

ATTACHMENT B

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

OAK TREE PROTECTION AND REGENERATION PROGRAM

March 25, 2003

I. PROJECT DESCRIPTION

The project consists of the adoption of the Oak Tree Protection and Regeneration Program (Program) through amendments to the Conservation and Land Use Elements of the Santa Barbara County Comprehensive Plan, to Chapter 35 of the Santa Barbara County Code, to the County of Santa Barbara Environmental Thresholds and Guidelines Manual, and to the Grading Ordinance (Chapter 14 of the Santa Barbara County Code) in the form of guidelines for native oak tree removal. The Program is intended to provide for the protection and enhancement of Santa Barbara County's native oak trees in rural and agricultural areas while allowing reasonable use and intensification of agricultural land.

Adoption of the Program entails:

1. The addition of a new Goal, two new policies, and a set of implementing actions and development standards to the Conservation Element.

The oak tree goal and policies call for the protection and regeneration of oak trees in the inland rural and agricultural areas of the county, and for the County to provide incentives for oak protection and regeneration. Valley oaks are identified as the highest priority species. The actions and development standards clarify how the goal and policies will be implemented at the program level and for individual development and agricultural intensification projects.

2. A textual change to the Land Use Element, clarifying the definition of "development" to exclude oak tree removal that is addressed under the Oak Tree Protection and Regeneration Program. The footnote to the Land Use Element's Environmental Goal will be amended to exclude such oak tree removal from the definition of "development."
3. Amendments and the addition of new guidelines to the Grading Ordinance, which will govern removals of deciduous and live oaks under the Program that do not require a permit.
4. The addition of a new article, Article IX: The Oak Tree Protection and Regeneration Ordinance, to Chapter 35 of County Code.

The Oak Tree Protection and Regeneration Program establishes discretionary permit levels for deciduous oak tree removal based on a multi-tiered structure, of which only the last tier requires a discretionary permit under Article IX. Removals within the lower tiers are

governed by the Grading Ordinance Guidelines. Only deciduous oaks 4 inches or greater in dbh not posing a threat to human safety would count towards the permit thresholds. Trees removed by natural causes (e.g. storms, wildfires, and disease) would not count towards the permit thresholds.

5. An amendment to the County's Environmental Thresholds and Guidelines Manual. A footnote will be added to the oak tree threshold discussion. The footnote will explain that the impact assessment guidelines for oak trees and woodlands and forests do not apply to native oak tree removal subject to and in compliance with the Grading Ordinance Guidelines not requiring a permit, because such removal has been previously analyzed in the Oak Tree Protection and Regeneration Program EIR (including the EIR Revisions document).

The administrative record for the Oak Tree Protection and Regeneration Program is kept by the Comprehensive Planning Division of Planning and Development, in its offices at 123 East Anapamu Street, Santa Barbara, California.

II. PROCEDURAL HISTORY

The Board of Supervisors finds that the Oak Tree Protection and Regeneration Program was prepared pursuant to the following process:

- A. Existing regulations under the grading ordinance which provide protection for native oak trees in most of the county's inland rural and agricultural lands need to be revised to provide clarity and certainty.
- B. In the late 1990s the Santa Barbara County Board of Supervisors became aware of the accelerated clearing of native oaks in the county's rural areas and recognized the need for additional oak tree protection. Over the last one to two centuries, oaks have been declining in Santa Barbara County and throughout California, for reasons including removal for development, agriculture, and range improvement. In addition to removal, a decline in (or in some cases, a complete lack of) natural recruitment has been observed. An especially steep decline has been observed in valley oaks, which favor valley bottoms with accessible groundwater; this combination of habitat elements, unfortunately, make these areas most attractive for urban and agricultural expansion. Since the 18th Century, county valley oak woodland acreage has shrunk from an estimated 62,000 to less than 10,000 acres, a loss of over 80% (Davis 1998).
- C. On February 10, 1998, the County's Board of Supervisors initiated a Collaborative Process to develop recommendations for oak protection. The County invited over 400 people to participate in the process, including grape growers, vintners, farmers, ranchers, scientists, and other interested parties. In 16 public meetings over 14 months, a balanced core group of approximately 25 participants and many other occasional participants reached consensus on five goal statements. The first four goals focused on

positive steps to encourage oak protection and regeneration through incentives, education, planting projects and oak woodland mapping. The fifth goal contained the vision for a regulatory structure for oak protection, to include “oak removal thresholds beyond which a site-specific discretionary review will be required.” The group produced recommendations for implementing Goals One through Four, and presented those recommendations to the Board of Supervisors on September 8, 1998. The group continued to work on strategies to implement Goal Five, but were unable to reach consensus on the details. The final meeting of the Collaborative Process was held on April 22, 1999.

- D. On September 14, 1999, the Board of Supervisors directed P&D to hold another series of public workshops and to draft regulations based on the work of the Collaborative Process (including Goal 5), public input and policies of the Comprehensive Plan. After three additional workshops between October and December 1999 and meetings with the Cattlemen’s Association Land Use Committee and other members of the public, P&D drafted oak tree protection regulations and policies, and a set of alternatives to be reviewed in a program Environmental Impact Report (EIR).
- E. A Notice of Preparation of an EIR was issued on April 6, 2000 for a 30-day agency and public EIR scoping period. During this period, staff conducted a noticed public scoping meeting on Thursday, April 27, 2000.
- F. A Draft Environmental Impact Report (2000-EIR-7, SCH 2000041040) was released for a 60-day public review on December 19, 2000. A noticed public hearing on the Draft EIR was held on February 8, 2001. The public review period for the Draft EIR closed on February 20, 2001.
- G. In response to public comments, revisions were made and a Proposed Final EIR was released in April 2001, including written responses to comments received on the draft document.
- H. In April 2001, P&D published a Planning Commission Staff Report that identified the Environmentally Superior Alternative analyzed in the EIR, Alternative 6, “High Protection for Deciduous Oak Trees,” as the P&D recommended Oak Tree Protection Program.
- I. The Santa Barbara County Planning Commission considered the P&D recommended Oak Tree Protection Program at a series of public hearings, held on May 14, May 16, May 31 and June 20, 2001. On July 16, 2001 the Planning Commission voted to recommend that the Board of Supervisors adopt the P&D recommended program with revisions.
- J. On April 9, 2002 the Board of Supervisors received a briefing on the status of the Oak Tree Protection Program and directed staff to work with representatives from the agricultural and environmental communities (known as the Oak Working Group) to review the PC program and to draft a revised program that was mutually agreeable to both groups.

- K. On June 4, 2002 the Board of Supervisors received a briefing on the PC recommended program, a modified version of the PC recommended program, and on the progress of the Oak Working Group. The Board directed staff to continue working with the Oak Working Group to fully develop its proposed program.
- L. The Board of Supervisors received two additional briefings on the progress of the Oak Working Group's alternative Oak Tree Protection and Regeneration Program between June 2002 and December 2002.
- M. On December 10, 2002 the Board of Supervisors received a final briefing on the Oak Working Group's Oak Tree Protection and Regeneration Program and directed staff to return for adoption hearings.
- K. On March 11, 2003 the Board of Supervisors considered the Oak Working Group's recommended Oak Tree Protection and Regeneration Program and the proposed Final EIR including EIR revisions.
- L. On March 25, 2003 the Board of Supervisors adopted the final Oak Tree Protection and Regeneration Program as amendments to the Santa Barbara County Comprehensive Plan and County Code (as described above), certified the Final EIR (00-EIR-07 RV1) dated March 25, 2003, and approved the Mitigation Monitoring & Reporting Plan.

III. PLANNING FINDINGS: GENERAL

The Board of Supervisors finds that:

- A. In response to the work of the Oak Working Group, the original Oak Tree Protection Program has been renamed to the Oak Tree Protection and Regeneration Program to reflect the broader focus of the revised program.
- B. The Oak Tree Protection and Regeneration Program provides for the health, safety, and general welfare of the county and its residents by providing protection for and regeneration of oak trees in the county's inland rural agricultural, mountainous and resource-management areas. Oak trees are a natural resource which supports native wildlife, is a vital part of ecosystems, contributes to air and water quality, and is an important part of the aesthetic, natural and cultural settings and heritage of Santa Barbara County.
- C. The Oak Tree Protection and Regeneration Program is comprehensive in nature. The Program goes beyond requiring permits and associated replanting and/or environmental review and mitigation by
 - including policies and actions that call for the County to educate the public on the value and management of oaks; offer financial and other

incentives for oak protection and regeneration; seek opportunities for and carry out oak planting and restoration projects; and monitor oak resources, and

- including unique regulatory components that rely on landowner self-monitoring, stewardship, and commitment to oak regeneration and management plans when lower levels of oaks are removed.

- D. Adoption of the Oak Tree Protection and Regeneration Program is in the best interest of the public because it is designed to afford a reasonable level of protection to oak trees while allowing for the continued success and expansion of the county's agricultural industry. By using a multi-tiered permitting structure which exempts most routine and ongoing oak removal practices associated with agriculture, the program endeavors to avoid undue permitting burdens to farmers and ranchers. The program 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.
- E. The Oak Tree Protection and Regeneration Program was developed through a multi-year public process exemplary for its openness, thoroughness and diversity of participation. The Program is based broadly on the work and draft recommendations of the Oak Protection Collaborative Process, and was refined through public workshops, discussions with interested and affected parties, public Planning Commission and Board of Supervisors' hearings, and was ultimately revised by representatives from the county's agricultural and environmental constituencies, known as the Oak Working Group.
- F. In the late 1990s and early 2000s, thousands of acres of former oak woodland and savanna were converted to cropped land, involving the removal of more than 2,500 oak trees, many of them valley oaks. Adoption of the Oak Tree Protection and Regeneration Program is necessary because unmitigated oak tree removal continues to take place despite media attention, public and political awareness and public pressure.
- G. The Oak Tree Protection and Regeneration Program fittingly gives highest priority for both protection and regeneration/restoration to valley oaks, which are the species of highest concern due to their loss to urban and agricultural growth in past decades both locally and statewide, and to their lack of natural regeneration. Valley oaks, one of the largest North American oaks, occur only in California, where they provide especially rich habitat and unique aesthetic value. Approximately 20% of the county's historic valley oak acreage, an area highly vulnerable because of its desirability for both urban and agricultural use, remains. Blue oaks are afforded a similar level of protection due to their limited range in Santa Barbara County and the increasing evidence of their problems with natural recruitment and regeneration.
- H. The Oak Tree Protection and Regeneration Program protects live oaks to help ensure that they do not reach the level of scarcity of valley oaks. This is a particular risk for those live oaks that occur in savannas, on flatter lands and in valley bottoms, a context which is becoming increasingly rare according to local experts (Frank Davis, UCSB and Claudia

Tyler, UCSB's Sedgwick Reserve). These are areas where agricultural intensification and urban growth are most common.

