

FORESTRY REPORT
ORIGINATED BY THE FORESTRY WORKING GROUP
AS MODIFIED BY THE COMMUNITY ADVISORY COMMITTEE

NATURAL HERITAGE 2020 PROJECT

COUNTY OF NEVADA, CA

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Acknowledgements

Thanks go to the following individuals and groups who contributed to the meetings of the Forestry Working Group and the preparation of this report to the Natural Heritage 2020 Community Advisory Committee (CAC):

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Nevada County Superintendent of Schools for allowing the Working Group to utilize their conference room for public meetings.

The Forestry Working Group would also like to express its thanks to the many other people who were very helpful in providing suggestions and advice.

Introduction

Mission of the Forestry Working Group

The intent of the NH2020 Forestry Working Group was to focus on long-range goals that provide present and future opportunities for Timber, Resource Management, Mineral Extraction and Public Health and Safety (especially protection from wildland fires) in Nevada County as a means of retaining open space lands. The Working Group gave due consideration to air quality, water quality,

recreation, watershed, wildlife range and forage, fisheries, regional economic vitality, employment, aesthetic enjoyment, and property rights. We worked to identify, research, analyze and recommend a full range of workable conservation options to achieve these goals.

Meeting Groundrules

- A. Working Group members all agree to the Mission Statement
- B. Come with an open mind and respect for other interests and opinions
- C. Be courteous, honest, and fair
- D. No sarcasm or personal remarks, including life stories
- E. 1 person, 1 topic
- F. Personal values and integrity of participants will be valued and respected.
- G. Respect time constraints and be succinct. Obtain acknowledgement (raise hand) from the Chair before speaking.
- G. View should be represented in factual terms rather than ideology.
- H. Disagreements will be considered problems to be solved not battles to be won

Importance/Benefits of Forestry

As stated in the County's 1995 General Plan, the protection and management of the forest resources in Nevada County are important considerations, contributing to the economic vitality and scenic quality of the County. According to the Soil Conservation Service, "forests are one of the important resources of the Nevada County area." They supply raw material for one of the major industries, provide recreation and aesthetic enjoyment for many people, provide food and cover for many forms of wildlife, and protect watersheds."

Overview of Process

- Individuals applied to serve as Citizen Working Group members. All applicants residing in Nevada County were invited to participate as a Working Group member.
- Public meetings were held during June 2001-January 2002 by the full Working Group.
- A field trip to various forest management sites was conducted.
- Presentations were made to the Working Group by guest speakers.
- Review of other professional resources were conducted: professional organizations, websites, books, state and local laws, County General Plan.
- Research was conducted by members of the Working Group, including discussions with community organizations and professionals in the field.
- Suggestions from the March 2001 Natural Heritage 2020 Public Forums were reviewed by individual working group members.
- Meeting notices were publicly posted at the Eric Rood center and many were advertised in The Union and Sierra Sun newspapers, and on the Natural Heritage 2020 website.
- Four subcommittees were formed to more carefully focus on Public Forested Land, Private Forested Land, Mining, and Fire Safety and Fuel Management. Recommendations from each subcommittee were brought forward to the entire Working Group for discussion and reconciliation.

- Decision-making within the Working Group was done on a consensus-based process. If agreements could not be reached on particular issues, a minority report was written. Minority reports do not represent the Working Group as a whole; however, they have been included within this report to allow continued discussion about these controversial issues. It should be noted that consensus was reached on 37 of the 39 recommendations.
- This report was written primarily by the volunteer members of the Working Group

Future Goals

It is hoped that the information provided in this report can be incorporated into various County policies and programs and will provide a starting point for the County to become a fully informed partner in future discussions about forestry issues.

Background Material

The Forestry Working Group reviewed state laws, reports from resource agencies, and other information during the meeting process. This background material is located in the Planning Department's Natural Heritage 2020 file (file #NC00-005). The material is available for public review during normal business hours.

Note: Please note that that this report and the recommendations have not been reviewed by County Counsel.

