




Santa Clara Valley Habitat Plan CLARIFICATION AND INTERPRETATION

Subject	Habitat Plan Consistency with Oak Woodlands Conservation Act
Clarification Number	2017-002
Approved	
Effective Date	4/10/2017

Category

Natural Communities and Conditions

Topic

Habitat Plan Condition 14: Consistency with Oak Woodlands Conservation Act

Question/Problem Statement

Does the Habitat Plan conserve oak habitat through natural community conservation preserve designation and implement mitigation measures that are consistent with the Oak Woodlands Conservation Act (California Public Resources Code 21083.4(d))?

Plan Guidance

“Oak Woodland” is one of the natural communities described in the Habitat Plan and conservation measures for this natural community are described in Chapter 5, Section 5.3.5 (starting on page 5-104). Biological goals and objectives are included in Table 5-2a. Numerical preservation requirements are summarized in Table 5-11 and Table 5-13. Avoidance and minimization measures for oak woodlands are described in Chapter 6, Condition 14.

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- The Habitat Plan specifies acquisition requirements in Table 5-11 and Chapter 5, page 5-105. "Of the total acquisition of 12,900 acres, valley oak woodland will account for 1,700 acres (LAND-OC3), mixed oak woodland and forest will account for 7,100 acres (LAND-OC1), coast live oak woodland and forest will account for 2,900 acres (LAND-OC2), blue oak woodland will account for 1,100 acres (LAND-OC3), foothill pine-oak woodland will account for 80 acres (LAND-OC4), and mixed evergreen forest will account for 20 acres (LAND-OC5)."
- Chapter 6, *Condition 14. Valley Oak and Blue Oak Woodland Avoidance and Minimization* provides avoidance and minimization measures for project planning and project construction.

Project Planning

- Projects on sites supporting substantial stands of valley oak woodland or blue oak woodland will minimize their impacts on these communities and preserve these stands on site when to do so would further the biological goals and objectives of the Plan. For example, projects should preserve oak woodland communities that are adjacent to existing stands of protected oak woodlands to avoid habitat fragmentation and degradation of wildlife linkages.
- Projects will avoid to the maximum extent feasible irrigating in and around valley oak woodland and will avoid altering hydrology of the site, including location of septic leach fields, such that valley oak woodland receives more water than under pre-project conditions.
- Large and healthy trees will be maintained on site whenever feasible. Local jurisdictions may set tree size thresholds for preservation that are consistent with local tree ordinances. Large valley oak trees still healthy today are clearly visible on air photos from as far back as 1939 (San Francisco Estuary Institute 2006), even though they are surrounded by agricultural fields or urban development. Preserved trees can provide habitat value for many decades; they also provide a significant community amenity.
- If trees are maintained on a site, buffer zones will be established between preserved valley oak or blue oak trees and development at a distance equal to or greater than the root protection zone, which is defined as a buffer zone determined by calculating one foot for each inch of trunk diameter measured at 4.5 feet above ground surface (Matheny and Clark 1998).

Project Construction

- Temporary project access points will be constructed as close as possible to the work area to minimize necessity for tree removal.
- Roads and pathways will be aligned outside of the tree's root protection zone (as defined above) whenever possible.

- Roads and pathways designed beneath or within 25 feet of the dripline of oak trees will be graded using hand-held equipment and will use permeable surfacing (e.g., grass pavers that allow runoff to infiltrate the ground).
- Alteration of natural grade through fill or other means within the root protection zone of oak trees will be minimized.
- Trenching for utility lines and other purposes will be minimized within root protection zones. Utilities may be installed in these areas by boring below the root zone.
- If extensive pruning of blue oaks and valley oaks is necessary, pruning will be conducted during the winter dormant period for these species and under the supervision of an arborist certified to International Society of Arboriculture or similar standards.”

Oak Woodlands Conservation Act

Section 21083.4 (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 conservation preserve designation and implementation and mitigation measures that are consistent with this section.

Determination/Justification

The Habitat Plan is an approved Natural Community Conservation Plan. It conserves oak woodland habitat through natural community conservation preserve designation and requires implementation of mitigation measures outlined in Chapter 5, *Conservation Strategy* and Chapter 6, Condition 14.

- If a project that impacts oak woodlands receives coverage under the Habitat Plan, it is exempt from the mitigation requirements of the Oak Woodland Conservation Act. Covered projects that impact oak woodlands must comply with the avoidance and minimization measures provided in Condition 14.
- Mitigation under both the Habitat Plan and the Oak Woodlands Conservation Act would be duplicative and is not required.