- I. The Oak Tree Protection and Regeneration Program is an improvement over the existing regulatory setting for oak tree removal in the rural lands, in which only oak removal associated with earthwork is regulated, and on a case-by-case basis. The Program provides guidance to staff and certainty to property owners, agriculturists and the general public as to when a permit or other type of regulation is required for oak tree removal and what conditions and/or mitigation would generally be associated with a given level of removal.
- J. The Oak Tree Protection and Regeneration Program is based on a long-term, forward-thinking approach by providing for protection and regeneration of oaks into a future whose land use, agricultural and environmental realities are in flux.
- K. The Oak Tree Protection and Regeneration Program has been prepared pursuant to good land use planning and zoning practice, and is consistent with state planning, zoning, environmental and agricultural law and with Santa Barbara County Code and the Santa Barbara County Comprehensive Plan and all of its Elements. The EIR Revisions document provides a comprehensive analysis of the program's consistency with policies of the County.
- L. The Oak Tree Protection and Regeneration Program regulations would apply only in unincorporated lands that are outside the coastal zone and urban boundaries, including Agriculture I, Agriculture II, Mountainous Goleta, and Resource Management zone districts of Article III of Chapter 35 of the Santa Barbara County Code; Agriculture I and Resource Management zone districts of Article IV of Chapter 35 of the Santa Barbara County Code; and Unlimited Agriculture, Exclusive Agriculture, Watershed Agriculture, General Agriculture, Intensive General Agriculture, and Limited Agriculture zone districts of Article V of the Santa Barbara County Ordinance 661. The Program does not apply to urban agricultural lands because of existing policies and regulations such as the Environmentally Sensitive Habitats (ESH) overlay that exists there, because of their relatively small extent, and because of the relative scarcity oak trees on urban agricultural lands outside of ESH areas. Restrictions for oak tree removal are greater in the coastal zone, where the removal of one protected oak tree (6 inches dbh for live oaks) requires a permit. Therefore, this program does not apply to lands within the coastal zone.
- M. The amendments to the Comprehensive Plan, County Code, and Environmental Thresholds and Guidelines Manual that make up the Oak Tree Protection and Regeneration Program comprise a consistent and compatible set of text, both internally and with regard to other adopted goals, policies, and other such text of the Santa Barbara County Comprehensive and Coastal Plans.
- N. The environmental review (00-EIR-07 RV1) performed on the Oak Tree Protection and Regeneration Program (00-EIR-07 and revisions) was done at a program level and is not intended to suffice for project-specific review.

IV. CEQA FINDINGS: GENERAL

- A. The Environmental Impact Report (EIR) for this project has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. The degree of specificity in the EIR corresponds to the specificity of the general or program level policies, actions, and development standards of the Program and to the effects that may be expected to follow from the adoption of the Program. The EIR is not as detailed as an EIR on a specific development project or implementation program that might follow.
- B. The Program mitigates the environmental impacts to the maximum extent feasible as discussed in the findings made below. Where feasible, changes and alterations have been incorporated into the Program that are intended to avoid or substantially lessen the significant environmental effects identified in the EIR.
- C. The EIR identified numerous mitigation measures designed to reduce potentially significant impacts that might occur as a result of the Program. During the process of considering these mitigation measures for the program, one of the following four actions or determinations was taken:
1. The mitigation measure has been directly incorporated as a change to the grading ordinance guidelines, ordinance or Comprehensive Plan amendments;
 2. The mitigation measure has been subsumed into or is already covered by another feature or development standard of the revised program or other County regulations or policies;
 3. The mitigation measure was not included because it was considered to be infeasible.
 4. The Board of Supervisors disagreed with some of the conclusions of the impact analysis in the EIR, and reduced the impact level from potentially significant to less than significant (Class III). Therefore the associated mitigation measures were not included.
- D. It is the finding of the Board of Supervisors that the proposed Final EIR (00-EIR-07), as amended by the EIR Revisions analysis (together identified as 00-EIR-07 RV1), 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.

- E. The Board of Supervisors of the County of Santa Barbara has considered the Proposed Final EIR dated April 2001 and EIR Revisions dated March 25, 2003, and certifies that they have been prepared in compliance with the requirements of CEQA and that these documents together constitute a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and reflect the independent judgment of the Board of Supervisors.
- F. The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors at 105 East Anapamu Street, Santa Barbara, California 93101.
- G. A Mitigation Monitoring and Reporting Plan for the Oak Tree Protection and Regeneration Program has been adopted pursuant to the requirements of Public Resources Code Section 21081.6, to ensure implementation of the adopted mitigation measures to reduce significant effects on the environment, and is included in the EIR Revisions document (RV1) dated March 25, 2003.

V. FINDINGS THAT CLASS I SIGNIFICANT UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The EIR for this project identifies thirteen potentially significant environmental impacts within four issue areas which cannot be fully mitigated and are therefore considered significant and unavoidable (“Class I”). Those impacts are related to biological, cultural, geological, and visual resources. To the extent these impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations, included as Section VIII of these Findings. The Class I impacts identified in the EIR and EIR Revisions document are discussed below, along with the appropriate findings per CEQA Guidelines Section 15091.

A. Biology

Impacts. The EIR identified significant, unavoidable program-specific and cumulative biological impacts due to potential unlimited removal of live oak trees smaller than 8 inches diameter at breast height (DBH) and deciduous oak trees smaller than 4 inches DBH, and due to exempt levels of removal of oak trees of protected size without mitigation (Impact BIO-1); potential encouragement of removal of oak trees before they would reach the protected sizes (Impact BIO-2); potential reduction in oak tree life spans and habitat quality due to agricultural activities under and adjacent to oak tree driplines (Impact BIO-4); potential substantial tree removal due to the live oak thinning allowance (Impact BIO-5); potential poor success of oak trees planted as mitigation (Impact BIO-6); potential temporal habitat loss while trees planted as mitigation grow to replace trees removed with permits under the program (Impact BIO-8); and potential impacts to wildlife species resulting from the reduction of oak tree canopy (Impact BIO-10).

Mitigation measures. In addition to numerous goals, policies, actions, and development standards of existing adopted county plans and the draft Oak Tree Protection and Regeneration Program, the EIR identified four measures that would partially mitigate the above-described impacts. These mitigation measures have been addressed as follows.

Mitigation BIO-1 (mitigates Impact BIO-2) (allow property owners to “bank” exempt level removals from one permit tracking period to another): The measure as presented in the EIR has not been adopted for the reasons explained in the following *Findings*.

Mitigation BIO-3 (mitigates Impact BIO-5) (maintain records of live oak thinning conducted under the thinning allowance and require replacement of all trees removed if the site is later cleared or additional trees are removed within 100 years): The measure as presented in the EIR has been partially incorporated into the Program as follows:

From the Grading Ordinance Guidelines for Native Oak Tree Removal

“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).”

Mitigation BIO-4 (mitigates Impact BIO-6) (require stringent performance criteria for trees planted as mitigation for trees removed with permits under the Program): This measure has been partially incorporated into the Program through the management plan standards discussed under Mitigation BIO-9 and the replacement standards presented below:

Replanting Standards for Tier 2 of Deciduous Oak Program (Agricultural and non-Agricultural Removals)

1. 15:1 replanting ratio 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 of the same species, 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.
2. 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.

3. 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.
4. 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.
5. 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.
6. Valley oaks shall replace valley oaks removed and blue oaks shall replace blue oaks removed.

Mitigation BIO-9 (mitigates Impacts BIO-1 and BIO-10) (additional standards for discretionary level oak tree removal permits): This measure has been incorporated into the Oak Tree Protection and Regeneration Program as follows (the management plan standards for Tiers 3 and 4 of the deciduous oak program and live oak removals exceeding 15% of the live oak canopy vary slightly from one another and are each presented below):

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. 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.
 - (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.
8. Naturally occurring valley and blue 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.
9. Any combination of acorns, planted seedlings/saplings, or naturally occurring valley and blue 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.

Replacement Standards for Discretionary Level (Agricultural and non-Agricultural) Deciduous Oak Tree Removal (from Oak Tree Protection and Regeneration Ordinance)

These standards are the same as for Tier 3 of deciduous oak program for agricultural removals except for the deletion of 1.a (as written above), different wording in the new 1.a(4), and the addition of 10-12. These changes are shown below:

1. The Management Plan shall be prepared or endorsed by the Oak Tree Specialist. The plan shall:
 - a. 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:

(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 as determined by Planning and Development along with the Oak Tree Specialist. In such cases the replacement oak trees may be planted in an off-site location acceptable to the applicant, the landowner and the Oak Tree Specialist.

10. 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 accordance with the requirements of this section, in an area of existing or historic valley oak habitat. This area shall, where feasible, be protected in perpetuity by an open space easement or similar legal instrument.
11. For off-site replacement planting locations priority shall be given to nearby sites and to sites adjoining existing deciduous oak woodlands or providing links between deciduous oak woodlands.
12. For the purposes of this ordinance, all replacement trees are considered protected oak trees regardless of size.

Management Plan Standards for the Live Oak Program (Agricultural and non-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 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 that are protected and nurtured for five (5) years. 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.
7. Any combination of acorns, planted seedlings/saplings, or naturally occurring 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.
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. 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.

Findings. Regarding Mitigation BIO-1 (allow property owners to “bank” exempt level removals from one permit tracking period to another), the measure as presented in the EIR has not been adopted because it could allow property owners to save up exempt level removals and clear more oaks from their parcel in the future without permits, environmental review, or mitigation, resulting in greater impacts rather than mitigating impacts. Additionally, the measure would impose additional complexity and administration burdens that would be disproportionate to the benefits realized and is therefore socially infeasible.

Regarding Mitigation BIO-3 (maintain records of live oak thinning conducted under the thinning allowance and require replacement of all trees removed if additional trees are cleared), the Board finds that Mitigation BIO-3 has been substantially incorporated into the program. Record keeping will be conducted by Planning and Development with its periodic aerial photo surveys. The aerial photos will be able to detect thinning if it has had a substantial impact on canopy. The limitation placed on the thinning exemption in regards to future conversion provides sufficient assurance that thinning cannot be used as method to clear land for future crops and avoid mitigation requirements. Also, the definition of thinning under the revised program limits the type and level of removal that can be pursued under the thinning allowance. These facts, taken together, indicate that Mitigation BIO-3 has been substantially incorporated into the program. It is also important to note that thinning for rangeland improvement is not widely practiced in Santa Barbara County and there have been no documented cases of thinning resulting in large-scale canopy removal or loss of oak habitat. Those portions of Mitigation BIO-3 which have not been incorporated into the program, namely requiring

the replacement of all trees removed if additional trees are cleared within 100 years of the original thinning plan, are socially and economically infeasible and place an undue burden on landowners that would be disproportionate to the benefits realized.

