

**Synopsis of Comments
Forest Resources Chapter Review
Forestry Review Committee Meeting June 13, 2007**

Initial Forestry Review Committee Questions and Comments and Staff Responses
<p>Division of forest lands into more than 4 parcels would be a major subdivision, correct? Response: yes. We're not sure if the Board of Forestry is going to accept the policy or not.</p>
<p>Where did the 90%/95% standard for forest land protection in the Planned Rural Development policy come from? Response: It was developed by staff.</p>
<p>Do we have examples of the clustering program? Response: There have been conservation easements in exchange for subdivision allowances, but they haven't been done to the extent proposed here.</p>
<p>How would monitoring occur? Response: Monitoring would be done at the building permit issuance stage. We hope to have support from persons or groups involved with forest conservation.</p>
<p>In the Open Space Element, there are land use considerations of forest lands – there's some overlap then between the Forest Resources policies and the Open Space Element? Response: Yes, there are 4 types of open space defined by State law, and in forest lands you have all those happening, so there's a lot of overlap. The Open Space Element refers to the Forest Resources Chapter for handling the forestry related issues. The County doesn't get involved much in forest practices because the State retains most of the regulatory jurisdiction. Policies in the Open Space Element were designed to be consistent with the Forest Practice Rules.</p>
<p>How many parcels would meet the criteria for clustered development? There are a lot of criteria that have to apply, and it doesn't seem like many areas will qualify. Response: We don't expect there to be high demand for this program. There are some clustered development policies in the Eel River Area Plan that have never been used. It may apply well to old mill sites.</p>
<p>New homes will be allowed "in areas of lowest productivity". Most of the lowest value timberland have other constraints like steep slopes and wetlands. How is that factored in? Response: This part of the policy is consistent with the Timber Production Zone (TPZ). We recognize there may be a conflict, but the policy needs to be consistent with the TPZ zoning.</p>
<p>Is there currently a policy that ties subdivision of forestland with infrastructure costs? Response: No.</p>
<p>How detailed do you want us to get in our review of the chapter? Response: Get into it in as much detail as you feel appropriate.</p>
<p>Ca Division of Forestry – should be changed to California Department of Forestry and Fire Protection (CDF)</p>
<p>We need to add terms to the glossary, such as "working lands".</p>
<p>Policy FR-P1 – What are the strategic planning efforts to create a regulatory system that encourages the continued productivity of timberlands? Response We're going to support CDF's ongoing strategic planning effort regarding fire planning, fuel reduction, etc.</p>
<p>Page 5-3.6 "Biomass conversion" should be changed to "biomass to energy conversion". Also had a comment about fuel loading. Page 5-3-5 Don't need "voluntary" in the policy language– all conservation easements are voluntary.</p>
<p>FR-P7 Whose program is innovative? Seems like a judgment. Also mentioned P-10.</p>
<p>Forestland Residential Interface (FRI) is a major policy area for us. Overlay zone – what does it mean, how does it work to minimize conflicts? Response there's an implementation program that would have</p>

to prescribe specific standards.

Does that mean the County is going to go through all these areas to find out where the haul routes should be? That's a big job.

Response: No we'd just define the standards.

So how would this zone be implemented then? Is a permit required?

Response: Each of the alternatives would have different areas with the overlay zone. Alternative A would have the most land with the FRI zone, and Alternative C would have less. When the County requires a permit for timber harvesting, we'd require conformance with those standards. The County could also get involved with review of timber harvest plans reviewed by CDF. And a Right to Harvest policy would apply in these zones.

Did we decide this is something the County should do? Timber Harvest Plan (THP) rules are pretty involved, so it seems duplicative.

Response: This would be an implementation measure for one of the goals to reduce conflicts between timber production and other land uses.

Is this something that would show up in the Joint Timber Management Plan (JTMP) process?

Response: The zones would be mapped. Notice of Right to Harvest would occur with each title change. We'd be involved with CDF in THP operations to minimize complaints.

Public Comments

Ali Freelund: When does public comment period end?

Response: not until the Board of Supervisors (BOS) acts on it.

Will it go back to the FRC?

Response: it's up to the FRC.

I support the 160 acre minimum parcel size. Mostly I like Alternative A, and some of Alternative B. Concerned about the Zone amendments criteria. The clustered Planned Rural Development program – I have issue with the B-7 zoning – it needs to be permanent protection. No issue w/ 90 – 95% criteria. There are lots of illegal subdivisions on TPZ lands. How does the General Plan deal with that? There should be a full disclosure law to apply to TPZ lands. Lots of little things – will follow up with a letter for those. Public services to support timber production. We need County subsidy of mills to keep them running. County could pass supportive legislation or direct financial subsidy. Zone amendments – expansion of existing community. What is the limit that can be considered under this policy? It should be stated. How many of these clusters are there going to be? When combined with fuel reduction programs and other cumulative conversions, there could be more conversion of forest lands under this program than anticipated.