GENERAL RECOMMENDATION

F1.1. Priorities

Issue: A comprehensive policy regarding priorities for investment in Forest Management is lacking. This policy is needed to assist County staff and our local community about how to best direct potential future funding sources.

Discussion: The intent of the NH2020 Forestry Working Group is to focus on long-range goals that provide present and future opportunities for Timber Resource Management, Mineral Extraction and Public Health and Safety (especially protection from wildland fires) in Nevada County as a means of retaining open space lands. We have given due consideration to air quality, water quality, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, aesthetic enjoyment and property rights. We have worked to identify, research, analyze and recommend a full range of workable conservation options to achieve these goals. Conservation of forested lands is important because of the many benefits these areas provide to the community and for the long-term viability of the timber industry. As shown on the map (developed by Jim Ciaffoni), the most productive soils (CDF Site Index Class 1 & 2 & 3) are located near the urban/wildland interface. It is likely that future development patterns will continue and that forested land will be converted to residential use. Funding for conservation programs is limited; therefore it is important for the County to establish priorities, so that limited funding is invested wisely. Public investment in land with the most productive soils (Class 1 & 2 & 3) will yield long-term benefits for future generations. Investments in those forested lands that provide overlapping benefits will maximize benefits in the short-term.

Recommendation: The County Board of Supervisors adopt a policy which states "Forested lands in Nevada County provide a variety of benefits to local residents, including water quality, recreation, watershed, wildlife, air quality, range and forage, fisheries, regional economic vitality, employment and aesthetic enjoyment. The conservation and maintenance of forested lands is an important priority both for the benefits listed above and for the provision of opportunities for timber harvesting and resource management. Local residents place a high value on timber harvesting and resource management as rural land uses. The conservation of forested lands with a California Department of Forestry Site Index Classes 1, 2, and 3 soils, not located within a community region as designated by the General Plan, are a high priority. Those forested lands that provide overlapping benefits (listed above) are also a high conservation priority. The County will develop funding sources and programs to implement this policy. These programs should also respect legal property rights."

FIRE SUB-COMMITTEE RECOMMENDATIONS

F2.1 Fire Safe Council(S):

Issue: County/Board of Supervisors (BOS) support and funding for the Fire Safe Council of Nevada County (FSCNC).

Discussion: Currently the Fire Safe Council of Nevada County (FSCNC) is the only Fire Safe Council in the County. The eastside of the county (Truckee) is interested in forming a council and are considering whether or not to be a part of FSCNC or form their own council independent of FSCNC.

The FSCNC has been operating for several years and is set up as a non-profit entity. The FSCNC has been successful in obtaining several grants that have financed various fire safe projects such as chipping and shredding material generated from defensible space projects by individual landowners. It is embarking on a project to assist senior citizens who can not physically accomplish defensible space clearing and do not have the financial resources to hire someone to do it. FSCNC is actively submitting proposals for additional grant funding for fire safe projects. FSCNC has also brought together numerous people in the community to work on specific projects and organize neighborhood groups concerning fire safety.

The FSCNC currently has an Executive Coordinator (paid staff) and disseminates public information regarding fire safe requirements and suggestions. FSCNC is currently financed by California Department of Forestry and Fire Protection (CDF) funds, but funding will run out in July 2002. At that time, they will need another funding source. They may be able to get an additional grant, but eventually it is likely that grants will become less available and grant money used to finance the FSCNC may take money from other projects.

The BOS, at a Special Meeting on 9/4/2001, made a commitment to earmark as much as \$60,000/year from the Forest Reserve Funds (previously the 25% Timber Fund) for operation of the FSCNC in a future fiscal year. The Forestry Working Group and Fire Subcommittee believes that the FSCNC and future Fire Safe Councils in the county are an asset.

Recommendation: The County (BOS) continue to support and help finance, as necessary, the Fire Safe Council of Nevada County (FSCNC) (and an Eastside FSC if organized).

F2.2 Countywide Fire Safe Plan:

Issue: Need for a Countywide Fire Safe Plan.

