

Oak Woodlands Show Me The Money!!!

Reason for Investigation

The Grand Jury received a written complaint alleging that Nevada County had not complied with the Oak Woodlands Conservation Act (OWCA).

Background

The OWCA program is designed to provide grants to participants, private landowners, local government entities, park and open space districts, conservation districts and nonprofit organizations all with respect to conserving oak woodlands. Participants are encouraged to leverage available technical resources. To receive these funds in Nevada County, the county must have an adopted Oak Woodlands Management Program. To date, Nevada County has not done this.

Initially the Grand Jury was investigating whether or not the county was compliant with the Fish & Game Code Section 1360-1372 (the Oak Woodlands Conservation Act or OWCA). From investigating a possible compliance issue, the Grand Jury identified another item of concern. Landowners/homeowners/builders in Nevada County are required to provide and pay for an environmental report complying with the California Environmental Quality Act (CEQA). The environmental report is submitted to the County Planning Department. Only county-approved biologists are authorized to submit the report to the county, which includes environmental impacts to be avoided, minimized, or mitigated, including impacts on oak woodlands.

The Grand Jury discovered that landowners/homeowners/builders are able to obtain funds in the form of grants to perform work that may be required to comply with OWCA. There are also grants for the purchase of oak woodland easements, restoration and enhancement projects, long-term leases, compensation for not cutting trees for firewood, reimbursement for conservation improvements such as fencing, and compensation for alternative grazing practices.

As of September 7, 2007, the Wildlife Conservation Board, which oversees OWCA, has approximately \$16 million of grant funds available. At this time, these grants are not available to Nevada County residents. OWCA requires a county to provide an oak management plan to the state in order for anyone to access grant funds. The Nevada County Planning Department has not submitted such a plan to the state.

Methodology

The methodology the Grand Jury used consisted of interviews and research. The first task was to determine the legalities surrounding OWCA. We received a legal opinion that OWCA did not mandate that counties submit a management plan, as was alleged by the complainant.

The Grand Jury interviewed a county-approved biologist to understand the requirements of an environmental report.

We also interviewed a representative of the County Planning Department to determine what, if anything, the Planning Department has done regarding an Oak Woodlands Management Plan.

Research was done utilizing the Wildlife Conservation website, which provided the information on how OWCA grant funds are to be used and the procedures for applying.

A representative from the state Wildlife Conservation Board was contacted to obtain information on monies available in the fund, how much has been expended for the past two years, and which counties have currently submitted an Oak Woodlands Management Plan.

Findings

1. Nevada County is compliant with OWCA guidelines as it is not mandatory for Counties to provide the State with an Oak Woodlands Management Plan.
2. As of September 7, 2007, there is \$16 million in the State Wildlife Conservation Board grant fund for OWCA. No further funding has been authorized by the California legislature.
3. State Wildlife Conservation Board OWCA funds are generated from taxpayer dollars.
4. State Wildlife Conservation Board OWCA funds are not available to Nevada County residents or other entities because the County has not provided an Oak Woodlands Management Plan.
5. The County Planning Department will include in their planning projects for the next fiscal year an Oak Woodlands Management Plan. The project will be submitted to the Board of Supervisors for prioritization and funding.
6. The Grand Jury found that the State Wildlife Conservation Board OWCA funds are available to Nevada County to fund the cost of a plan in order for County landowners/residents/builders to avail themselves of the grant funds.

7. Fourteen counties currently have submitted Oak Woodlands Conservation plans. This includes counties nearby Nevada County: Placer, Yuba, Butte, and Sutter. \$7.6 million has been paid in grants under OWCA to counties since 2002.

Conclusions

The Nevada County Planning Department has not taken advantage of grant monies available from the State in order to develop and submit to the state an Oak Management Plan.

The State Wildlife Conservation Board OWCA funds are not available to Nevada County residents or other entities because the County has not provided an Oak Woodlands Management Plan.

Recommendations

1. The County should apply for grant monies from the Wildlife Conservation Board in order to develop an Oak Management Plan.
2. The County should submit an Oak Management Plan to the State in order for residents to have available to them grant monies from the Wildlife Conservation Board.