Regarding Mitigation BIO-4 (require stringent performance criteria for trees planted as mitigation for trees removed with permits under the Program), the Board finds that Mitigation BIO-4 has been substantially incorporated into the Program via the replacement standards for Tier 2 deciduous oak removal and the management plan standards under the Grading Ordinance Guidelines for Native Oak Tree Removal and Section 35-911 of the Oak Tree Protection and Regeneration Ordinance. Those portions of the mitigation measure not incorporated into the program (e.g. 30-foot minimum spacing for replanting, requirement that all replacement trees survive at least 5 years, minimum 2-inch dbh for acceptance of replacement trees, and replacement of mitigation trees that die before reaching protected size) place undue burdens and restrictions on landowners that are disproportionate to the benefits realized and are therefore found to be socially and economically infeasible.

Regarding Mitigation BIO-9 (additional standards for discretionary level oak tree removal permits), The Board finds that Mitigation BIO-9 has been substantially incorporated into the Program via the replacement standards for Tier 2 deciduous oak removal and the management plan standards under the Grading Ordinance Guidelines for Native Oak Tree Removal and Section 35-911 of the Oak Tree Protection and Regeneration Ordinance. Those portions of the mitigation measure not incorporated into the program place undue burdens and restrictions on landowners and are therefore found to be socially and economically infeasible.

The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII. Some impacts related to biology have also been mitigated to levels of insignificance, as discussed in Section VI.A of these Findings.

B. Cultural Resources

Impacts. The EIR identified potentially significant program-specific and cumulative impacts to cultural resources due to exempt level oak tree removal (and removals not requiring a permit – see EIR Revisions document) that would potentially impact unknown prehistoric archaeological sites (Impact CR-1) and the heritage values of contemporary Chumash peoples (Impact CR-2).

Mitigation Measures. In addition to numerous goals, policies, actions, and development standards of existing adopted county plans and the draft Oak Tree Protection and Regeneration Program, the EIR identified one measure that would partially mitigate the above-described impacts. This mitigation measure has been addressed as follows.

Mitigation CR-1 (require Phase I archaeological surveys for permits involving removal of more than 50 oak trees from sites with high potential for archaeological resources): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Findings. Regarding Mitigation CR-1 (require Phase I archaeological surveys for permits involving removal of more than 50 oak trees from sites with high potential for archaeological resources), the

measure as presented in the EIR has not been adopted because requiring archaeological surveys for removals below discretionary level permits presents overly burdensome restrictions and expenses on property owners conducting agricultural activities that would be disproportionate to the benefits realized and are therefore socially infeasible. Removals triggering discretionary permits will typically require a Phase I survey if they are proposed in areas with a high potential for archaeological resources. Therefore, removals involving large numbers of trees (from 9 to 155 trees depending on parcel size) will provide protection of potential archaeological resources.

The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Program, discussed in Section VIII.

C. Geology

Impacts. The EIR identified potentially significant program-specific and cumulative impacts due to exposure of soil, increased wind and water erosion, and sedimentation of drainages associated with oak tree removal (Impact GEO-1).

Mitigation measures. The EIR identified three measures that would partially mitigate the above-described impacts. These mitigation measures have been addressed as follows.

Mitigation GEO-1 (require re-seeding and irrigation of disturbed areas when oak tree removal occurs within 100 feet of a stream on less than 30% slopes, within 150 feet of a stream on greater than 30% slopes, includes more than 50 oak trees, or includes 5 or more oak trees in a 1,000 square foot area): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Mitigation GEO-2 (limit excavation to the dry season, unless an erosion control plan is prepared and implemented, for oak tree removal meeting the conditions listed in Mitigation GEO-1): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Mitigation GEO-3 (limit oak tree removal to areas with less than 30% slopes): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Findings. Regarding Mitigation GEO-1 (require re-seeding and irrigation of disturbed areas when oak tree removal occurs within 100 feet of a stream on less than 30% slopes, within 150 feet of a stream on greater than 30% slopes, includes more than 50 oak trees, or includes 5 or more oak trees in a 1,000 square foot area), and Mitigation GEO-2 (limit excavation to the dry season, unless an erosion control plan is prepared and implemented, for oak tree removal meeting the conditions listed in Mitigation GEO-1) the measures as presented in the EIR have not been adopted because portions of the mitigation measures are adequately addressed through existing County regulations. For areas with greater than 30% slopes, a grading permit and erosion control plan is required through the County Grading Ordinance for agricultural earthwork exceeding 50 cubic yards in volume. In addition, agricultural grading within 50 feet of the top of a bank of any stream, creek or natural watercourse requires a grading permit. For oak removals requiring a discretionary permit, erosion control measures would be incorporated into the project as part of the discretionary process. The remaining portions of the mitigation measures have not been adopted because they impose

undue restrictions and expenses on property owners that would be disproportionate to the benefits realized and are therefore socially, politically, and economically infeasible. Requiring re-seeding and irrigation of disturbed areas, and limiting excavation to the dry season within 100 feet of a stream on less than 30% slopes, or for removal of more than 50 oaks or of 5 or more trees from a 1,000 square foot area is technically infeasible for areas cleared for agricultural production. Furthermore, it is common practice that areas cleared of oaks for agricultural purposes are quickly replanted with some type of crop, thereby reducing the amount of sedimentation and/or erosion that may result from such oak tree removals.

Regarding Mitigation GEO-3 (limit oak tree removal to areas with less than 30% slopes) the measure as presented in the EIR has not been adopted because limiting oak tree removal to areas with less than 30% slopes would disproportionately impact valley oak trees and valley oak habitat. In practice, this mitigation measure is not entirely necessary, since a majority of oak removals for agricultural purposes would occur in valley bottoms and in areas with less than 30% slopes, thereby negating the need for the mitigation measure. Existing regulations address potential erosion due to earth movement, including agricultural grading, on slopes greater than 30%. Grading on greater than 30% slopes requires a County grading permit, which would include erosion control measures. Taken together, the Board finds that the added benefits derived from incorporation of Mitigation GEO-3 would be outweighed by the burden it places on agricultural operations. Adoption of Mitigation GEO-3 is politically, socially, and economically infeasible.

The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Program, discussed in Section VIII.

D. Visual Resources

Impacts. The EIR identified potentially significant program-specific and cumulative impacts due to exempt oak tree removals and pruning that would potentially incrementally change the character of scenic corridors (Impact VIS-1); short term changes in the visual character of scenic corridors until replacement trees reach established size (Impact VIS-2); and a change in the overall visual, rural, native character of the area due to exempt level removal and removal of oak trees smaller than the protected sizes (Impact VIS-3).

Mitigation Measures. The EIR identified one measure that would partially mitigate the above-described impacts. This mitigation measure has been addressed as follows.

Mitigation VIS-1 (voluntary replanting of exempt level oak tree removal according to the program replacement standards): This measure is incorporated into the Program as follows:

Oak Tree Protection Action 3: The County shall support and, where appropriate, directly carry out public education and outreach (e.g. to private landowners) regarding oak trees, management, incentives, and other relevant topics, and seek funding for oak tree regeneration projects on public and private land.

In addition, language has been added (see below) to the Grading Ordinance Guidelines encouraging voluntary replanting of exempt oak removals.

Live Oak Removal:

“Landowners are encouraged to voluntarily develop their own management plan or at least follow the general principles of the management plan standards (i.e. avoidance of granary trees and trees within riparian and wildlife corridors, minimization of habitat fragmentation, etc. - see Appendix C) when designing agricultural projects not expected to trigger the 15 percent canopy removal threshold. Landowners should 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.”

Tier 1 Deciduous Oak Removal:

“No regeneration or reporting required. (The Oak Tree Specialist and Administering Agency 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.)”

Findings. The Board finds that Mitigation VIS-1 has been substantially incorporated into the Program as Oak Tree Protection Action 3 and through the language incorporated in the Grading Ordinance Guidelines, as the education and outreach materials developed will include information encouraging voluntary replanting of oak trees removed without permits. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Program, discussed in Section VIII.

VI. FINDINGS THAT CLASS II SIGNIFICANT MITIGABLE IMPACTS ARE MITIGATED TO A LEVEL OF INSIGNIFICANCE

CEQA Guidelines Section 15091(a) requires that, where feasible, all significant adverse impacts be reduced to a level of insignificance. The EIR identifies potentially significant impacts in the areas of biological resource and air quality (“Class II”), which could be mitigated to a less-than-significant level through incorporation of identified mitigation measures into the program. The Class II impacts identified in the EIR are discussed below, along with the appropriate findings per CEQA Guidelines Section 15091.

In certain cases, the Board disagrees with the impact classification found in 00-EIR-07. In those instances, the impact classifications have been altered to reflect the Board's findings on the impacts and mitigation measures.

A. Biology

Impacts. The EIR identified potentially significant but mitigable impacts due to the habitat quality effects of oak tree pruning (Impact BIO-3); unsuitable site location for off-site mitigation and credit oak tree planting (Impact BIO-7); removal of dead trees and granary trees (Impact BIO-9); and leaf litter removal associated with the allowance for live oak tree thinning and management activities (Impact BIO-11).

Mitigation Measures. The EIR identified five measures (Mitigations BIO-2 and BIO-5 through BIO-8) that would mitigate the above-described impacts to levels of insignificance. These mitigation measures have been addressed as follows.

Mitigation BIO-2 (procedures shall be instituted for pruning oak trees): This measure has been incorporated into the Oak Tree Protection and Regeneration Program as follows:

Oak Tree Protection Action 3: The County shall support and, where appropriate, directly carry out public education and outreach (e.g. to private landowners) regarding oak trees, management, incentives, and other relevant topics, and seek funding for oak tree regeneration projects on public and private land.

Definition of Oak Tree 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)¹. Excessive pruning or topping, or severing an 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.”

Mitigation BIO-5 (the appropriateness of credit tree and off-site mitigation shall be considered on a case-by-case basis, the program could increase mitigation ratios for non-discretionary permits and could increase replacement tree monitoring periods, case-by-case): This measure has been partially incorporated into the Oak Tree Protection and Regeneration Program as follows (All of the standards below apply to off-site mitigation planting. Credit tree planting is addressed through a recommendation that such planting adhere to the Tier 2 replacement standards; there is no credit tree program for live oaks):

Replanting Standards for Tier 2 of Deciduous Oak Program (excerpt)

1. 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.