Discussion: Although the FSCNC, CDF, BLM, California State Parks, local fire districts, and the Resource Conservation District have all implemented fire safe projects in western Nevada County, there is not a comprehensive plan to identify areas needed by priority or to identify

specific projects. This can and does result in non-contiguous efforts that may be of value to an individual property, but may not respond to community needs. Projects tend to be located in scattered individual parcels, and not all property owners participate in fuel break projects.

A Countywide Fire Safe Plan could build on the current CDF's Nevada-Yuba-Placer (NYP) Fire Management Plan 2000 which is an excellent start, but tends to be rather a broad approach. The plan should identify such things as public information programs, fire safe inspections, priority areas in need of treatment, safety zones, evacuation routes, evaluating where Nevada County Ordinances 1566/1734/1933, PRC 4290, and the Uniform Fire Code need implementation, recognizing and supporting community/neighborhood efforts, coordination between all agencies (local, county, state, and federal), etc. Plan emphasis would be on the wildland/urban interface.

The FSCNC could be the entity charged to make this plan a reality, in that it includes members of the public as well as all levels of governmental agencies with responsibilities for fire protection. The FSCNC could decide on what the plan should contain and how to get it done. It is strongly recommended that the plan be developed with the assistance of a qualified fire safe planner.

Recommendation: Nevada County should have a County-wide Fire Safe Plan. The County (BOS) should work with the Fire Safe Council of Nevada County (FSCNC) and other appropriate collaborative organizations to present a proposal for preparing a Countywide Fire Safe Plan for the BOS's review. The FSCNC or other organization would then pursue a grant to fund the plan development. If funds were not available, it is recommended that the County consider funding this project.

F2.3 Fire Safe Plans For Proposed Development:

Issue: The potential value of a fire safe plan submission being required for any discretionary projects.

Discussion: Currently the Nevada County Fire Planner (a staff employee that is 1/2 supported by CDF and 1/2 by the county), with assistance from the local fire district personnel works with developers of any discretionary projects (subdivisions and lot splits) to ensure the applicable County Ordinances and Codes, PRC 4290 and 4291, and Uniform Fire Code sections regarding fire safe requirements are addressed and included.

This is a time consuming process and requires multiple visits to the project site by the County Fire Planner, during both the planning and implementation phases. Another possible approach that would reduce the workload and could result in additional input on specifics, such as vegetation management, safety zones, etc., would be to require that the developer/permit applicant submit a fire safe plan that meets requirements of the various fire ordinances, laws, and codes. These would be checked and approved by the County Fire Planner and appropriate local fire agency representative.

This process is in effect in El Dorado County and the contract fire safe planners, who know the regulations, work with approving officials on a regular basis and submit acceptable plans. Where mitigating circumstances may justify a modification/off-set the fire safe planner works with the approving officials. This process is currently required for grading and other activities associated with discretionary development. The Forestry Working Group believes this proposal has merit for exploration.

Recommendation: The County (BOS) assign the appropriate County Planning personnel, including the County Fire Planner, to explore the practicality, desirability, and circumstances of requiring the developer/permit applicant of a discretionary project to submit a fire safe plan for the project.

F2.4 State Conservation Camps:

Issue: County (BOS) support for siting and development of State Conservation Camps in Nevada County.

Discussion: The California Department of Corrections (CDC) and Youth Authority (CYA) with the CDF operates a number of inmate work camps (Conservation Camps) throughout the State. CYA has such a camp in Nevada County under a U.S. Forest Service Special Use Permit at Washington Ridge east of Nevada City, just off of State Highway 20. In the 1960's the CDF and CDC also operated seasonal camps on the Tahoe NF at Hobart Mills in Nevada County and Greek Store (above Foresthill) in Placer County.

The crews at these camps do a variety of jobs in their area of influence, including construction of fuel breaks. They are also highly trained as fire crews and are used extensively in the area and throughout the state. The demand for the services of the local CYA crews greatly exceed the time available.

