INTRODUCED BY Senator Kuehl
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(Coauthors: Assembly Members Hancock, Koretz, and Liu)

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An act to add Section 21083.4 to the Public Resources Code, relating to oak woodlands conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1334, Kuehl. Oak woodlands conservation: environmental quality.
(1) The Oak Woodlands Conservation Act provides funding for the conservation and protection of California's oak woodlands.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a discretionary project that it proposes to carry out or approve that may have a
significant effect on the environment, as defined, or
to adopt a
negative declaration if it finds that the project will
not have that
effect. CEQA also requires a lead agency to prepare a
mitigated
negative declaration for a project that may have a
significant effect
on the environment if revisions in the project would
avoid or
mitigate that effect and there is no substantial
evidence that the
project, as revised, would have a significant effect on
the
environment. CEQA provides some exemptions from its
requirements for
specified projects.
This bill would require a county, in determining
whether CEQA
requires an environmental impact report, negative
declaration, or
mitigated negative declaration, to determine whether a
project in its
jurisdiction may result in a conversion of oak
woodlands that will
have a significant effect on the environment, and would
require the
county, if it determines there may be a significant
effect to oak
woodlands, to require one or more of specified
mitigation
alternatives to mitigate the significant effect of the
conversion of
oak woodlands. The bill would exempt specified
activities from its
requirements. By imposing new duties on local
governments with
respect to oak woodlands mitigation, the bill would
impose a
state-mandated local program.
(2) The California Constitution requires the state to
reimburse
local agencies and school districts for certain costs
mandated by the
state. Statutory provisions establish procedures for
making that reimbursement.
   This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

   SECTION 1. Section 21083.4 is added to the Public Resources Code, to read:
   21083.4. (a) For purposes of this section, "oak" means a native tree species in the genus Quercus, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height.
   (b) As part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:
   (1) Conserve oak woodlands, through the use of conservation easements.
   (2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.
(B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.

(C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project.

(D) The requirements imposed pursuant to this paragraph also may be used to restore former oak woodlands.

(3) Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. A project applicant that contributes funds under this paragraph shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.

(4) Other mitigation measures developed by the county.

(c) Notwithstanding subdivision (d) of Section 1363 of the Fish and Game Code, a county may use a grant awarded pursuant to the Oak Woodlands Conservation Act (Article 3.5 (commencing with Section 1360) of Chapter 4 of Division 2 of the Fish and Game Code) to prepare an oak conservation element for a general plan, an oak protection ordinance, or an oak woodlands management plan, or amendments thereto, that meets the requirements of this section.

(d) The following are exempt from this section:

(1) Projects undertaken pursuant to an approved Natural Community
Conservation Plan or approved subarea plan within an approved Natural Community Conservation Plan that includes oaks as a covered species or that conserves oak habitat through natural community preserve designation and implementation and mitigation measures that are consistent with this section.

(2) Affordable housing projects for lower income households, as defined pursuant to Section 50079.5 of the Health and Safety Code, that are located within an urbanized area, or within a sphere of influence as defined pursuant to Section 56076 of the Government Code.

(3) Conversion of oak woodlands on agricultural land that includes land that is used to produce or process plant and animal products for commercial purposes.

(4) Projects undertaken pursuant to Section 21080.5 of the Public Resources Code.

(e) (1) A lead agency that adopts, and a project that incorporates, one or more of the measures specified in this section to mitigate the significant effects to oaks and oak woodlands shall be deemed to be in compliance with this division only as it applies to effects on oaks and oak woodlands.

(2) The Legislature does not intend this section to modify requirements of this division, other than with regard to effects on oaks and oak woodlands.

(f) This section does not preclude the application of Section 21081 to a project.

(g) This section, and the regulations adopted pursuant to this
section, shall not be construed as a limitation on the power of a public agency to comply with this division or any other provision of law.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.