



THE
URBAN
WILDLANDS
GROUP



October 12, 2022

Board of Public Works
City of Los Angeles
200 N. Spring Street, Room 361
Los Angeles, California 90012-4801

Re: Public Works Trust Fund No. 834 – Oak Tree Deposit Funding Relocation; BPW-2022-0650

Dear President Garcia and Commissioners:

The undersigned organizations understand that Public Works Trust Fund No. 834 contains a significant amount of money from deposits and fees that have been collected over many years. The Board of Public Works proposes to take \$666,926.68 of these funds to purchase and water “Oak Trees” that would be planted in street medians. Such action would not have the required nexus with the impacts that resulted in the collection of the deposits and fees and would be inconsistent with the intent of the Oak Tree Ordinance, as well as with the ordinance as revised (i.e., the Protected Tree Ordinance), under which the deposits and fees were collected.

The Oak Tree Ordinance originally, and the revised Protected Tree Ordinance, is designed to protect (or offset the loss of) *naturally occurring* native trees and shrubs. The ordinance expressly exempts trees that have been planted, excluding from the definition of native trees and shrubs “any tree or shrub grown or held for sale by a licensed nursery, or trees or shrubs planted or grown as a part of a planting program” (Los Angeles Municipal Code Section 46.01). As a result, the ordinance applies only in areas where any of the protected species occur naturally. The spatial nexus for using funds collected under this ordinance therefore must be limited to areas where the species in question is found to grow naturally and not include other areas.

If the City has not kept records to connect the location of impacts to the location of proposed plantings, then guidance on the historical extent of the relevant tree species can be found in studies of the historical ecology of the region (Dark et al. 2011, Longcore 2016, Ethington et al. 2020). These studies and associated online maps (e.g., bit.ly/LAPNV; see Valley and Foothill Forests and Woodlands) indicate that the habitats associated with presence of now-protected species were associated with particular landforms, soils, and environmental conditions, and not distributed uniformly throughout the City.

Council districts are redrawn every ten years. Whatever logical geographic nexus might have existed historically, there is no reason to think that any location in a council district thirty years ago is in the same district today. Furthermore, council districts are an inappropriate geographic unit to establish a nexus with impacts under the Protected Tree Ordinance because protected trees are not distributed uniformly throughout the City. If council districts are used as a starting point to establish a nexus with impacts, the areas designated would need to be further restricted to parts of council districts where each protected species was historically found. Replacement trees should not be planted in areas where the impacts could not have occurred because the species was not naturally occurring.

Although we strongly endorse the use of native trees in places where they did not naturally occur because of their value as wildlife in a highly modified urban landscape (Wood and Esaian 2020), establishing such plantings was not the goal of the Oak Tree Ordinance, which was targeted toward protecting existing oak woodlands and their ecological value. No matter how ecologically beneficial using native species as street trees may be, it is not as beneficial as restoring and preserving native woodlands in the areas where they were once found and still have the benefit of being functionally connected with persisting native woodland habitats.

The City has been noticeably absent from conservation efforts undertaken over the last few decades, instead relying on State agencies, nonprofits, and individual citizens to raise funds to preserve open space and native woodlands. Here, an opportunity has presented itself for the City to participate in preservation efforts and the City should seize it. Using these monies purchase land would be far more efficient than the proposed planting project. Staff proposes to spend \$304,743.40 just to water 154 oak trees in a time of extreme drought. Moreover, Staff proposes to spend \$288,183.28 on salaries and overtime to install and maintain these trees. Only a very small fraction of the money will actually go to purchasing the trees.

We therefore request that the funds accumulated in Public Works Trust Fund No. 834 not be redirected to street tree planting projects in areas for which there is no spatial nexus with either the original impact or the native range of the species to be planted. Instead, City staff should undertake a transparent process with adequate public input to plan for the use of such funds to acquire or restore native woodlands in ecologically appropriate locations and consistent with the ecotope framework established in the City's 2020 Biodiversity Report (City of Los Angeles 2020).

Questions about this letter can be directed to Travis Longcore, Los Angeles Audubon Society, at 310-3247-9719 or travislongcore@laudubon.org.

Sincerely,

Travis Longcore, Ph.D.
President, Los Angeles Audubon Society

Catherine Rich
Executive Officer, The Urban Wildlands Group

References

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