These agencies periodically seek new camp locations. The cost of maintaining inmates in work camps is significantly less than in maximum security prisons and the work accomplished is a benefit to all Californians. In the recent (and not so recent) past there have been several proposals to locate additional camps in Nevada County. For whatever reason (maybe the NIMBY syndrome or finances) the efforts have not resulted in any new camps in the county. At one time there was a proposal for two camps – one on the Eastside and one on the West. The Forestry Working Group believes that properly located camps could be an asset to the county and the state. They would add to available fire crews, provide needed work, save the state taxpayers money, and provide local employment.

Recommendation: The County (BOS) work with the CDF and local citizens to locate at least one and possibly two CDC/CYA camps in Nevada County. If two, the preference would be one in western Nevada County and one on the Eastside.

F2.5 Air Quality Tradeoffs For Prescribed Fire

Issue: County (BOS) support for qualified use of prescribed fires for vegetation management as a method for reducing catastrophic fires, even with the associated tradeoffs in Air Quality affects.

Discussion: Air quality is certainly compromised by prescribed fire. However, it is recognized that the very worst air quality, in terms of amount of particulate matter, the affected spatial area and duration of unhealthy air, is created during a catastrophic wild fire. The trade off for the smaller area affected and the short term of reduced air quality generated from prescribed fire in return for reducing the risk of degraded air quality from wild fires is desirable.

The State Air Resources Board (CARB) understands this issue and has adopted new [Smoke Management Guidelines for Agricultural and Prescribed Burning \(Guidelines\)](#). The Guidelines became effective March 14, 2001 when they were filed with the Secretary of State and are available on the internet at <http://www.arb.ca.gov/smp/regs/regs.html>. The Guidelines are part of the California Code of Regulations, Title 17, Article 2, Section §80160, “Special Requirements for Prescribed Burning and Prescribed Fires in Wildland and Wildland/Urban Interface Areas”. CARB makes recommendations concerning which days are burn days based on meteorological forecasts. The number of complaints or public perception does not play a key role in this determination. The Northern Sierra Air Quality Management District (NSAQMD) does have authority to issue permits, collect fees, co-ordinate burns with land managers and with CARB. According to Gretchen Bennett, APCO, air quality concerns have not reduced burn acreage within the NSAQMD area. The number of acres burned per year is increasing and is expected to continue to increase dramatically. The NSAQMD works closely with land managers and CARB to assure that there is a minimum of effects on populated areas. The NSAQMD is composed of 2 Supervisors each from Nevada, Sierra and Plumas Counties.

The Sierra Nevada has a fire adapted ecosystem. The flora, and to some extent the fauna, have evolved mechanisms to exist with frequent, low intensity wild fires. Shrubs regenerate quickly and seeds germinate in their new sunny location. Some species require fire to reproduce. Frequent fires reduce the fuel loading and reduce possibility of catastrophic wild fire. It is essential that fire be re-introduced into the ecosystem in order to maintain healthy functioning biotic systems.

Recommendation: That NSAQMD report to the BOS on a periodic basis regarding the effectiveness of the new CARB [Smoke Management Guidelines for Agricultural and Prescribed Burning \(Guidelines\)](#). If, over time, the guidelines prove to be difficult for landowners to comply with, the County should consider offering assistance in terms of referrals and website information to help local landowners comply with these state laws. Also, if the number of acres of prescribed burning declines in Nevada County over the next 5 years, the County should consider options listed below to increase prescribed burning:

- report the decline in acres burned to the California Department of Forestry, CARB, and NSAQMD;

- assist in public education regarding the costs and benefits of prescribed burning;
- lobby CARB for exemptions to air quality regulations for prescribed burning which are fuel-reducing in nature; and
- develop (and/or assist with financing) a technical assistance program with the Resource Conservation District and other local groups to help private property owners implement prescribed burning projects.

F2.6 Wildland Fire Safety For New Non-Discretionary Construction

Issue: Homeowners are often unaware of fire danger on their land when building a new home.

