

Oaks

California Oak Foundation

Our mission is to protect and perpetuate native oak woodlands

O-4

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October 22, 2008

Carl Holm, Assistant Director
Monterey County Planning Department
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

Re: GPU5

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Dear Mr. Holm:

The California Oak Foundation (COF) writes with General Plan Update DEIR (GPU5) comments regarding Monterey County oak woodlands planning analysis covering 425,000 acres. COF has identified several errors of omission and commission in the GPU5 biological resources and air quality analyses.

Background: On a county basis, Monterey County's oak woodlands are the most diverse and biologically valuable in California. Where other county's privately owned oak woodlands are generally dominated by a single oak species, Monterey County is home to hundreds of thousands of woodland acres almost equally divided between blue oaks and coast live oaks. Centrally located in the state, Monterey County's adjacent inland blue/coastal live oak habitats serve hundreds of resident and migratory wildlife species, including dozens of GPU5-listed special status species. Concurrently, these Monterey County oak woodlands presently store an estimated 4.8 million metric tons of carbon dioxide (CO₂) and will continue to capture atmospheric CO₂ unless converted to non-forest use. (Oaks 2040)

Biological Resources

DEIR: *"Future development anticipated by the 2007 General Plan would be consistent with local tree ordinances ... This impact is less than significant."* (DEIR at 4.9-2)

Comment: Section 4.9.4.2, State Regulatory review fails to reference Public Resources Code (PRC) §21083.4 or recognize that aspects of the current Monterey County tree ordinance conflict with California Environmental Quality Act (CEQA) law. This DEIR deficiency raises substantial issues regarding GPU5 legal sufficiency.

DEIR: *"The overall 25-year trend is an average [vineyard] increase of about 300 acres per year, but between 1996 and 2006, there was an annual average increase of about 800 acres per year in vineyard acreage Specifically, the 25-year trend of habitat conversion from 1982 to 2006 (approximately 450 acres per year on average) is used to estimate potential future habitat conversion in the impact analysis as more representative of long-term conditions than the last 10 years Spatial analysis of the vineyard development indicated that most of the recent vineyard expansion is at the valley edges and upslope."* (DEIR at 4.9-45, 46, 63)

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Comment: GPU5 is specious claiming that future agricultural trends are reflected by pre-1996 data. Between 1982-1995 vineyard acreage didn't increase. All vineyard conversion increases for the 25-year period occurred between 1996-2006, demonstrating the expansive appetite of Monterey County's contemporary viticulture industry. GPU5 vineyard acreage conversion figures also don't account for permanent oak habitat impacts from the many failed vineyards that bulldozed oak woodlands to create their impermanent bounty. The GPU5 habitat conversion rate projection for agriculture should be 1,125 acres per year, not 450 acres annually. This revised yearly rate accurately represents the 11,250 acres of natural resources subject to vineyard conversions between 1996-2006. (DEIR at 4.9-45)

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It is deceptive for GPU5 to use dated data to dilute the relevant annual habitat conversion rate to vineyards in forecasting 2030 buildout impacts. Moreover, the DEIR expressly acknowledges that future vineyard conversions will be concentrated in areas where oak woodlands are copious. GPU5's departure from current GP steep slope policies implemented under Title 21 will make huge swaths of previously protected oak-studded hillsides available for cultivation.

DEIR: *"The County shall prepare, adopt and implement a program that allows projects to mitigate the loss of oak woodlands. The program would include ratios for replacement, payment of fees to mitigate the loss or direct replacement for the loss of oak woodlands and monitoring for compliance. The program would identify criteria for suitable donor sites. Mitigation for the loss of oak tree woodlands may be either on-site or off-site. The program would allow payment to a local fund established by the County. Until such time as the County program is implemented, payment of a fee may be made to the State Oak Woodlands Conservation Program. Replacement of oak woodlands shall be on a minimum 1:1 ratio."* (DEIR at 4.9-86)

Comment: Project mitigation contributions to the state Oak Woodlands Conservation Fund (OWCF) should stipulate that these funds shall be returned to Monterey County in the form of purchased local oak woodlands.

