

Oaks in many incorporated areas are not subject to protections. As noted above, Public Resources Code Section 21083.4 does not cover impacts in incorporated areas. An oak (*Quercus palmeri*) growing in Jurupa Valley, which [University of California researchers estimate to be 13,000 years old](#), lacks rigorous protections.¹⁶ The oak is composed of 70 stem clusters and is believed to be a single asexually reproducing clone that dates to the Pleistocene. Thanks to Tribal advocacy, the land the oak is growing on is recognized by the Native American Heritage Commission as sacred. The oak is otherwise unprotected.

3. Joint Hardwood Policy assessment efforts appear to be weak.

The joint policy calls for an annual statement in the Director of California Department of Fish and Wildlife's (California Department of Fish and Game when the policy was enacted) report to the Fish and Game Commission that addresses the status of hardwood conservation. Are these annual statements being prepared, and if they are, how are they informing policy and how are they being shared with stakeholders?

The policy also calls for periodic reassessment by California Department of Fish and Wildlife of "the terms and conditions of existing regulations, permit processes and other administrative measures which affect conservation of hardwood resources, and, where feasible, seek corrective action when original terms and conditions have proven inadequate." Are these assessments being carried out?

The joint policy calls for California Department of Fish and Wildlife, contingent upon funding, to "conduct, contract and/or support studies that assess the effects of distribution and densities of blue oak and associated plant species in blue oak-dominated habitats, black oak and associated plant species in black-oak dominated habitats, valley oak and associated plant species in valley-oak dominated habitats, and Engelmann oak and associated plant species in Engelmann oak-dominated habitats on terrestrial and aquatic vertebrates. Have any of these investigations taken place and, if so, how have the results influenced oak management and/or policy?

California Wildlife Foundation/California Oaks presumes that the rangeland assessment reports are CAL FIRE's reports called for in section V E. These are valuable and should inform policy.

The joint policy also directs both departments, in collaboration with other partners, to monitor the status of hardwoods utilizing satellite imagery and ground checking (See section II E 3). The mapping reports issued by California Wildlife Foundation/California Oaks have been undertaken because the state has failed in this realm. Comprehensive, high-resolution, statewide digital oak mapping, created in compliance with Survey of California Vegetation standards, is needed to create a baseline to monitor trends in oaks and other hardwoods. These data should be updated at regular intervals. California's investment in comprehensive mapping in 2022 is a good first step. Additionally, historic oak mapping data should be available for use in identifying areas that may be suitable for oak restoration.

Inadequate mapping data impede local oak protection. The response to California Wildlife Foundation/California Oaks comments on oak provisions of Tuolumne County General Plan update noted (emphasis added): "The commenter's recommendations are not required to be in the Revised Draft Environmental Impact Report, and in fact some would be unenforceable, such

¹⁶ May MR, et al. 2009. A Pleistocene Clone of Palmer's Oak Persisting in Southern California. *PLoS ONE* 4(12): e8346. <https://doi.org/10.1371/journal.pone.0008346>

as absolute limits on oak removals over time, *which would require mapping and historic information not available to County staff.*”¹⁷

The joint policy also states that “staff should report annually, in joint session, to the Commission and the Board” and that “The Board and Commission will meet periodically to review implementation of this policy and to clarify and resolve issues that arise from overlapping interests of their respective departments.” Again, is this taking place and are stakeholders being informed?

The lack of accountability over the past 29-years is more evidence that the Joint Hardwood Policy is a failure.

Recommendations: California needs a no-net-loss standard for oaks that is enforceable and measurable. California Wildlife Foundation/California Oaks understands that the Range Management Committee does not promulgate regulations. That is work that the California Fish and Game Commission and Board of Forestry and Fire Protection need to undertake with their respective departments, with input from your committee, Tribal representatives, the legislature, and other stakeholders.

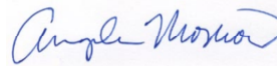
Lastly, this letter’s focus is on *Quercus* species. However, as noted above, the aforementioned 2021 *Oaks* report included tanoak-dependent terrestrial and amphibian vertebrates, and oak carbon calculations presented above included tanoaks as well. Tanoak, which is also in the *Fagaceae* family, provides many ecosystem and cultural values. These trees face many of the same threats as *Quercus* species, with additional threats from forestry practices that target them.

Thank you for your consideration of our comments.

Sincerely,



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¹⁷ Final Environmental Impact Report for the Tuolumne County General Plan Update Project (State Clearinghouse No. 201082027, Prepared by Ascent Environmental) Tuolumne County Community Resource Agency. 2018. 3-73