Discussion: New homes do not require review by the County Fire Prevention Planner and/or fire district to ensure compliance with fire safe requirements, as are required for discretionary projects. However, policies and objectives in Chapter 10: Safety of the Nevada County General Plan include:

- Policy 10.1: Encourage the development of one uniform county-wide fire protection ordinance that maintains high fire protection standards for all public and private development, including adequate access and water flow standards. Also encourage local districts to adopt/accept said uniform ordinance with minimal adjustments to reflect local circumstances.
- Objective 10.4: Provide for adequate evacuation routes in areas of high fire hazard, high potential dam failure, earthquake seiches, avalanche, flooding, or other natural disaster.
- Policy 10.11: The following shall be included in Comprehensive Site Development Standards to be adopted by the County as the basis for site plan review.
 - b. Standards to ensure adequate site and building access for fire and emergency medical access.
- Policy 10.5: The following shall be included in Comprehensive Site Development Standards to be adopted by the County as the basis for site plan review:
 - a. Standards for roads and private driveways which will enhance the ability of emergency service providers to respond to structural and wildland fires, and calls for medical and law enforcement emergency assistance. The standards shall provide for secondary road access to new projects where necessary for fire safety and emergency access.
 - b. Water supply standards, which will provide necessary on-site water supply for fire protection.
 - c. Sign and address standards, which will provide for easy identification of roads, streets, driveways, and buildings by emergency service providers.
 - d. Standards to reduce hazards associated with the structural and wildland intermix including:
 - 1. Fuel modification and vegetation management procedures adjacent to structures;
 - 2. Vegetation management adjacent to roads and driveways to provide safe travel of residents and fire fighting personnel; and
 - 3. Building setbacks.

Recommendation: The Board of Supervisors require the County Fire Prevention Planner and/or request the local fire departments and CDF to offer onsite consulting to those obtaining non-discretionary building permits (residential new homes) on how to prepare their site to make the parcel fire safe.

F2.7 Lack Of Funding To Conduct PRC 4291 Inspections.

Issue: Insufficient funds exist to complete home safe inspections in a timely manner.

Discussion: Proposition 172 provided a mechanism to pass a 1/4% sales tax to support home fire safe activities. The funds can be split among various efforts. The BOS has set aside funds from this tax to provide for two employees four months each year to perform home safe fire inspections. The employees are given one week of training on performing inspections. CDF provides uniforms and a vehicle, and the County pays for gas. If the Prop 172 funds were supplemented by adding two additional staff, it could mean all homes could be inspected in 4 years or 25% per year.

Volunteers from neighborhood associations could be trained to perform these inspections. Staff is still needed to ensure a minimum number of inspections are done in case volunteers are not available. CDF would be asked to train these additional volunteers. The inspections usually are done from May 1 through September 1. This results in 2500 inspections each year, which means every home in western Nevada County can be covered in 10 years. High fire hazard areas are granted priority and may be inspected more than once within the 10-year period. 50-75% are given a Notice of Violation in the first inspection. After two weeks, the properties are re-inspected and only 10% do not pass this inspection. About 4-5 a year are passed on to Battalion Chiefs for actual law enforcement. Document LE-38 is used to guide the inspection. For PRC 4291, thirty feet around the house on small lots are required to be fire safe, while up to 100 feet may be required for extra hazardous conditions.

PRC 4291, which requires fire safe clearance, is a state law. The County adopted Ordinance 1734, which took the State standards and made changes for the County. To specify further enforcement provisions, Ordinance 1734 needs to be modified. Nevada County General Plan, Chapter 10: Safety, Policy 10.3: Cooperate with the CDF, USFS, and local fire districts in fire prevention programs.

Recommendation: That the County (BOS):

- a) Encourage the CDF and local fire districts to consistently enforce PRC 4291 (defensible space) and tie it to monetary penalties and the Fire Safe Council outreach program.
- b) Continue to fund home safe inspections and their enforcement,
- c) Support the Fire Safe Council, CDF, USFS, and local fire districts in recruiting additional volunteers from neighborhood groups, and
- d) Obtain grants where possible to fund these additional positions.

F2.8 Funding To Assist Landowners Reduce Fuel Loading.

Issue: Many homeowners need assistance in removing materials generated from defensible space clearing.

