

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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January 11, 2007

Mr. Bob Pyle, Chairman
Lassen County Board of Supervisors
221 South Roop St., Ste. 4
Susanville, CA 96130

Dear Chairman Pyle:

The California Department of Forestry and Fire Protection (CDF) understands that Lassen County is considering applications (File Nos. 2006-059(A), (B), (C), (D)) to rezone 5498 acres of land zoned Timber Production Zone (TPZ) to other, less protective zoning classes. Since these applications do not request an "immediate rezone of TPZ" they are not subject to Public Resources Code (PRC) §4621 and Government Code (GC §51130) and therefore do not require Timberland Conversion Permits issued by CDF for the rezoning. However, as the state agency with the delegated authority to maintain the state's timberland base, CDF carefully considers any proposal to remove timberland from TPZ. As has been witnessed throughout California, once the restrictive TPZ zoning is removed, suitable timberland is often rezoned again, parcelized, sub-divided and converted to other non-timber growing uses. CDF is extremely concerned with the erosion of the state's timber base and the increased fire hazard from the future development that is likely to occur on these lands. CDF respectfully urges Lassen County to consider the following issues in reviewing these requests for the rezoning of TPZ.

The rezoning of this timberland does not meet the legislative intent and policy found in the California Timberland Productivity Act. In approving the California Timberland Productivity Act (CTPA), the law that established TPZ zoning and describes the powers and duties of local government in protecting timberlands, the legislature made the following finding (GC 51101):

The state's increasing population threatens to erode the timberland base and diminish forest resource productivity through pressures to divert timberland to urban and other uses and through pressures to restrict or prohibit timber operations when viewed as being in conflict with nontimberland uses.

The legislature clearly saw the pressures that development, such as is occurring in Lassen County would put on the state's timberland base. These pressures are in the form of conversion to land uses that are less compatible with timber operations in urbanizing regions. Therefore, the legislature made the following policy statements in regard to timberland conservation in order to provide guidance to the counties in implementing this legislation (GC §51102, excerpts):

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- Maintain the optimum amount of the limited supply of timberland to ensure its current and continued availability for the growing and harvesting of timber and compatible uses.
- Discourage premature or unnecessary conversion of timberland to urban and other uses.
- Discourage expansion of urban services into timberland.
- Encourage investment in timberlands based on reasonable expectation of harvest.
- ... timber operations ... not be or become restricted or prohibited due to any land use in or around the locality of those operations.

Lassen County, in reviewing these rezoning requests, should determine whether granting the request will further the legislative intent and policy to protect the state's forest resources or could the rezoning encourage timberland conversion and expansion of urban development into timberland, thus discouraging future investment in, and management of, working forested landscapes.

CDF does not support moving land from TPZ to zoning classes that may lead to future development. Z'Berg-Nejedly Forest Practice Act (PRC §4512) makes clear the State's intent to manage and maintain its limited forest resources for the purposes of furnishing high-quality timber, recreational opportunities, aesthetic enjoyment, watershed protection, fisheries and wildlife. It is CDF's firm belief that changes in zoning that lead to reduced parcel sizes and encourage development detracts from the benefits that can be derived from actively managed forests.

The decision to approve a change in zoning is subject to CEQA. The discretionary decision by a public agency to approve a "*project*" is subject to the California Environmental Quality Act (CEQA). CEQA defines a project to be "*the whole of the action*" with the "*potential for resulting in direct ... or reasonably foreseeable indirect physical change in the environment*". A project also includes activities requiring several discretionary approvals by one or more public agencies and "*does not mean each separate governmental approval*" (CCR 15378). It is CDF's opinion that in the event that Lassen County decides to rezone this land it must comply with CEQA and disclose and mitigate the direct and *reasonably foreseeable indirect effects* of that action. This would include consideration of the potential conversion of the rezoned timberland to residential subdivision at some later date. Postponing or deferring the necessary disclosure, analysis and mitigation associated with this decision to a later time or another agency could constitute piecemealing in violation of CEQA. In the event that the County decides to proceed with processing these applications CDF believes that the county should, in cooperation with the applicant, more fully identify the project scope so as to facilitate a meaningful analysis that recognizes all of the necessary approvals and the reasonably foreseeable indirect changes that may be expected to occur.

It is CDF's opinion that the rezoning of these properties from TPZ to another zoning class could lead to potentially significant impacts to the environment; as such an EIR must be prepared. CDF has identified the following reasonably foreseeable and potentially significant effects that could result from the rezoning of this timberland:

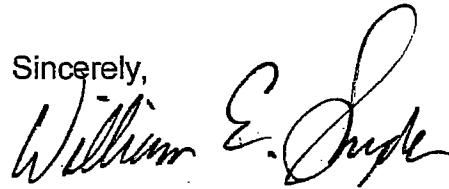
- the potential growth inducing effects of hundreds of rural residential lots and potential sub-division development occurring on 5498 acres;

- impacts to the timber base of the region in removing over 5498 acres from active timber management and timber production;
- impacts to the productivity of adjoining timberlands due to increasing conflicts over timber operations with new residents;
- declining forest health and productivity from reduced professional management;
- impacts to forested habitat and forest dependent species as a result of parcelization, fragmentation and human disturbance;
- increased wildfire hazards to the public and nearby forest resources from an expansion of the wildland urban interface;
- increased difficulty in managing wildland fuels due to residential development;
- increased costs associated with providing fire protection;
- depletion in water quality from urban land uses, residential road development and sanitary facilities;
- depletion in water quantity from accelerated runoff, diversion and extraction;
- the cumulative effects of this project in combination with other similar projects within the region and county (i.e., Dyer Mountain Ski Area totaling 7000 acres).

A project with the potential to significantly impact numerous resources over thousands of acres for many years to come clearly warrants the level of analysis and opportunity for public and agency input that will occur in the EIR process.

Thank you for considering CDF's input prior to reaching a decision. CDF would appreciate being on the County's mailing list for future developments on these or other similar projects. Please do not hesitate to contact CDF's Deputy Chief for Environmental Protection, Allen Robertson, if you need additional information or have any further questions.

Sincerely,



William E. Snyder
Deputy Director, Resource Management

cc: Assemblyman Rick Keene
 Senator Dave Cox
 Chief William Hoehman, Northern Region
~~Chief Henri Brachais, Butte Unit~~ *Lassen Modoc*
 Steve Robinson, Mountain Meadows Conservancy