreach (e.g. to private landowners) ~~on~~ regarding oak ~~ecosystems~~trees, management, incentives and other relevant topics, and seek funding for oak tree regeneration projects on public and private land.

OAK TREE PROTECTION ACTION 4

The County shall monitor the Oak Tree Protection Program, particularly the effectiveness of the regulations,~~. Planning and Development and the administering agency (if different from P&D) shall jointly~~ and report to the Board of Supervisors initially at two years and five years following adoption of the Program and then again every five years.~~every two years following adoption of the Program for at least ten years.~~

OAK TREE PROTECTION ACTION 5

The County shall pursue funding and staffing for an Oak Tree Specialist to ~~issue permits~~assist with regeneration and management plans, seek incentive funding, carry out education and outreach,~~ and~~ monitor the program and report to the Board of Supervisors on program effectiveness.

EXHIBIT 3

Oak Tree Protection and Regeneration Program: *Adopted March 25, 2003*

Mitigation Monitoring & Reporting Plan (00-EIR-07 RV1)

When making findings required for project approval, Public Resources Code 21081.6 requires public agencies to "adopt a reporting or monitoring program for the changes made to the project [which] mitigate or avoid significant effects on the environment." The following table comprises the Mitigation Monitoring and Reporting Plan for the Oak Tree Protection and Regeneration Program. Mitigation measures are cited by title as they appear in the EIR; those portions of the mitigation measures not incorporated into the program are not included in this Plan. The mitigation action(s) that reflect these mitigation measures are cited and explained in the adopted legislative Findings.

Mitigation Measure	Mitigation Action	Monitoring Action	Timing	Party Responsible for Implementation	Monitoring/ Reporting Schedule	Party Responsible for Verification
BIO-2: Incorporate procedures for pruning oak trees into the program. The Oak Tree Specialist is to review and revise the procedures periodically for effectiveness.	Incorporated into the Program's definition of "native oak tree removal" which includes excessive pruning and topping; Oak Tree Protection Action 3, which provides for outreach and education.	County to develop an Oak pamphlet that includes recommended oak tree pruning methods and outreach to landowners.	Upon adoption of the program and ongoing.	Agricultural Commissioner	Ongoing, through project effectiveness review.	Agricultural Commissioner; County decision-makers.
BIO-3: Records of live oak thinning conducted under the thinning allowance shall be maintained. If the site is later cleared within 100 years, then all trees removed (including those thinned) shall be replaced according to replacement standards.	Partially reflected in criteria for Thinning Allowance under Grading Ordinance Guidelines for Native Oak Tree Removal (GOGs), which restricts the type of thinning allowed and does not exempt trees removed for thinning if site is later converted to intensive agriculture.	Monitoring will occur through the use of aerial photo surveys and voluntary cooperation by landowners.	Upon adoption of the program and ongoing.	Agricultural Commissioner; P&D	Ongoing, through project effectiveness review.	Agricultural Commissioner; County decision-makers.