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Mitigating oak woodland effects with an OWCF replacement contribution *equivalent in acreage and ecological function* to the oak resources impacted sufficiently addresses both wildlife habitat impacts and CO₂ biological emission impacts (see attached). A proportional contribution to the OWCF mitigates two ecological impacts with one mitigation measure and this mitigation standard is easily understood by all interested parties. Furthermore, OWCF mitigation moneys will be leveraged with other Wildlife Conservation Board funds to return more bang for the buck when the mitigation contributions come back to Monterey County. It is very unlikely that Monterey County has the wherewithal to devise an alternative Oak Woodlands Mitigation Program that provides equal compliance with CEQA, ease of use and effective local application of biological mitigation measures.

Climate Change

DEIR: *"Development allowed by the 2007 General Plan would result in the conversion of natural vegetation and agricultural lands that would result in the loss of carbon sinks. Given the uncertainties associated with estimated GHG fluxes associated with natural vegetation and agricultural lands, the potential loss of carbon sinks was not quantified, but would nevertheless contribute GHG emissions along with other sources. As discussed below a number of 2007 General Plan policies seek to limit the amount of natural land conversion due to urban growth."* (DEIR at 4.16-22)

Comment: GPU5 disregards CEQA, the opinions of the California Attorney General and recent court decisions by failing to make a meaningful attempt to analyze or mitigate CO₂ emissions due to the conversion of oak woodlands to non-forest use. The analytic tools and specific methodology for measuring oak woodlands carbon sequestration or release are described in the California Air Resources Board's Forest Protocol. No imaginary "GHG flux" uncertainties are associated with CARB's scientific standards for measuring oak woodland CO₂ emissions. GPU5 urban growth policies that lessen CO₂ impacts by conserving open space do nothing to mitigate CO₂ emissions due to a land-use change that

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results in the loss of oak woodlands carbon storage capacity and CO₂ releases from the burning of oak fuelwood.

In determining CEQA significant effects to oak woodlands, both wildlife impacts and CO₂ emission impacts must be considered for mitigated negative declarations and environmental impact reports. These dual oak woodland impacts, plus Monterey County's diminutive three (3) oak tree CEQA trigger, result in a very low threshold for determining MND or EIR significant woodland effects and the need for proportional mitigation measures. Notably, agricultural activities and cities *are* exempt from PRC §21083.4 mitigation requirements but the conversion of oak woodlands to vineyards or urban growth *aren't* excused from CEQA CO₂ analysis and mitigation.

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COF strongly disagrees with the Table 4.9-7 and Table 4.9-8 estimates that only 6,300 acres of oak woodlands and oak savannas may be converted to other land uses by 2030. COF's peer-reviewed Oaks 2040 survey calculates that Monterey County has 24,000 acres of oak woodlands potentially at risk of development by 2040, with development defined as greater than 32 housing units per square mile. Oaks 2040 at risk projections don't include Monterey County oak resource conversion figures due to vineyard expansions.

Summary

- GPU5 fails to recognize Public Resources Code §21083.4.
- GPU5 deliberately minimizes the potential significant effects to Monterey County's uniquely valuable blue/coast live/valley oak resources from agriculture and development conversions.
- GPU5 must explain the necessity for abandoning the current General Plan/Title 21 steep slope restrictions in light of the low GPU5 agriculture and development buildout projections.
- GPU5 fails to make a good faith effort to analyze substantial oak woodland CO₂ emissions related to climate change.
- GPU5 must directly state that Mitigation Measure BIO-2.2 requires 1:1 replacement with oak woodlands equivalent in acreage and ecological function to those woodlands impacted.

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Until the cited GPU5 oak woodlands analysis and CEQA inconsistencies are adequately addressed, the California Oak Foundation objects to GPU5 approval and adoption of the DEIR.

Sincerely,



Janet S. Cobb, President
California Oak Foundation

attachment

References

East-West Forestry Associates (Gaman and Firman 2006). Oaks 2040: The Status and Future of Oaks in California (www.californiaoaks.org/2040.html). Published by the California Oak Foundation.

East-West Forestry Associates (Gaman 2008). Oaks 2040: Carbon Resources in California Oak Woodlands (www.californiaoaks.org/2040.html). Published by the California Oak Foundation.

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