¹ The Oaks 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.

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

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. 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.
 - d. Provide the deciduous oak tree replanting schedule and nurturing regime.
2. 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.

3. 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.
4. 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.

Replacement Standards for Discretionary Level (Agricultural and non-Agricultural) Deciduous Oak Tree Removal (excerpt from Oak Tree Protection and Regeneration Ordinance)

Where deciduous oak tree removal requires a permit under this ordinance, the following standards shall be adhered to:

1. The preparation and implementation of an Oak Tree Management Plan for the lot on which the oak tree removal will take place and any lot used for off-site replacement shall be required. The Management Plan shall be prepared or endorsed by the Oak Tree Specialist. The plan shall:
 - a. 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 as determined by Planning and Development along with the Oak Tree Specialist. In such cases the replacement oak trees may be planted in an off-site location acceptable to the applicant, the landowner and the Oak Tree Specialist.
 - (5) There is avoidance of removal of actively used granary trees, raptor roosting or

nesting trees, and trees in riparian and other wildlife corridors.

- b. 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.
- c. Provide the deciduous oak tree replanting schedule and nurturing regime.
 1. 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.
 2. 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.
 3. 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 accordance with the requirements of this section, in an area of existing or historic valley oak habitat. This area shall, where feasible, be protected in perpetuity by an open space easement or similar legal instrument.
 4. For off-site replacement planting locations priority shall be given to nearby sites and to sites adjoining existing deciduous oak woodlands or providing links between deciduous oak woodlands.

Management Plan Standards for the Live Oak Program (excerpt)

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.
- c. 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.
 - d. Provide the live oak tree replanting schedule and nurturing regime.
2. 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.
 3. 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.
 4. 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.

Mitigation BIO-6 (granary trees in use by acorn woodpeckers, either living, dead, standing or fallen, shall be preserved): The measure as presented in the EIR has been partially adopted into the Oak Tree Protection and Regeneration Program (through the Oak Tree Protection Action 3, language in the management plan standards whenever a management plan is required, and language in the live oak program encouraging voluntary protection and regeneration) as follows:

Oak Tree Protection Action 3: The County shall support and, where appropriate, directly carry out public education and outreach (e.g. to private landowners) regarding oak trees, management, incentives, and other relevant topics, and seek funding for oak tree regeneration projects on public and private land.

Management Plan Standards (excerpt)

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

Voluntary Protection and Regeneration of Live Oaks

“Landowners are encouraged to voluntarily develop their own management plan or at least follow the general principles of the management plan standards (i.e. avoidance of granary trees and trees within riparian and wildlife corridors, minimization of habitat fragmentation, etc. - see Appendix C) when designing agricultural projects not expected to trigger the 15 percent canopy removal threshold. Landowners should 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.”

Mitigation BIO-7 (dead trees and limbs shall be left in place): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Mitigation BIO-8 (conserve leaf litter and downed wood to the maximum extent feasible): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Findings. Regarding Mitigation BIO-2 (procedures shall be instituted for pruning oak trees), the Board finds that Mitigation BIO-2 is substantially incorporated into the definition of “native oak tree removal” in the Oak Tree Protection and Regeneration Program, and Oak Tree Protection Action 3, as the education and outreach materials that are developed will include information about pruning procedures. This definition considers excessive pruning or topping enough to lead to the death of an oak tree to be “removal” of the tree. Given these program features, the Board finds that Impact BIO-3 is reduced to less than significant.

Regarding Mitigation BIO-5 (the appropriateness of credit tree and off-site mitigation shall be considered on a case-by-case basis), the Board finds that Mitigation BIO-5 is partially

incorporated by way of the management plan and replacement standards that are written into the Program in the Ordinance and Grading Ordinance Guidelines. The guidelines in the Grading Ordinance recommend that pre-mitigation or “credit” trees be planted according to the replacement standards of Tier 2 of the Deciduous Oak Program and that coordination with the Oak Tree Specialist be pursued by landowners when designing their credit tree projects. The Board finds that case by case consideration of the appropriateness of off-site and credit tree plantings is sufficiently incorporated into the program, and that adoption of portions of Mitigation BIO-4 and BIO-9 provide performance standards for replacement oak trees that would provide for the survival of off-site replacement and credit trees. The Board finds that the portions of the measure that are not incorporated were included as advisories, by the use of “could” in the measure’s language, to further reduce impacts, and the measure does not rely on these advisories to reduce Impact BIO-7 to less than significant. The portions of the mitigation measure that have been incorporated are sufficient to reduce Impact BIO-7 to less than significant.

Regarding Mitigation BIO-6 (granary trees in use by acorn woodpeckers, either living, dead, standing or fallen, shall be preserved), the Board finds that impact to biological resources due to the potential removal of granary trees is adverse but not significant (Class III), and therefore mitigation is unnecessary. Granary trees are distributed throughout the rural areas of Santa Barbara County and they would not be targeted for disproportionate removal. Nonetheless, the language incorporated into the management plan standards and voluntary guidelines for exempt live oak tree removals, combined with the education and outreach called for in Oak Tree Protection Action 3 would highlight the importance of leaving granary trees in place and provide sufficient protection against their removal. While Mitigation BIO-6 has been partially incorporated into the Program, it is not necessary to reduce Impact BIO-9 to less than significant.

Regarding Mitigation BIO-7 (dead trees and limbs shall be left in place), the Board finds that the impact to biological resources due to the potential removal of dead trees and limbs is adverse but not significant (Class III), and therefore mitigation is unnecessary. Dead trees and limbs would not be expected to be targeted disproportionately for removal. Many dead trees and limbs are left in place in denser woodlands and forests, and in rangeland areas. Mitigation BIO-7 is therefore not necessary to reduce Impact BIO-9 to less than significant. However the County shall preserve dead trees and limbs through public education and outreach materials that emphasize their importance to wildlife, pursuant to Oak Tree Protection Action 3.

Regarding Mitigation BIO-8 (conserve leaf litter and downed wood to the maximum extent feasible), the Board finds that the impact 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) and therefore Mitigation BIO-8 is unnecessary. 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. This type of thinning is not expected to have significant impacts on canopy cover and the associated leaf litter on the ground. 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 Board finds that the impact associated with a reduction or removal of leaf litter is adverse but not significant and Mitigation BIO-8 is unnecessary.

B. Air Quality

Impacts. The EIR identified potentially significant impacts due to PM₁₀ emissions that could potentially cause a public nuisance or exacerbate the existing PM₁₀ non-attainment status of the County.

Mitigation Measures. The EIR identified one measure (Mitigation AQ-1) that would mitigate the above-described impact to levels of insignificance. This mitigation measure has been addressed as follows.

Mitigation AQ-1 (require standard dust control measures for any oak tree removal project that includes earth moving activities): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Findings. The Board finds that the impact to air quality due to PM₁₀ emissions that could potentially cause a public nuisance or exacerbate the existing PM₁₀ 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 tree removal while the ground is prepared for cultivation is miniscule relative to the dust emissions of the crop installation and would not cause a public nuisance or exacerbate the non-attainment status for PM₁₀. PM₁₀ emissions that cause a public nuisance are adequately addressed under existing Air Pollution Control District (APCD) regulations. The Board finds that the impact is adverse but not significant (Class III) and Mitigation AQ-1 is therefore unnecessary to mitigate Impact AQ-1 to a level of insignificance.

VII. FINDINGS REGARDING PLAN ALTERNATIVES

The EIR evaluated the potential effects of six alternatives to the originally proposed Oak Tree Protection Program, including the “no project” alternative required by CEQA. The EIR identified Class I impacts resulting from all of the alternatives. The alternatives range from non-regulatory (voluntary) approaches to strict regulations. The Voluntary Guidelines would not include any new regulations, but would encompass a set of suggested management practices for oak trees and woodlands. The five regulatory options are all fundamentally based on a “three-tiered” permit structure where some oak tree removal is exempt, some would require a non-discretionary permit, and above that discretionary review and permits. The “Proposed Project” (the alternative that is the focus and the “project description” of the EIR), “Low Removal Thresholds,” “High Land Use Flexibility” and “High Protection for Deciduous” alternatives all use tables of numbers of oaks that could be removed under each of the three tiers. The “Canopy Retention” alternative is different in that it uses percentage of oak canopy that would be removed from a lot as permit thresholds for the three tiers, instead of specific set numbers.

After receiving the Planning Commission’s recommendation for oak tree protection, which was a slightly amended version of Alternative 6 (High Protection for Deciduous Oak Trees), the Board of

Supervisors directed P&D staff to work with agricultural and environmental constituents to develop a consensus program that would better balance the needs of agriculture with the protection and regeneration of native oak trees. In response to this direction, the group (known as the Oak Working Group) developed a revised Proposed Project that combines elements from the original proposed project and several of the project alternatives. This revised project description is presented in the EIR Revisions document and analyzed in terms of its environmental effects relative to the original project description and project alternatives. The revised program is based on a multi-tiered regulatory structure for deciduous oak removals, where some oak tree removal is exempt, some requires replacement planting, more removals require the development of a management plan with accompanied replacement requirements, and removals above those levels require discretionary review and permits. For live oaks, the revised program follows more closely the Canopy Retention alternative (though it is slightly more lenient for agricultural removals), where removals up to a certain percentage of the live oak canopy from a lot would be exempt and removals beyond that threshold would require the development of a management plan (no permits are required). This revised program is now the basis for the following findings regarding plan alternatives.

When considering the various alternatives, it is important to remember that every alternative analyzed in the EIR, from “No Project” through and including the strictest regulatory program, is expected to result in Class I impacts to biological, cultural and visual resources, and Class I or II impacts to geological resources. For those options which include regulations, this is due to the multi-tiered permit structure’s built-in exemptions, which allow for routine oak removal without review, permits or replanting/mitigation. Impacts to agricultural resources were found to be less than significant for all alternatives.

1. Alternative 1: “No Project” (no oak tree protection policies or regulations)

Analysis of the impacts of a “No Project Alternative” is mandatory under California Environmental Quality Act (CEQA), the law that requires and governs the content of EIRs. The No Project Alternative assumes continuation of the current regulatory setting for protection of native oak trees in the project area. Under the No Project Alternative, it would be reasonable to expect that unmitigated oak tree removal would continue, potentially at levels as high as in the late 1990s when thousands of oaks were removed for new cultivation, except in those instances where the Grading Ordinance would apply.