Max Kaufman: I'm for Alternative A. In the matrix, Alternatives B and C are too similar, and they have more environmental impacts. If you allow rezoning 10% per year under the PRD program, you'd lose the whole forest in 10 years. Zone amendments – what does it mean to allow "expansion of the community". We should limit that. Read quote. People come to Humboldt because of the forests. Allowing conversion of forestland would be a mistake.

Maggie Herbelin: She printed something and read it into the record. The Humboldt Bay Watershed Council comments. Spoke of the fact that the headwaters to the streams and rivers that flow into Humboldt Bay occur on forestland. We need to prevent soil erosion to minimize impacts to salmonids from timber production.

Charles Ciancio: Passed out a letter and summarized for the FRC.

We are just concerned with lands zoned TPZ. right? (Response from FRC members - yes). Then I don't understand why we're here. There hasn't been any significant forest conversion in the past. There's duplicating regulations all over the place. There's no Registered Professional Foresters (RPF) on County staff, so it's going to cost a bundle to implement these policies. Forest land isn't going to be converted because of all the constraints – slope, etc. Really what we're here for is for the open space

values of forestland. The County's going to insert themselves when there is no problem in the first place. Drop the idea of "economic viability". I've got a 13 acre parcel that I've logged 3 times. The open space focus doesn't fit. Illegal subdivisions are a problem. You need to enforce the existing rules. Those that benefit from public services need to pay their fair share. Development isn't paying it's fair share. They raise tax base, but they're not paying their fair share. You are affecting land use. We don't know where the numbers are coming from. Conservation easements, carbon sequestration units – there are problems that need to be recognized. They reduce resource use. You lose the resource, you lose the infrastructure. There's a ripple effect. Residential development of forest land can be a good thing: increased storage of water, more eyes on the land. Clustering policy scares me. Stick with Option D. More regulation adds to reduction of open space.

Larry Evans: The development pressures seen in Santa Cruz and Mendocino County are coming here. I support Option A. Consistent with 1982 Timber Productivity Act. Need a glossary and definitions. FR-P4 needs to specify acreage. Supports Cooperative Plans. P-10 should be credible, not greenwash. P12 - use "shall" instead of "should". P14 should only support rezoning in the case of errors. P15, 19, 20 & 21 – these sections are ambiguous. Not adequate protection. P26 Secure revenues – state how this will occur. S2 - "significant improvements" - need to define those better. S3 - it remains unresolved. S4 needs clarification. Dropping industrial timber zoning is a mistake. Proposed revisions by the Industry group will gut the forest land protections of the proposed alternative.

Liz Finger: The County is going to see development pressure in timberlands that will have a cumulative effect on water, septic, inadequate fire protection & public safety. Non Industrial Timber Management Plan (NTMP) oversight doesn't adequately address conflicts between timber production and residential uses. Concerned about the policy that allows conversion of forest land to provide for the expansion of communities. Don't support conversion of timberland. I support Option A. There's going to be a lot of pressure on the County to allow conversion of timberland. Economic viability – who defines it? Define sensitive habitats. Who's going to pay for long term cost of infrastructure needed for timber production? Roads, safety of roads, water, sewer?

Bob Morris: Passed out a letter. Read it into the record. Staff is submitting the same document over and over again. The chapter wasn't prepared by an RPF. It shows ignorance of staff to the important issues. The biggest concern is treated last in the chapter. The top 3 issues aren't even addressed. Common thread is – you can be a landowner, but don't assume you have any property rights. There are other incentives that could be brought in. Substandard TPZ parcels...the County made most of them when it adopted the 160 acre TPZ zoning. The answer is to allow substandard parcels to be rezoned to something like Forest Recreation. There are government policies that are taking lands out of timberland base. There are fewer pulp mills now, which impacts the amount of timber harvested. The Headwaters forest purchase didn't result in adequate compensation for the loss in timber revenues. Fragmentation & parcelization - land ownership policies are dynamic. Market forces apply. Can the County stop it? I doubt it. CUP requirements would be a new requirement in TPZ lands. I don't think any of them will be allowed. Affordable housing will result with more residences in TPZ lands due to supply and demand. On-site residence and caretaker are a positive for timber production. We don't need more regulation, we need reduced regulations and policies to make public forest lands more productive. No removal of lands from tax base, such as purchase by public agencies.