Discussion: Slash, brush, and non-merchantable trees create surface and ladder fuels, which contribute greatly to catastrophic wildfires. The cost to remove these materials is high, providing a major obstacle to a landowner. If markets could be created for these materials, it would offset the cost of removing them, which would make fuel reduction projects more feasible.

A county-wide composting program, that included curbside pickup of yard waste (similar to that of Sonoma County), could pay for itself by creating and selling mulch and compost products. Such a program would make fuel removal in more urban neighborhoods much more practical.

Additional benefits of removing these materials from the landscape include:

- 1) Reduced fire suppression costs, injuries, loss of life and loss of personal property due to reduction in severity and frequency of wildfires;
- 2) Improved air quality by reducing the number of prescribed burns and the severity of wildfires;
- 3) Improved forest health and wildlife habitat;
- 4) Reduced dumping at the landfill; and
- 5) Additional revenue and control provided by generating electric power locally using biomass-fed co-generation.

Recommendation: The BOS investigate development of “local” markets (e.g., biomass, compost, mulch and biomass-fed co-generation) that would utilize slash, brush and non-merchantable trees removed from private lands. They should also support and assist organizations pursuing this cause, such as the Sierra Economic Development District and the FSCNC. In addition, the Board should investigate the feasibility of establishing a countywide composting program that includes curbside pickup of yard waste.

F2.9 Need For Consistent Funding of Fire Safe Programs.

Issue: Programs that facilitate reduction of fuel loads on lands within Nevada County need an ongoing source of funds.

Discussion: FEMA has provided seed money (\$1,148,000) for a pilot chipping and shaded fuel break program begun in January, 1999 and to be completed by December, 2002. Project areas include Cascade Shores, 49er fire district and Montezuma Ridge. This program has now received a 3-year extension. Next August, there will be an application for another extension of the existing FEMA grant, but there is no guarantee of these funds.

The long-term goal would be for the state to take over and expand this program. This program would result from a successful FEMA pilot project. The funds should come from the general

fund of the state. This would make it an ongoing obligation of the State supporting its Public Resources Code and possibly giving the State an incentive to enforce compliance.

Each CDF Unit can apply for a grant for authorized funds. Nevada County is a part of the Nevada-Yuba-Placer (NYP) Unit that includes Nevada, Placer, Yuba, and Sierra counties. The NYP Unit can apply for one grant in each county of the Unit.

Other county fuel reduction programs:

- a) Prop 204 funds of \$144,000 are currently available for use by homeowners on both sides of the South Yuba canyon (Round Mountain and North San Juan) for clearing and chipping internal areas of their land to keep fire contained in the South Yuba canyon. These are one-time funds and must be spent before December 2002.
- b) Currently the Fire Safe Council is receiving \$50,000 per year available for chipping under Public Safety Issues, \$25,000 from Department of Transportation and \$25,000 from Northern Sierra Air Quality Management District. The area covered is outside the 49er area covered by FEMA.
- c) The Fire Safe Council has also received a grant from the U.S. Forest Service under the National Fire Plan of \$135,000 to provide a county-wide Defensible Space Chipping/Shredding Program.

Recommendation: The County work with and assist local Fire officials and appropriate California officials to support a permanent state program which would provide funds for services to landowners for reducing fuel loads, and establishing modified shaded fuel breaks.

PUBLIC LANDS

The County's interest in public lands stems from its citizen's concerns for quality of life, and the economic benefits from tourism and natural resource management. Problems existing for these lands include:

- *The checkerboard ownership pattern in the Tahoe National Forest creates special fragmentation issues, including: reduced wildlife corridors, management and recreation access, and coordinated fire prevention.*
- *Each of the public landowners within the County has different management policies and constraints.*
- *These federal, state, and local land management agencies are often under funding constraints.*

The following are recommendations for county involvement in public lands:

F3.1 U.S. Forest Service Lands and BLM Lands

Issue: Currently, various agencies and groups are involved in watershed planning with little county involvement.