Agricultural grading is generally exempt from many elements of the Grading Ordinance with the one exception of “any grading where there is potential for significant environmental damage” (Section 14-8). Hence oak tree removal that 1) is associated with grading *and* 2) could cause significant environmental damage may require a permit. Pursuant to the County of Santa Barbara Environmental Thresholds and Guidelines Manual, “the loss of 10% or more of the trees of biological value on a project site is considered potentially significant.” In addition, impacts to oak woodlands and forests may be considered significant due to habitat fragmentation, removal of understory, alteration to drainage patterns, disruption of the canopy, and/or removal of a significant number of trees that would cause a break in the canopy or disruption in animal movement in and through the woodland.

Non-agricultural grading associated with oak tree removal is similarly governed by Section 14-6 of the Grading Ordinance, which states that “no person shall cause or allow a significant environmental impact to occur as a result of new grading as defined herein, including grading that is otherwise exempt from these regulations.” The same thresholds and guidelines for determining “significance” apply. No policy or regulation would address non-grading methods of oak tree removal outside of the coastal zone and community plan areas under the No Project Alternative.

The EIR alternatives analysis indicates that several important visual, biological, cultural, geological and air quality resources impacts would be more severe under No Project than under the revised Proposed Project; some of these would be increased to Class I from Class II or Class III.

2. Alternative 2: “Voluntary Guidelines”

“Voluntary Guidelines” is a non-regulatory option that makes preferred oak tree management guidelines available, while not requiring that they be followed. Under the Voluntary Guidelines Alternative, the County would continue to administer the existing Grading Ordinance in addition to publishing a set of voluntary guidelines to be used as oak tree “best management practices.” Landowners would be strongly encouraged to participate in public and private educational programs regarding native oak tree management practices, and to develop native oak tree management plans and utilize public and private expert assistance in managing native oak tree resources. The guidelines would be available from Planning and Development, the County Agricultural Commissioner, U.C. Cooperative Extension, the Farm Services Agency, the Natural Resource Conservation Service, the Resource Conservation District, the Agricultural Advisory Committee, the Farm Bureau, and other organizations.

The EIR concludes that Voluntary Guidelines would have similar environmental impacts to the No Project alternative and greater environmental impacts relative to the revised Proposed Project. This conclusion is based largely on discussions with other counties that have voluntary measures in place. Although the success of voluntary measures is not extensively monitored in jurisdictions that have them, based on the information available most of those surveyed reported little or no measurable effect on oak removals. This alternative was not chosen as the preferred program because it did not provide sufficient protection to the oak tree resources, especially with respect to the valley oak tree and its associated habitats.

3. Alternative 3: “High Land Use Flexibility”

“High Land Use Flexibility” contains more permissive allowances for oak tree removal than the other regulatory alternatives, while still employing the three-tiered permit structure. As a whole, removal thresholds are relatively similar to those in the revised Proposed Project, though replanting under the revised Proposed Project would be required at lower removal levels for deciduous oaks. Protected tree sizes would be higher under this alternative, at eight inches DBH for deciduous oaks and twelve inches DBH for live oaks (compared to 4 and 8 inches respectively under the revised Proposed Project). Tree replacement requirements would be lower, at 5:1 for live oaks and 10:1 for deciduous oaks, though under the revised

Proposed Project, while replanting requirements are 10:1 and 15:1 respectively, only six live oaks and ten deciduous oaks need to survive five years after replanting. Adoption of the new Oak Tree Protection Goal, Policies and Actions and amendment to the Land Use Element definition of Development is included in this alternative.

Environmental impacts associated with this alternative would be generally similar to those of the revised Proposed Project, with more severe impacts to some biological, cultural, visual, Geological/Water resources, and Air Quality². These increased impacts are largely due to the larger protected tree sizes that potentially lead to a greater number of trees that could be removed before mitigation is required. One biological resources impact, “loss of different age and class sizes,” that is expected to be Class III for the revised Proposed Project would be considered Class I for this alternative. This alternative was not selected by the Board as the preferred program because it does not achieve the desired balance between continued agricultural viability and protection of native oak resources. This alternative grants landowners too much flexibility in regards to exempt oak removals and removal of native oak trees below the alternative’s protected size of 8 inches dbh for deciduous oaks and 12 inches dbh for live oaks. Therefore, this alternative does not provide a sufficient level of protection for the native oak resources of Santa Barbara County.

4. Alternative 4: “Low Removal Thresholds”

“Low Removal Thresholds” contains stricter permit triggers for oak tree removal than the revised Proposed Project. Depending on parcel size, a maximum of 15 deciduous oak trees of protected size could be removed without any mitigation required. This is compared to 19 deciduous oak trees allowed under the revised Proposed Project. Furthermore, up to 50 deciduous oaks could be removed before a discretionary permit is required under this alternative, approximately one-third of the number allowed under the revised Proposed Project. Protected tree sizes would be smaller, at two inches DBH for deciduous oaks and six inches DBH for live oaks. Tree replacement ratios would be the same, though success standards for mitigation trees are higher under this alternative, since all mitigation trees must be alive and in good health at 5 years. Adoption of the new Oak Tree Protection Goal, Policies and Actions and amendment to the Land Use Element definition of Development is included in this alternative.

Environmental impacts associated with this alternative would be generally lower than those of the revised Proposed Project. One example is the impact to Geological Resources and Water Quality from exposure of soil resulting in erosion and sedimentation, which would be slightly less than that of the revised Proposed Project. Overall, most of the Class I impacts identified for the revised Proposed Project remain Class I under this alternative. This alternative was not selected as the preferred program because it places too much emphasis on oak protection and does not provide landowners with sufficient flexibility in managing their land and maintaining or creating a viable agricultural enterprise. Therefore, this alternative

² The Board of Supervisors rejected the impact analysis in the EIR and found that Impact AQ-1 was adverse but not significant (Class III) under the original project description. The impact remains Class III under the revised program and each of the program alternatives.

does not adequately adhere to the goals and policies of the Comprehensive Plan and fails to achieve the desired balance between agricultural viability and the protection of native oak resources and is therefore socially and politically infeasible.

5. Alternative 5: “Canopy Retention”

“Canopy Retention” would base oak tree removal allowances on the percent of canopy removed, rather than the table-based method of Alternatives 3, 4 and 6, again using a three-tiered permit structure. The revised Proposed Project combines elements from both approaches as it follows a similar canopy-based model for live oaks and a multi-tiered structure for deciduous oaks. Trees of any size that contribute to the canopy would be protected, which would generally be trees greater than 4 inches dbh. The percentages were developed based on the number thresholds of the original Proposed Project. To do this, the numbers in the table were applied to various properties that have been developed to vineyards, and also compared to average oak densities calculated by University of California Santa Barbara in their Oak Woodlands study, to determine percentages that most accurately reflected the Collaborative Process table. Replacement ratios would be 360 oaks planted per acre of canopy removed (or fraction thereof). Compared to the revised Proposed Project, this alternative would generally provide more protection to deciduous oak resources in sites with very low densities of deciduous oak trees, though less protection in sites with high densities of deciduous oak trees. This alternative would provide greater protection to live oaks compared to the revised Proposed Project with respect to agricultural removals, as the threshold requiring initial mitigation under this alternative is 5% instead of 15% canopy removal. Adoption of the new Oak Tree Protection Goal, Policies and Actions and amendment to the Land Use Element definition of Development is included in this alternative.

Overall, environmental impacts associated with this alternative would be generally similar to those of the revised Proposed Project. Individual impacts, however, would vary in comparison with the revised Proposed Project. Biological impacts would be less severe for the Canopy Retention alternative in regards to “thinning,” as the Canopy Retention alternative would not provide a special allowance. On the other hand, removals under this alternative at sites with relatively high densities of deciduous oak trees (e.g. blue oak woodlands), could result in greater visual resource impacts than under the revised Proposed Project. This is because removals triggering mitigation under the Canopy Retention alternative (3% deciduous oak removal would trigger replanting) are based on percentage canopy removal, rather than individual trees. Thus, 3% of the dense woodland canopy on a parcel could equate to a higher number of exempt trees being removed than what is allowed under the deciduous oak program of the revised Proposed Project. This alternative was not selected as the preferred program because it failed to strike a proper balance between agriculture and oak protection. It does not provide sufficient flexibility to farmers and ranchers managing their lands, while focusing too much emphasis on protecting native oak resources and is therefore socially and politically infeasible. The revised Proposed Project, which has been selected as the preferred program, incorporates many of the fundamental elements of this alternative into its regulation of live oak removals, although the aforementioned balance is better achieved under the revised program due to the higher tree

removals allowable for agriculture. For live oak removals not associated with agriculture, however, the same 5% removal threshold as is proposed under the Canopy Retention alternative would apply.

6. Alternative 6: “High Protection for Deciduous Oak Trees”

“High Protection for Deciduous Oak Trees” offers significantly greater protection to the more rare deciduous oak trees than the revised Proposed Project, and greater protection to live oaks as well, depending on the density of the live oak stands. In addition, this alternative shortens the permit life for live oaks to ease program implementation and monitoring. Adoption of the new Oak Tree Protection Goal, Policies and Actions and amendment to the Land Use Element definition of Development is included in this alternative. This alternative is identified in the EIR as the Environmentally Superior Alternative.

