

Sierra Pacific Industries

P.O. Box 1189 • Arcata, California 95518-1189

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August 8, 2007

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Chairman Steve Launi
Humboldt County Forestry Review Committee (FRC)

HUMBOLDT COUNTY
PLANNING DIVISION

Re: draft Chapter 5.3 Forest Resources of the Humboldt County General Plan Update

Dear Mr. Chairman and Members of the Forestry Review Committee:

At the June 27, 2007 FRC meeting you were encouraged by planning staff to focus your attention on 7 items of interest concerning the draft Forest Resources policies. You started this process and were able to pass motions concerning 4 of the items. Of the 4 items with motions that passed, you recognized that the Cluster Development motion requires another look after certain technical and legal aspects are evaluated. In addition to completing your evaluation of Cluster Development, there are 3 remaining items on this list suggested by planning staff: Patent Parcel Recognition, Creation of New Parcels, and Compatible Density in TPZ.

Patent parcels are legally defined and must continue to be recognized. Any attempt by the county to merge them into other parcels would devalue the property. The government must not adversely affect the value of private property without just compensation. The JTMP process that you have reaffirmed addresses substandard-sized patent parcel in TPZ. The Forest Resource Policy should state: "Patent parcels are legally defined areas of property."

Compatibility density in TPZ – the development rights (part of the total package of private property rights) inherent with each legal parcel must continue to be recognized. The government must not adversely affect the value of private property without just compensation. Some have expressed concern about excessive growth in Humboldt County, but a recent article in the Eureka Times-Standard reports a projected growth rate of four-tenths of one percent per year for the next several decades. At that growth rate, it will take 180 years (or 9 general plan update cycles) for the population to double. The Cluster Development concept that you have already supported addresses density. The Forest Resources Policy should state: "Each legally defined parcel has inherent development rights. The inherent development rights can only be modified by the voluntary action of a landowner to choose to participate in the Cluster Development process."

Creation of new parcels – this is already addressed by the JTMP process which you are on record as supporting. If a substandard-sized parcel is created in TPZ, then it requires a JTMP. The Forest Resources Policy doesn't need to say anything beyond this as the JTMP process covers the creation of parcels, i.e. <160 acres requires a JTMP and for ≥160 acres no JTMP is required.

Beyond the 7 items that planning staff asked you to consider is the recognition that many other, if not all, chapters of the General Plan Update (GPU) overlap the Forest Resource chapter. At the June 27, 2007 FRC meeting you recognized this fact, ran out of time, but promised to return and review the related chapters. I encourage you to do this, as the cumulative impact of the GPU could be quite different than what is stated in a single chapter like 5.3 Forest Resources. There are overlays in some of the other chapters that could make the guidance items in the Forest Resources chapter subservient and non-functional. For example, at the June 27, 2007 FRC meeting Martha

Spencer stated that the Open Space Overlay could preclude development on parcels less than 40 acres in size.

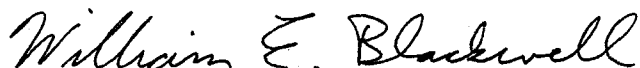
Don't be distracted by the minutia of the draft Forest Resources chapter to the point that you overlook the big picture, i.e. the cumulative impact of all the chapters in the General Plan Update. I am sorry that I can't give you a synopsis of what the total result of the GPU will be as it relates to forest resource management. The chapters keep changing as they are revised and edited. I am not sure that anyone has a complete understanding of how all the puzzle pieces fit together. It is critical that the FRC evaluate the cumulative impact of the numerous chapters that have the potential to affect forest resource management.

It is important that you review the wording used in the draft Forest Policies chapter. Prior to the June 27, 2007 FRC meeting you received from me and other timberland owners a "strike-out" and "underline" version of the draft Chapter 5 Forest Policies. The timberland owners support Option B if these edits are incorporated. If not, we support Option D, the framework, as no one has shown that there is a problem with the current set of parameters. The edits to Option B are done with 3 goals in mind: 1) The "new merger" ordinance goes away, 2) we maintain the value of the ownership, and 3) the current JTMP process stays in place. The FRC has already supported #1 and #3 and I believe that you support #2. It is not quite as distinct to see how #2 "maintain the value of the ownership" is accomplished, but this is why each "strike-out" and "underline" was carefully analyzed and why each is necessary. I have margin notes on my copy and can explain if any of the edits are not self-evident to the FRC. Please feel free to ask me questions as you review the edited version of Option B.

I commend the FRC on the progress you have made to this point and encourage you to continue your review. If you can't complete your review prior to the Thursday, August 16, 2007 Planning Commission Meeting, then you need to let the Planning Commission know those items that you have agreed upon and the areas that you are still reviewing. You should request that the Planning Commission make no decision until the FRC completes their review of the chapter on Forest Resources policies, its interrelationship to the General Plan Update chapters, and the cumulative impact of the entire General Plan Update on forest resource management.

Thank you for your consideration of these important items.

Sincerely,



William E. Blackwell
RPF #2037