Jennifer Culp. California Native Plant Society representative – 300 members. Open space, habitat protection, clean water are the big issues. Want the chapter to allow the Transfer of Development Rights (TDR) for people that want to get out of the timber business, but don't want to convert forest lands to non timber uses. What happened to recreational opportunities in forest lands? I don't see it addressed in here. Hills outside of McKinleyville & Fieldbrook would be prime for TDR programs. Another concern is fire safe zones required. Cleared areas are invaded by non native invasive species. We need requirements controlling the landscaping put into these areas. P-1A Seems to be in state law already. Supports Alternative A because it follows State Law. Supports clustered subdivisions, but protections need to be permanent.

Tom Waltz: Representing the industrial timberland managers - We got together and sent a copy of edits. Summary: Our proposal should be made Plan B. It's important to not limit it to TPZ land, the policies should also apply to small (10 ac) working forests. Rural residences are out there now. We want the plan to allow for orderly growth. Density credits should be given for the length of time a property is maintained as open space. Longer duration = more credits. It should be in 20 year intervals. The forest land protections under the PRD program should change every 20 years just like General Plan changes every 20 years. Subdivision policies – we added language. FRI should apply to residential side, not the forest side.

Steve Horner: Represent the Barnum Timber Co, a family forest owner. Seconded Tom Waltz comments. Wants minutes of merger meeting to be incorporated into this record. Need more data for recommendations. Clustering may not be allowed by CDF. Needs to be checked. Attachment A needs more analysis. FRC needs to comment. Don't abdicate your responsibility to staff. Need to continue this meeting to allow for more time to review the material and comments.

Dan Opilach: Green Diamond. Options A and B are a catastrophe – taking away property rights and adding regulatory hurdles. Environmentally protective Alternative A – I challenge the conclusion that Alternative A is more environmentally protective than Alternative C. There are diminishing returns. Doesn't believe that conversion is an issue. Regulatory costs are crushing the timberland owners. Where are the incentives, where are the benefits to timberland owners? Seconded Chuck Ciancio and Bob Morris. Crannel is not appropriate for clustered homesites – safety issues. We would not put houses next to our major haul route.

Mark Lovelace. Overlapping regulations are a problem. General Plan doesn't really deal with that much because it's mostly related to land use, not regulating timber production. Forest landowner's interest is not necessarily aligned with the role of the FRC. The strategy for keeping land in timber production shouldn't involve allowing subdivision of timberlands. I have problems with clustering, including land use conflicts, service costs, reduction of forest land base. Substitute Transfer of Development Rights program. Has lots more information. Will submit more detailed comments.

Julie Williams. (Private citizen) Not comfortable with staff drafting the chapter. The FRC should draft it. You are affecting property rights. Need glossary and definitions. General Plan amendments aren't a loophole, they are required by State law. Infrastructure impacts of rural residential developments are bunk. There aren't any. TDR programs look nice, but don't work because there are no receiving areas. Staff analysis should stay in the Plan. It's up to the General Plan to deal with overlapping regulations. There's too many of them. With the proposed policies, BOS approval will be required for refinancing forest lands even for things such as college tuition. You need to go directly to the Planning Commission.

Final Forestry Review Committee Questions and Comments and Staff Responses

Steve Launi - Some of our advice got dropped out. Acreage isn't a good way to judge productivity. This has been a 7 year process. This committee is charged with the maintenance of forest land and forest land productivity. I've prepared a draft forest policy statement for consideration;

“For any unit of land area (defined as an Assessor's Parcel), currently zoned, or proposed to be zoned TPZ; there shall be no subdivision, lot line adjustment, consolidation of contiguous parcels, or residential development deemed compatible on subject parcel, unless it can be clearly demonstrated that, subsequent to the action, a periodic and/or continuous revenue stream from forest products production shall be maintained.”

“For any such unit of land area, a history of forest products production, including operations within the past 3 years, shall be deemed as meeting the above criteria. Possession of an approved timber harvesting plan (THP, or NTMP), specifying a selective or intermediate harvesting system, or an SYP, for each subject future assessor's parcel, shall likewise be deemed as meeting the above criteria.”

Discussion of the proposed statements among the FRC members followed:

Question about Assessor's Parcel versus legal parcel.

What are you going to do with a tan oak forest with 4 fir on it?

I'm not sure if any JTMP properties have generated logs. I'm trying to close loopholes in the existing policy.

Past performance doesn't indicate future productivity.

THP's and NTMP's are indicators of productivity. They show us you're in business. We need to incentivize those that have demonstrated past productivity.

How do you assess future productivity?

Who makes the call?

CDF would.

Yes, but it doesn't say that.

What are the other criteria?

Photos, growth and yield tables, other things...it's a little subjective. JTMP's just aren't successful.

We don't need to recommend the staff prepared forest resources chapter, do we? We can change it, right? Staff response: yes, you can recommend whatever you want. What would be most helpful to us is feedback on whether we've got a good range of alternatives.