Compared to the revised Proposed Project, the EIR identifies less severe impacts to biological resources, cultural resources, visual resources, and air quality resulting from Alternative 6. For example, impacts related to thinning are greater for the revised Proposed Project, since Alternative 6 provides no thinning allowance. This alternative has not been selected by the Board as the preferred program because it fails to balance the needs of farmers and ranchers to expand and maintain viable agricultural operations with the protection of native oak resources. Implementation of this alternative, although providing greater protection for oaks, would be socially, technically, economically, and politically infeasible because it places undue restrictions and burdens on agriculture, and fails to adhere to the goals and policies of the Comprehensive Plan. Therefore, the benefits to native oak resources achieved through this alternative do not outweigh the costs that this alternative places on agriculture. The revised project description, on the other hand, better achieves the overall oak protection goals because of greater community consensus, landowner support, and voluntary cooperation.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) “requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

In considering the adoption of the Oak Tree Protection and Regeneration Program, the Board of Supervisors has balanced its benefits against its unavoidable adverse environmental effects and finds that the benefits of the program outweigh the adverse environmental effects. The Board finds that the adverse environmental effects are “acceptable,” based on the following individual and collective overriding considerations:

- A. The Oak Tree Protection and Regeneration Program provides improved protection in the inland rural lands than that which is provided under the current Grading Ordinance. In addition, the program provides protection for native oak trees, where no protection currently exists, when removed without associative grading.
- B. Outside of the Oak Tree Protection and Regeneration Program there are no policies that apply to the county's inland rural lands that specifically call for the protection, replacement, or enhancement of oak trees and woodlands.
- C. Oak trees are a natural resource which supports native wildlife, is a vital part of ecosystems, contributes to air and water quality, and is an important part of the aesthetic, natural, and cultural setting and heritage of Santa Barbara County.
- D. Agriculture is Santa Barbara County's leading production industry. Taking into account support industries, retail trade and related commercial services, the sum total of the industry's impact on the economy is valued at over \$1.5 billion. Agriculture is also a central part of Santa Barbara County's history and cultural heritage. Its working landscapes maintain the area's distinctive scenery and rural character. The continued vitality of agriculture is critical to the county's economy and general well-being. The Oak Tree Protection and Regeneration Program not only allows for the growth of this important industry but protects native oak trees.
- E. The Oak Tree Protection and Regeneration Program consists of regulations and policies that specifically protect oak trees and provide for oak regeneration in a way that balances these objectives with the needs of agriculture to maintain existing operations and to expand and intensify where appropriate. This balance is achieved by allowing the removal of specific numbers or percentages of oak trees above certain sizes, and unlimited numbers below those sizes without requiring permits or replacement. These exempt removals are the primary cause of the significant environmental impacts identified in the EIR. They are a necessary part of the Program, and the resulting impacts are acceptable, in order to achieve the balance with agricultural expansion called for by the Comprehensive Plan. In this way the Program achieves its objectives in a manner consistent with County policy and the health, safety and welfare of its residents.
- F. To further the goal of supporting agriculture while regulating oak tree removal, the Oak Tree Protection and Regeneration Program also includes policies and actions that call for the County to provide education and incentives, financial and otherwise, to assist landowners in managing their oak resources. In addition, the program 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.
- G. The benefits of the Oak Tree Protection and Regeneration Program, which successfully balances the needs of agriculture and its continued expansion with protection of oak trees, outweighs the unavoidable adverse environmental effects identified in the EIR and discussed above. These effects are considered acceptable based on the economic, cultural,

environmental and other benefits of agriculture's continued vitality.

- H. The uniqueness of the Oak Tree Protection and Regeneration Program, which calls for stewardship and cooperation, has received support and buy-in from both the agricultural and environmental communities. Such bipartisan support is critical for the success of this type of program. While other program alternatives may have led to greater protection for native oak resources in Santa Barbara County, they would not have provided the proper balance with future agricultural expansion, nor received the necessary buy-in from all sides that is critical for long-term success.

IX. MITIGATION MONITORING AND REPORTING PLAN

A Mitigation Monitoring and Reporting Plan for the Oak Tree Protection and Regeneration Program is included as an exhibit to the EIR Revisions document (dated March 25, 2003) and has been adopted pursuant to the requirements of Public Resources Code §21081.6.

ATTACHMENT C

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF APPROVING SPECIFIC AMENDMENTS TO THE CONSERVATION ELEMENT AND THE LAND USE ELEMENT OF THE SANTA BARBARA COUNTY COMPREHENSIVE PLAN, AND THE COUNTY OF SANTA BARBARA ENVIRONMENTAL THRESHOLDS AND GUIDELINES MANUAL	RESOLUTION NO. CASE NO.: 00-GPA-5 00-GPA-6
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WITH REFERENCE TO THE FOLLOWING:

- A. On April 2, 1979, by Resolution No. 79-189, the Board of Supervisors of the County of Santa Barbara adopted the Conservation Element of the Santa Barbara County Comprehensive Plan. The purpose of the Conservation Element is to guide the use, development and conservation of natural resources of the County, including native oak trees. The Element notes the increasing scarcity of valley oaks (*Quercus lobata*).
- B. On December 22, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Land Use Element of the Santa Barbara County Comprehensive Plan. The purpose of the Land Use Element is to interrelate all the different factors that affect population growth, urban development and open land preservation and to represent the county's policy on land use.
- C. On September 3, 1991, by Resolution No. 91-537, the Board of Supervisors of the County of Santa Barbara adopted the Agricultural Element of the Santa Barbara County Comprehensive Plan. The purpose of the Agricultural Element is to assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County, and to support agricultural expansion and intensification while taking into account environmental impacts.
- D. In the late 1990s and early 2000s, thousands of acres of former oak woodland and savanna were converted to cropped land, involving the removal of approximately 2,500 oak trees, many of them valley oaks. Adoption of the Oak Tree Protection and Regeneration Program is necessary to ensure that replanting and other mitigation takes place when oak trees are removed in substantial numbers.
- E. On February 10, 1998 the Board of Supervisors initiated a public collaborative process to develop recommendations for protection of oaks in the rural areas of Santa Barbara County.

- F. On September 14, 1999 The Board of Supervisors directed Planning & Development to hold further public workshops on oak tree protection and to then prepare regulations and Comprehensive Plan policies for protecting oak trees in rural areas of the County based on the input from the collaborative and public processes.
- G. The environmental review was conducted according to the requirements of the California Environmental Quality Act with public comment from December 18, 2000 to February 16, 2001 and a public hearing on February 8, 2001. Revisions (RV1) to the Final EIR (00-EIR-7) were published in March 2003.
- H. The proposed amendments to the Comprehensive Plan were reviewed and deliberated upon by the County's Planning Commission in hearings held from May 14, 2001 to July 16, 2001, and by the Board of Supervisors in hearings held September 2001 to March 11, 2003.
- I. On October 15, 2002 and December 10, 2002, the Board of Supervisors identified the recommendations of the Oak Working Group, including the Comprehensive Plan and Environmental Thresholds Manual amendments referenced in this resolution, as their preferred oak protection program.
- J. The Board of Supervisors now deems in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Comprehensive Plan and the Environmental Thresholds and Guidelines Manual, as follows:
 1. 00-GPA-5: Amend the Conservation Element of the Santa Barbara County Comprehensive Plan to add a supplement to the Mapped Areas and Communities Section addressing Oak Tree Protection in the Inland Rural Areas of Santa Barbara County Section, hereby incorporated by reference, and references to this supplement are added to the text of the Conservation Element on pp. 138, 141 and 145 [Exhibit 1a], hereby incorporated by reference. The supplement is attached as Exhibit 1b.
 2. 00-GPA-6: Amend the Land Use Element of the Santa Barbara County Comprehensive Plan clarifying the definition of "development" to exclude oak tree removal under the Oak Tree Protection and Regeneration program [Exhibit 2], hereby incorporated by reference.
 3. Amend the County of Santa Barbara Environmental Thresholds and Guidelines Manual to clarify that the oak tree woodland and forest habitat impact assessment guidelines do not apply to non-discretionary oak tree removal within the Oak Protection Study Area under the Grading Ordinance Guidelines for Native Oak Tree Removal, as environmental review of these projects was completed in the program EIR, 00-EIR-07 RV1 [Exhibit 3], hereby incorporated by reference.
- I. The proposed amendments are in the interest of the general community welfare, since they will provide protection for and regeneration of oak trees in the county's rural agricultural, mountainous, and resource management areas. Oak trees are a natural

resource which supports native wildlife, is a vital part of ecosystems, contributes to air and water quality, and is an important part of the aesthetic, natural, and cultural setting and heritage of Santa Barbara County.

- J. The Oak Tree Protection and Regeneration Program is comprehensive in nature. The Program goes beyond requiring permits and associated replanting and/or environmental review and mitigation by including policies and actions that call for the County to educate the public on the value and management of oaks; offer financial and other incentives for oak protection and regeneration; seek opportunities for and carry out oak planting and restoration projects; and monitor oak resources.
- K. Adoption of the Oak Tree Protection and Regeneration Program is in the best interest of the public because it is designed to afford a reasonable level of protection to oak trees through permit requirements and environmental review, where necessary, for larger scale oak tree removal while allowing for the continued success and expansion of the county's agricultural industry by allowing permit exemptions for smaller scale oak tree removal such as that associated with normal operations and maintenance of farms and ranches.
- L. The Oak Tree Protection and Regeneration Program fittingly gives highest priority for both protection and regeneration/restoration to valley oaks, which are the species of highest concern due to their loss to urban and agricultural growth in past decades both locally and statewide, and to their lack of natural regeneration.
- M. The Oak Tree Protection and Regeneration Program is an improvement of the existing regulatory setting for agricultural and non-agricultural oak tree removal in the inland rural areas of the County outside of the coastal zone. The Program provides guidance to staff and certainty to property owners, agriculturists and the general public as to when a permit and/or management plan is required for oak tree removal and what conditions and/or mitigation would generally be associated with a permit and/or management plan.
- N. The Oak Tree Protection and Regeneration Program is based on a long-term, forward-thinking approach by providing for protection and regeneration of oaks into a future whose land use, agricultural and environmental realities are in flux.

NOW, THEREFORE, IT IS HERBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Government Code Section 65356, the above described changes are hereby approved and adopted as amendments to the Santa Barbara County Comprehensive Plan and the County of Santa Barbara Environmental Thresholds and Guidelines Manual.
3. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board.

4. Pursuant to the provisions of Government Code Section 65357 the Clerk of the Board is hereby authorized and directed to send endorsed copies of said plan amendments to the planning agency of each city within this County.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California this ___ day of _____ 2003, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

APPROVED AS TO FORM:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy Clerk

By: _____
Deputy County Counsel

EXHIBITS:

1. Amendments to the Conservation Element of the Comprehensive Plan (00-GPA-5)
2. Amendments to the Land Use Element of the Comprehensive Plan (00-GPA-6)
3. Amendments to the County of Santa Barbara Environmental Thresholds and Guidelines Manual

EXHIBIT 1a

**PROPOSED AMENDMENTS TO THE CONSERVATION ELEMENT
OF THE COMPREHENSIVE PLAN**

Amendment 1

(p. 138)

Woodland and Savanna

A supplement to the Mapped Areas and Communities Section of the Conservation Element was adopted by the Board of Supervisors on March 25, 2003 that specifically addresses oak tree protection and regeneration. The supplement contains a goal, policies, actions, and standards to achieve these objectives in the inland rural areas. The supplement is a separate publication and it is available at Planning and Development and is hereby incorporated by reference.

60. Central Oak Savanna (8-2-2, 8-2-3, 8-2-4)

Amendment 2

(p. 141)

Forest Habitats

A supplement to the Mapped Areas and Communities Section of the Conservation Element was adopted by the Board of Supervisors on March 25, 2003 that specifically addresses oak tree protection and regeneration. The supplement contains a goal, policies, actions, and standards to achieve these objectives in the inland rural areas. The supplement is a separate publication and it is available at Planning and Development and is hereby incorporated by reference.