Discussion: The County provide these groups with its NH2020 Biotic Inventory results including priorities for conservation easements, land acquisitions, and exchanges. This would facilitate open space and wild land planning to identify, locate, promote, and preserve sensitive plant and animal habitat and wildlife corridors that cross jurisdictional boundaries in order to create larger more cohesive open spaces.

Recommendation: That the County be actively involved in planning groups (such as Coordinated Resource Management Planning - CRMP's and Councils) that are working on watershed planning with public involvement.

F3.2 U.S. Forest Service Lands and BLM Lands

Issue: The ownership pattern in Nevada County creates special fragmentation issues, including: reduced wildlife corridors, management and recreation access, and coordinated fire prevention.

Discussion: The County could apply for state grants and work with non-profits to obtain funds for land and conservation easement purchase. Funds could also be made available that have been obtained under Title III of the County Payments Bill (Uses include easement purchases).

Recommendation: That the County, State, and Federal public land managers work together towards common objectives of protecting sensitive lands. Sensitive lands are defined in County General Plan policy 1.17 (page 36) as wetlands, deer corridors, oak trees, rare species, riparian corridors, floodplains, farmland, mineral areas, earthquake faults, steep slopes, fire hazard areas, and viewsheds.

F3.3 BLM surplus lands

Issue: From time to time, Bureau of Land Management (BLM) offers lands for sale that do not meet their management objectives. County residents or neighborhood groups may have interest in these lands.

Discussion: BLM should notify the County in a timely manner when their land disposal program is updated or implemented. The County should be aware of any changes in proposed ownership status of public land. Neighborhood groups willing to help manage BLM lands have goals that include promoting habitat restoration, fire hazard reduction, and sustainable forest practices. The County can coordinate its own planning in the area including road maintenance, defensible space, etc. with these groups. The County would also review these lands in relation to its General Plan objectives. the County could apply for state grants and work with non-profits to obtain funds for purchasing qualifying BLM lands. Criteria for decisions should include: relationship to other sensitive or priority lands (corridors, trails, biota), community interest for public use, difficulty of management (limited size, accessibility, not an optimal configuration, road interference), encumbrances such as mining claims and trespasses, cost, and funding.

Recommendation: BLM and the County establish a clear protocol to ensure timely review of any adjustments or revisions to the BLM available surplus lands program. This protocol will ensure timely notification of the following parties:

- Community Associations
- Neighborhood Associations
- Neighboring property owners
- Land Trusts
- Park and Recreation Districts

The County assist local groups to help BLM manage these lands if retained by BLM as open space. Cooperative forest management agreements may be one approach.

F3.4 Contamination on Public Lands.

Issue: Historic sources of contamination (toxics) affect our County.

Recommendation: The County shall seek financial support and cooperate with state and federal agencies to clean up contamination on public lands within the County.

F3.5 County lands

Issue: The County owns some lands that currently do not have a management plan protecting public resources on these lands.

Discussion: Plans should include stewardship for habitat restoration, fire hazard reduction, and sustainable forest practices.

Recommendation: That the County develop management plans for public review of County owned lands.

F3.6 PG & E lands

Issue: P G & E own lands in the County that are important to water quality and may offer these lands for sale.

Discussion: The County has an interest in providing protection for these lands if these lands are disposed of by P G & E . The county may or may not choose to become a major landowner, but can serve as a facilitator and provide assistance to other non-profit organizations with compatible land use goals.

Recommendation: If PG&E decides to dispose of undeveloped watershed lands, then the County may consider facilitating public or private non-profit acquisition of fee title or conservation easements. Also, that the County work with non-profit foundations to apply for grants to provide funds for obtaining those lands that meet its water quality, recreation, and environmental objectives.

F3.7 Land trusts

Issue: Policy 6.10 states "The County shall support the activities of the Nevada County Land Trust and Truckee-Donner Land trust to acquire and manage open space lands". There is no implementation for this policy.

Discussion: Grants may be available to implement this policy.

Recommendation: The County should amend General Plan Policy 6.10 to state that “The County shall work with local, state, and national land trusts to achieve the objectives of our County General Plan.