Mitigation Measure	Mitigation Action	Monitoring Action	Timing	Party Responsible for Implementation	Monitoring/ Reporting Schedule	Party Responsible for Verification
BIO-4: Provide requirements and performance criteria for replacement trees, including: • Selection of suitable mitigation site location • Local source of acorns or seedlings for replanting • Protect the mitigation plantings from herbivores, ground disturbance and over-irrigation until reach protected size • Require the mitigation trees to survive for 2 years without supplemental water • Track mitigation tree locations	Reflected in Tier 2 Deciduous Oak Replacement Standards and Management Plan Standards for Tier 3 Deciduous Oak and Live Oak removals under the GOGs; Section 35-911 of Oak Tree Protection and Regeneration Ordinance (Ordinance).	County to include the listed requirements and criteria in the GOGs and Ordinance to ensure that management plans and Oak Tree Removal Permits are appropriately reviewed and conditioned. Monitoring by the Oak Specialist is a condition of approval for management plans and permits. Monitoring of adherence to Tier 2 replacement standards will be based on voluntary cooperation of landowners.	Requirements and criteria included in the Oak Tree Protection Ordinance and GOGs prior to program adoption; ongoing implementation through project.	P&D; Agricultural Commissioner	As specified in program; ongoing through project effectiveness review.	Agricultural Commissioner; P&D; County decision-makers.
BIO-5: Measures to ensure the success of credit tree and off-site mitigation tree plantings: • Credit tree and off-site mitigation plantings must be in locations suitable to the applicant and the Oak Specialist. • Potentially increased mitigation ratios and/or monitoring periods for Major Oak Tree	Credit tree planting is addressed through a recommendation to adhere to the Tier 2 Deciduous Oak Replacement Standards for non-discretionary oak tree removal and a requirement that it adhere to the replacement standards within the Ordinance	County to include the listed requirements and criteria in the GOGs and Ordinance to ensure that management plans and permits are appropriately reviewed and conditioned. The Oak Specialist will monitor any project	Requirements and criteria included in the GOGs and Ordinance prior to program adoption; ongoing implementation through project	P&D; Agricultural Commissioner	As specified in program; ongoing through project effectiveness review.	Agricultural Commissioner; P&D; County decision-makers

Mitigation Measure	Mitigation Action	Monitoring Action	Timing	Party Responsible for Implementation	Monitoring/ Reporting Schedule	Party Responsible for Verification
Removal Permits, if deemed appropriate.	(Section 35-911) when associated with a permit; there is no credit tree program for live oaks. Off-site planting is addressed through requirements under Tier 2 replacement standards and the Management Plan Standards for Tier 3 Deciduous Oak and Live Oak removals under the GOGs and Section 35-911 of the Ordinance.	involving management plan or permit requirements to ensure conditions are being adhered to.	review.			
BIO-9: Additional standards for Oak Tree Removal Permits, including: • An Oak Tree Management Plan that demonstrates how 1) oak savannas, woodlands, and forests would be maintained and restored to prevent habitat fragmentation, to preserve large blocks of habitat, to prioritize on-site over off-site replacement planting, and to avoid removal of actively used granary trees, raptor roosting and nesting trees, and trees in riparian and other wildlife corridors; 2) identifies oak tree	Reflected in Management Plan Standards for Tier 3 Deciduous Oak and Live Oak removals under the GOGs and Section 35-911 of the Ordinance.	County to include the listed requirements and criteria in the GOGs and Ordinance to ensure that permits and management plans are appropriately reviewed and conditioned. Monitoring by the Oak Specialist is a condition of approval for management plans and permits.	Requirements and criteria included in the GOGs and Ordinance prior to program adoption; ongoing implementation through project review.	P&D; Agricultural Commissioner	As specified in program; ongoing through project effectiveness review.	Agricultural Commissioner; P&D; County decision-makers

Mitigation Measure	Mitigation Action	Monitoring Action	Timing	Party Responsible for Implementation	Monitoring/ Reporting Schedule	Party Responsible for Verification
replanting, restoration, and enhancement sites; 3) provides an oak tree replanting schedule and maintenance regime; and 4) monitors the effects of the Management Plan. • Valley oak tree removal encompassing 5 or more acres requires replanting in an area of comparable size in existing or historic valley oak habitat and protection of this area in the long-term.						
VIS-1: Exempt oak tree removal shall be voluntarily replanted at a ratio of 15:1 for valley and blue oaks and 10:1 for live oak tress, and maintained consistent with the proposed oak tree protection standards.	Partially reflected in Oak Tree Protection Action 3 and language in GOGs encouraging voluntary replanting for exempt deciduous and live oak removals.	County to develop an Oak pamphlet that includes recommended voluntary oak tree re-planting ratios and methods. Monitoring by Oak Specialist with voluntary cooperation by landowners.	Upon adoption of the program and ongoing.	Agricultural Commissioner	Ongoing, through project effectiveness review.	Agricultural Commissioner; P&D; County decision-makers