65. Canyon Oak – Bigcone Spruce (5-2-2)

Amendment 3

(p. 145)

Riparian Forests and Woodlands

A supplement to the Mapped Areas and Communities Section of the Conservation Element was adopted by the Board of Supervisors on March 25, 2003 that specifically

addresses oak tree protection and regeneration. The supplement contains a goal, policies, actions, and standards to achieve these objectives in the inland rural areas. The supplement is a separate publication and it is available at Planning and Development and is hereby incorporated by reference.

75. Nojoqui Falls Park (6-2-2)

SUPPLEMENT TO THE MAPPED AREAS AND
COMMUNITIES SECTION OF THE CONSERVATION
ELEMENT

**OAK TREE PROTECTION
IN THE INLAND RURAL AREAS
OF SANTA BARBARA COUNTY**

I. INTRODUCTION

A. Purpose and Organization

This section of the Santa Barbara County Comprehensive Plan Conservation Element provides for the protection of native oak trees in the inland rural areas of Santa Barbara County. To achieve protection of the remaining oak tree resource, the County will regulate the removal of oak trees; seek financial assistance for landowners, incentives and purchase toward their conservation; and distribute information about oak trees and their propagation to promote oak woodland restoration.

Part I provides an introduction and background to the development of this section of the Conservation Element, including a history of the process that generated the oak tree protection Goals, Policies, Actions, and Development Standards. Part II is an overview of oak tree resources in Santa Barbara County. Part III contains the Goals, Policies, Actions, and Development Standards that address oak trees in the inland rural areas of the county.

B. Process History

Outside of the coastal zone boundary, the County of Santa Barbara has no regulations specifically written to address the removal of native oak trees unless the removal is associated with another action requiring a permit. On February 10, 1998 the County's Board of Supervisors initiated a collaborative public process to develop recommendations for oak protection. This decision was made in response to the accelerated clearing of native oak trees on the county's rural lands to prepare ground for planting new crops. The County's Planning & Development Department estimated that more than 2,000 oak trees were removed for agricultural intensification in the eighteen months preceding the February 1998 hearing, more than had been removed for urban development in the previous ten years.

The County invited over 400 people to participate in the collaborative discussions, including grape growers, vintners, farmers, ranchers, Agricultural Advisory Committee

members, scientists, environmentalists, and other interested parties. In sixteen public meetings over 14 months, a balanced core group of approximately 25 participants and many other occasional participants came close to agreeing on recommendations to address large-scale oak removal. However, the group was ultimately unable to unanimously approve final recommendations.

In September of 1999 the Board recognized that complete consensus was not forthcoming. The Board directed Planning & Development to hold another series of public workshops and to develop oak protection regulations based on public comment, the work of the Oak Protection Collaborative Process, and County policies that call for the encouragement of agricultural expansion and the protection of natural resources. The regulations were prepared and an Environmental Impact Report prepared by spring of 2001.

In July of 2001, after five public hearings, the County Planning Commission recommended that the Board of Supervisors adopt the Oak Protection Program. When Planning & Development brought the program to the Board in spring of 2002, however, the Board chose instead to encourage a small group of farming and environmental representatives to work on another consensus based alternative. After several meetings supported and facilitated in part by County staff, the group now known as the Oak Working Group produced the recommendations that are the basis for the Oak Tree Protection and Regeneration Program that was adopted in March 2003.

The uniqueness of the Oak Tree Protection and Regeneration Program produced by the Oak Working Group, which calls for stewardship and cooperation, has received support and buy-in from both the agricultural and environmental communities. Such bipartisan support is critical for the success of this type of program.

The goal, policies, development standards and implementing actions in Section III below are based on the work of the collaborative process and on other input from the community. They were subsequently refined and finalized by the Oak Working Group.

II. OVERVIEW OF OAK TREE RESOURCES IN THE SANTA BARBARA COUNTY RURAL AREA

A. Oak Trees in California

Oak savannas, woodlands, forests, and the grassland and riparian systems that complement them are California's most biologically diverse ecosystems and integral parts of the state's cultural and historical heritage. Santa Barbara County is fortunate to retain a significant, though reduced, distribution of the oak habitats that once blanketed the Central Coast.

Oak habitats contribute greatly to the ecological diversity of California. In terms of species diversity, California's native oak woodlands provide habitat for approximately 2,000 species of plants, 170 birds, 100 mammals (approximately one-third of all mammals native to California), 60 amphibians and reptiles, and 5,000 species of insects (University of California 1993 and 1996). These species include eagles, owls, hawks, reptiles, bobcats, foxes, deer, and 300 or more other vertebrate species that depend on oak habitats during their breeding seasons. In terms of ecological function, intact oak habitats stabilize the soil on which they occur, serving to help prevent the erosion of topsoil and protect water quality. Oak trees also provide shade, influencing the temperature and growth conditions for understory species. The community of oak-associated plants, vertebrates, invertebrates, and soil microbes varies from site to site, in response to site-specific conditions and the extent of influence by the dominant oaks. Within these communities, structural complexity is enhanced by the presence of riparian areas, downed and woody debris, snags, and diverse ages and conditions in oaks and other plants (Merrick et al. 1999).

California's oaks are also important for their aesthetic, economic, historical, and cultural values. Oak trees and their habitats are woven into California and Santa Barbara County's cultural heritage, beginning with the indigenous peoples that utilized oak tree products and valued the oak woodlands in their cultural traditions. After European settlement in California, oak habitats have continued to be an enduring symbol of the state's rich ranching tradition, and to be valued economically and aesthetically. The presence of oak trees on a property can increase the property's value by 20% or more (University of California 1993). They are one of the county's and the state's most widely recognized and admired visual assets. In both the urban and rural areas of Santa Barbara County, oak woodlands and large, individual oak trees contribute significantly to the scenic beauty for which the county is known.

B. Distribution and Characteristics of Oak Trees in Santa Barbara County

Distribution

Oaks in Santa Barbara County are widely distributed and occur in a variety of diverse biological communities. Some oak species always occur as trees, others occur as shrubs,

and for some, size and growth form depends on site conditions and genetics. The tree-sized oak species in Santa Barbara County include coast live oak trees (*Quercus agrifolia*), valley oak trees (*Quercus lobata*), blue oak trees (*Quercus douglasii*), canyon live oak trees (*Quercus chrysolepis*), black oak trees (*Quercus kelloggii*), and interior live oak trees (*Quercus wislizenii*). Table 1 provides the inventory of each of the different oak woodland and forest communities occurring in Santa Barbara County.

Coast live oak trees occur predominantly in coastal areas, and throughout the county on north-facing slopes and along perennial and intermittent creeks. Multi-trunked coast live oak trees are often a component of the sensitive Burton Mesa chaparral community in the Lompoc Valley. In the Santa Ynez Valley, stands of coast live oak trees mingle with relatively widely spaced valley oak trees on rolling savannas. Beginning on the cool, north-facing slopes of the upper Santa Ynez Valley and extending northward, blue oak woodlands become prevalent. Canyon live oak, black oak, and interior live oak trees occur in montane and interior areas of the County, largely on lands included within Los Padres National Forest.

Table 1: Oak Woodland and Forest Communities in Santa Barbara County

Oak Community	Approximate Acreage
Coast Live Oak Forest*	71,381
Canyon Live Oak Forest	12,325
Interior Live Oak Forest	1,902
Valley Oak Woodland	9,682
Blue Oak Woodland	22,872
Coast Live Oak Woodland	80,077
Total Oak Woodlands and Forests	198,239
<i>Source:</i> ICESS, U.C. Santa Barbara; (personal communication, Davis 2000)	
*Includes central coast live oak riparian forest and south coast live oak riparian forest	

Of the oak trees occurring in Santa Barbara County, the valley oak trees (*Quercus lobata*), blue oak trees (*Quercus douglasii*), and black oak trees (*Quercus kelloggii*), are deciduous, losing their leaves in winter. Coast live oak trees (*Quercus agrifolia*), canyon live oak trees (*Quercus chrysolepis*), and interior live oak trees (*Quercus wislizenii*) are live oak trees, retaining their foliage throughout the year. Some of the other characteristics of the oak trees of Santa Barbara County are described below.

Characteristics

Coast live oak (*Quercus agrifolia*): Coast live oak trees are generally low trees, with trees in open stands ranging from 20 to 40 feet tall. However, trees in dense stands can reach 80 feet tall. A dense, layered canopy is characteristic, and coast live oak trees often have multiple trunks when the stumps re-sprout after fire. They commonly reach greater than 250 years in age (Pavlik et al. 1991) and occur from Northern Baja California to Mendocino County along the coast as well as in inland areas where fog provides adequate moisture (Pavlik et al. 1991).

Valley oak (*Quercus lobata*): Valley oak trees are thought to be the largest oak species in North America, reaching up to 100 feet in height (though they are most typically 40 to 50 feet tall) with canopies that are generally 40 to 50 feet wide (Pavlik et al. 1991). The limbs are relatively large and often droop near the ground, especially on trees that occur in open savannas rather than on trees in more dense riparian habitats. Valley oak trees can live to be 400 to 600 years old. Their distribution is limited to California, in the Central Valley and the inner coast and transverse ranges. Within their range, they occur on deep, rich soils in riparian areas, alluvial fans and valleys, and upland terraces (University of California 1993).

Blue oak (*Quercus douglasii*): Blue oak trees average 30 to 40 feet in height, and have a compact canopy (Pavlik et al. 1991). The tree's name indicates the blue-ish color of the upper leaf surfaces, which is most dramatic in the late summer (Pavlik et al. 1991). Blue oak trees are thought to live for 200 to 300 years, though trees as old as 390 years have been reported (White 1966). Blue oaks occur only in California, from Santa Barbara to Shasta counties (University of California 1993), mainly in foothills bordering interior valleys (Pavlik et al. 1991).

Canyon live oak (*Quercus chrysolepis*): Canyon live oak trees can grow to be between 15 and 60 feet tall (University of California 1993), with the taller trees generally occurring in dense stands. The species approaches a shrub stature in open, harsh conditions (Pavlik et al. 1991). Canyon live oak trees generally live for 250 to 300 years (Plumb and Gomez 1983). They are found from central Baja California to southwestern Oregon, Nevada, and central Arizona (Pavlik et al. 1991) in foothills and coastal canyons, and on mountain ridges (University of California 1993).

Black oak (*Quercus kelloggii*): Black oak trees occurring in dense stands can reach 100 feet in height, while trees occurring in more open stands are generally 30 to 80 feet tall (Little 1980, Plumb and Gomez 1983). The trees do not usually dominate the communities in which they occur, but are often subordinate to the pines, firs, and cedars in the landscape (Pavlik et al. 1991). Black oaks live for approximately 200 to 300 years (McDonald 1969, Plumb and Gomez 1983). Found in mountains and fairly distant from the coast, black oak trees are distributed from southern San Diego County to central Oregon.