Required Response

Board of Supervisors May 12, 2008

COUNTY OF NEVADA

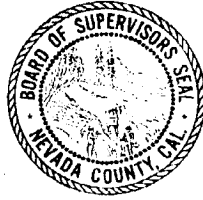
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May 13, 2008

The Honorable Judge Robert Tamietti
Presiding Judge of the Nevada County Grand Jury
Nevada County Courthouse
201 Church Street
Nevada City, CA 95959

Re: Board of Supervisors' Responses to the 2007-2008 Nevada County Civil Grand Jury Report, *Oak Woodlands*.

Dear Judge Tamietti:

The attached responses by the Board of Supervisors to the 2007-2008 Nevada County Civil Grand Jury Report, dated February 12, 2008, entitled *Oak Woodlands*, are submitted as required by California Penal Code Section 933.

These responses to the Grand Jury's Findings and Recommendations were approved by the Board of Supervisors at their regular meeting on May 13, 2008. Responses to Findings and Recommendations are based on either personal knowledge, examination of official County records, information received from the Community Development Agency Director, the County Executive Officer, or the Board of Supervisors and County staff members.

The Board of Supervisors would like to thank the members of the 2007-2008 Grand Jury for their participation and effort in preparing their Reports, and their participation in the Grand Jury process.

Respectfully submitted,

Hank Weston
Vice-Chairman, Board of Supervisors

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO
2007-2008 CIVIL GRAND JURY REPORT
DATED FEBRUARY 12, 2008**

Oak Woodlands

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the Community Development Agency Director and County Executive Officer, or testimony from the Board of Supervisors and county staff members.

A. RESPONSES TO FINDINGS

1. Nevada County is compliant with OWCA guidelines as it is not mandatory for Counties to provide the State with an Oak Woodlands Management Plan.

Agree.

2. As of September 7, 2007, there is \$16 million in the State Wildlife Conservation Board grant fund for OWCA. No further funding has been authorized by the California legislature.

Agree.

3. State Wildlife Conservation Board OWCA funds are generated from taxpayer dollars.

Agree.

4. State Wildlife Conservation Board OWCA funds are not available to Nevada County residents or other entities because the County has not provided an Oak Woodlands Management Plan.

Agree.

5. The County Planning Department will include in their planning projects for the next fiscal year an Oak Woodlands Management Plan. The project will be submitted to the Board of Supervisors for prioritization and funding.

Partially disagree.

The Planning department will prepare a draft work program and budget for an Oak Woodlands Management Plan for the Board's consideration if current county regulations do not satisfy the State's requirements for an Oak Woodlands Management Plan.

6. The Grand Jury found that the State Wildlife Conservation Board OWCA funds are available to Nevada County to fund the cost of a plan in order for County landowners/residents/builders to avail themselves of the grant funds.

Partially disagree.

To assist with preparation of the plan, the Act allows a non-profit organization, park or open space district, resource conservation district or other local government entity to apply to the State of California Wildlife Conservation Board for funds to develop an Oak Woodlands Management Plan for a county or city. Staff will need to confirm County eligibility for these funds and availability of the funds through the State.

7. Fourteen counties currently have submitted Oak Woodlands Conservation plans. This includes counties nearby Nevada County: Placer, Yuba, Butte, and Sutter. \$7.6 million has been paid in grants under OWCA to counties since 2002.

Agree. El Dorado County adopted a plan earlier this year.

B. RESPONSES TO RECOMMENDATIONS

1. The County should apply for grant monies from the Wildlife Conservation Board in order to develop an Oak Management Plan.

This recommendation will not be implemented at this time. If the Board determines that it is necessary to proceed with an Oak Woodlands Management Plan, the County will apply for grant funds to develop the plan.

2. The County should submit an Oak Management Plan to the State in order for residents to have available to them grant monies from the Wildlife Conservation Board.

This recommendation will not be implemented at this time. Staff will review existing regulations for sufficiency in serving as an Oak Woodlands Management Plan. If current regulations do not address all the required elements, the Board will consider whether or not to proceed with a formal Oak Woodlands Management Plan.

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Board of Supervisors May 12, 2008