Interior live oak (*Quercus wislizenii*): A dense, round tree, interior live oaks are usually between 30 and 75 feet tall (University of California 1993). They generally live for approximately 150 to 200 years and are capable of vigorous re-sprouting after fire (Plumb and Gomez 1983). The species is common in the Klamath and southwestern Cascade ranges and scattered in the Coast, inner Transverse, and Peninsular ranges (Pavlik et al. 1991). Within its range, interior live oak trees occur away from the coast and can tolerate both extremely wet and extremely dry conditions (University of California 1993).

C. Changes in Oak Tree Distribution in California and Santa Barbara County

California's oak woodlands are declining in both viability and distribution. The state's original 10-12 million acres of oak woodland have been reduced to approximately 7 million acres today (Thomas 1997). The greatest concentrations of oak woodlands remain in the foothills of the coast and valleys (University of California 1993). Though millions of acres remain, there is concern regarding the viability of some relict populations of older oak trees that do not appear capable of regenerating the aging stands in which they occur (Pavlik et al. 1991, University of California 1993). After the existing oak trees die, these areas will be added to the tally of acreage where oak woodlands have been lost.

Santa Barbara County's oak populations have not been spared from the declines observed in the rest of the state. A large percentage of coast live oak, valley oak, and blue oak habitats occur on private lands within the jurisdiction of the County of Santa Barbara. Santa Barbara County's populations of black oak, canyon live oak, and interior live oak are concentrated within the boundaries of Los Padres National Forest. As a result, valley oak, blue oak, and coast live oak woodland have experienced the most severe contractions in their populations and are of the most concern.

Valley oak savannas and woodlands in the county, naturally occurring on the deep, fertile soils also preferred by agriculture and development, have been especially affected. The California Department of Fish and Game considers virtually every valley oak community threatened and of high priority (Davis 1999). Countywide, valley oak savanna and woodland is estimated to have declined from 62,000 acres in the 1700's to approximately 10,000 acres today (Davis 1999).

In the San Antonio Creek watershed, including the Los Alamos Valley and exclusive of Vandenberg Air Force Base, approximately 4,100 acres of coast live oak woodlands and forests were cleared between 1930s and 1999. Approximately 2,200 acres of blue oak woodland have been lost in the same area. This study area represents approximately 10% of the privately owned land in the jurisdiction of the County of Santa Barbara and it includes much of the area of vineyard development in the county (Davis 1999).

Much of the historic and current declines in oak tree populations in Santa Barbara County and the rest of the state have been due to direct removal for the purposes of urban development and cultivated agriculture. Livestock raising, wood cutting, flood control and fire suppression have also had a hand in the clearing of oak trees in California during the last 200 years (Rossi 1980). Some oak trees continue to be lost to urban expansion in the county. However, agriculture, especially vineyard expansion, made a notable contribution to oak tree clearing in Santa Barbara County in the mid to late 1990's. Planning and Development estimates that approximately 2,000 oak trees were removed by agricultural operations between 1996 and 1998.

In addition to the direct effects of tree removal on oak communities, many oak populations in Santa Barbara County and throughout the state are known for their lack of successful natural recruitment. Recruitment is the transition of oak seedlings to saplings

and young adults that will eventually serve to replace the older trees. In Santa Barbara County, savannas and woodlands dominated by valley oak and blue oak trees are particularly lacking young trees.

This less direct and less visible threat to the county's oak woodlands cannot be attributed to any one simple cause. A number of determinants appear to be involved in the lack of oak tree saplings. Competition with annual grasses (originally introduced during European settlement) for scarce moisture, and the cumulative effects of numerous rodents, livestock, and other herbivorous species such as deer are thought to be the main factors (Sweicki and Bernhardt 1991). The native perennial grasses remove moisture from the soil over a longer growing season relative to introduced annual grasses that more quickly deplete soil moisture during a crucial period of oak seedling growth (Danielson 1990). Increases in the number of livestock and in deer and rodent populations further impact oak seedling survival (Griffin 1976 and 1980). Fire suppression and ground water depletion are also thought to play a role in altering the natural conditions of oak tree communities, leading to an effect on their reproductive capabilities (Muick and Bartolome 1986).

D. Protection and Restoration of Oak Trees in Santa Barbara County

The goal of oak preservation in California can best be achieved through an approach that includes preservation of the remaining savannas, woodlands and forests, replacement and restoration of oak resources, and education (Pavlik et al. 1991). Santa Barbara County's Oak Tree Protection and Regeneration Program promotes the protection of the existing oak tree populations, and seeks to increase the acreage of oak woodlands, forests and savannas using a variety of methods and approaches.

With the large percentage of oak woodlands occurring on private lands, it is important for oak protection strategies, especially regulations, to take the property owners' needs into consideration. The oak tree protection policies and standards that are now part of Santa Barbara County's Comprehensive Plan were adopted to provide protection for our county's important oak resources while allowing for continued reasonable use of agricultural properties and other lands.

Restoration of oak habitats to approximate historic oak tree populations and extent will require more than project by project regulatory protection. To accomplish this goal, the program calls for the development of incentives for landowners to protect and increase oak resources, including funding for conservation easements. Funding for oak tree restoration projects is another incentive option. Long-term enhancement and restoration could also be accomplished through outright public acquisition of important oak resources on the properties of willing landowners.

The program also highlights the importance of public education and outreach. This component of the program will provide information on the importance of oak trees, oak habitats, and methods for their successful protection and restoration. These non-

regulatory approaches will further the goal of protecting, enhancing, and increasing oak tree populations and habitats in Santa Barbara County.

III. GOAL, POLICIES, AND IMPLEMENTING ACTIONS

OAK TREE PROTECTION GOAL

Santa Barbara County shall promote the conservation and regeneration of oak woodlands in the County over the long term, and, where feasible, shall work to increase the native oak population and extent of woodland acreage. The highest priority for conservation, protection and regeneration shall be for valley oak trees, valley oak woodlands and valley oak savanna.

Intent

Defines the county's overall objective for oak protection and regeneration.

OAK TREE PROTECTION POLICY 1

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.

Intent

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 valley oaks, and that allow re-planting in areas contiguous with existing woodlands or savannas where valley oaks occur. 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.

OAK TREE PROTECTION POLICY 2

The County shall pursue funding for conservation easements, incentive programs and funding or other assistance for landowners to retain and regenerate native oak trees.

Intent

Contributes to the protection of some oak woodlands.

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. The Oak Tree Specialist shall work with other agencies and County departments to 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) regarding oak 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 and Regeneration Program, particularly the effectiveness of the regulations, 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.

OAK TREE PROTECTION ACTION 5

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

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EXHIBIT 2

PROPOSED AMENDMENT TO THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN

(p. 80) [Proposed amendment is the footnote at the bottom of the page]

REGIONAL

This plan is designed to encourage the qualities that make this County unique, by encouraging a balanced and diverse economy, promoting local self-sufficiency, by encouraging a balance in housing with jobs, stressing long-term productivity, living within our means in so far as availability of resources and services, providing moderate, orderly growth in harmony with our surroundings, and to provide for protection of the historical heritage which has enriched the lives of residents and visitors throughout the years.

In order to accomplish these objectives, this plan has four fundamental goals.

Environment: Environmental constraints on development* shall be respected. Economic and population growth shall proceed at a rate that can be sustained by available resources.

Urbanization: In order for the County to sustain a healthy economy in the urbanized areas and to allow for growth within its resources and within its ability to pay for necessary services, the County shall encourage infill, prevent scattered urban development, and encourage a balance between housing and jobs.

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.

Open Lands: Certain areas may be unsuited for agricultural uses due to poor or unstable soil conditions, steep slopes, flooding or lack of adequate water. These open lands have importance as grazing, watershed, wildlife habitat, mineral resources, recreation, and scenic qualities. These lands are usually so located that they are not necessary or desirable for urban uses. There is no basis for the proposition that all land, no matter where situated or whatever the need, must be planned for urban purposes if they cannot be put to some other profitable economic use.

* "Development" means any man-made change to improved or unimproved real property including but not limited to buildings or structures, mining, dredging, filling, grading, excavation, or drilling operations. Sand and gravel operations may be allowed in the same sense as flood control operations are allowed. Neither agricultural improvements nor oak tree removal are ~~not~~ development within the meaning of this Element.

EXHIBIT 3

PROPOSED AMENDMENT TO THE COUNTY OF SANTA BARBARA ENVIRONMENTAL THRESHOLDS AND GUIDELINES MANUAL

(p. 6-9) [Proposed amendment is the footnote at the bottom of the page]

4. Oak Woodlands and Forests

(1) **Description:** There are three primary types of oak woodlands in Santa Barbara County: Valley Oak, Coast Live Oak, and Blue Oak woodlands. The number, type, and density of oak trees, and the relationship between trees and understory are principal characteristics which define the various types of woodlands. Oak habitats support a diverse wildlife population, and offer abundant resources to wildlife including food sources, shade in summer, shelter in winter, perching, roosting, nesting, and food storage sites.

(2) **Impact Assessment Guidelines for Woodlands and Forest Habitat Areas⁹:** Project-created impacts may be considered significant due to changes in habitat value and species composition such as the following:

- a. Habitat fragmentation
- b. Removal of understory
- c. Alteration to drainage patterns
- d. Disruption of the canopy
- e. Removal of a significant number of trees that would cause a break in the canopy or disruption in animal movement in and through the woodland

5. Impact Assessment for Individual Native Trees⁹

(1) **Description:** Native specimen trees, regardless of size, are potentially significant, and rare native trees, which are very low in number or isolated in distribution (such as Island Oak) may be particularly significant. This significance evaluation is done on a case-by-case basis and considers tree size, numbers, location, relationship to habitat, etc.

(2) **Definition:** Specimen trees are defined, for biological assessment purposes, as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species.

(3) **Native Tree Impact Assessment:** In general, the loss of 10% or more of the trees of biological value on a project site is considered potentially significant.¹⁰

⁹ The impact assessment guidelines for oak trees, woodlands and forest habitat do not apply to non-discretionary level oak tree removal under the Grading Ordinance Guidelines for Native Oak Tree Removal that are incorporated as Appendix A in County Code, Chapter 14. Non-discretionary-level oak tree removal that is subject to and in compliance with these Guidelines has been previously analyzed in the program EIR, 00-EIR-07 RV1.

¹⁰ The number of trees present onsite from which the 10% is measured may be calculated either by counting individual trees or by measuring the area of tree canopy with a planimeter.