**Mining and Resource Extraction Subcommittee
Recommendations
Forestry Working Group
November 12, 2001**

Committee members Orson Hanson, Betty Simpson, and Bruce Boyd met on Tuesday, August 28, 2001 to discuss the impacts, opportunities, and connections between mining lands and open space within the County. Betty Simpson and Bruce Boyd met once more on Tuesday October 30, 2001 to refine and reformat subcommittee recommendations. The following issues, discussion and recommendations are presented:

F4.1 Implement existing policies

Issue: Nevada County needs to rigorously implement existing General Plan Policies and Zoning ordinance regulations with regard to ongoing and future mineral extraction projects.

Discussion: Planning department funds are insufficient to review and monitor mining reclamation plans filed with the county, monitor mitigation measures and enforce provisions of permits. Monitoring and enforcement should not be based solely on surrounding property owners complaints. It is not appropriate to rely on operators written reports, on site review is essential.

Recommendation: The County identify and allocate necessary funds toward expert mine planning (including mitigation of impacts), review, and supervision.

F4.2 Map ME zoned parcels

Issue: The county and citizens have no convenient way of knowing whether mining has occurred, is occurring, or is planned in their neighbourhoods.

Discussion: A common problem for new property owners moving to the County is to discover after purchase that a nearby parcel is zoned for highly industrial use as a mine. In addition much of our densely populated areas are on top of historic hard rock mines.

Recommendation: Map ME (Mineral Extraction) zoned parcels, historic mine sites, placer deposits and underground mine shafts and drifts as identified by local, state, and federal agencies. These maps should be combined with parcel zoning maps. Maps should be updated regularly and made available to public.

F4.3 Buffering

Issue: Mining operations can take place in most zoning classifications, regardless of surrounding uses.

Discussion: Mining represents an industrial use of land. Most regulation is done on the State level. Counties have power to control adjoining uses to protect the public from potential conflicts between uses.

Recommendations: Provide ME (Mineral Extraction) buffering between surrounding uses by requiring project proponents to buffer their impacts..

F4.4 Land Use conflicts

Issue: Land Use conflicts surrounding mining projects.

Discussion: Mining is an essential activity but it can only be successful if controversy is kept to a minimum. Significant mineral areas should be protected from encroachment of development until the resource extraction is completed. The county must recognise that if development occurs first, mineral extraction maybe sacrificed.

Recommendation: County should minimise additional rezoning near existing and potential mines.

F4.5 Educational and research areas

Issue: Historic diggings and mines on private land represent a little recognised resource.

Discussion: Historic diggings, mines, and placer deposits are an important part of the Counties history. While the Gold rush is romanticised for tourist consumption, the abandoned mines and diggings are also living examples of natural recovery from human alteration.

Recommendation: Encourage maintenance of important historic diggings as educational and research areas.

F4.6 Water

Issue: There have been serious water use conflicts related to surface and subsurface mining.

Discussion: Current policy allows subsurface mining in all areas without consideration of surface uses. It is not enough protection to require financial security. The potential destructive effects on surface water and water wells is immeasurable. Loss of property values (loss of well water) caused by subsurface uses should not be borne by surface owners. There must be recognition that subsurface rights are not superior to surface rights. In addition changes in surface water drainage, lakes and waterways can have catastrophic consequences including increased erosion, decreased recharge, dry lakes. This can have profound effects on wildlife habitat.

Recommendation: Subsurface mining [mining or exploration] should not be permitted to adversely impact domestic water supplies. The county GIS Database should be used to analyze the effects of proposed projects on erosion, discharge, recharge, and habitat.

Private Forestlands Recommendations

Recommendations 5.1, and 5.2 and 5.3 of this section refer to “Rural Regions”. The Nevada County General Plan divides the county into Community Regions and Rural Regions. Within the Rural Regions, growth is limited to those types and densities of development which are consistent with the open, rural lifestyle, pastoral character and natural setting and surrounding land use patterns which exists in these areas. Within the Community Regions, balanced growth is encouraged to provide managed housing, employment, shopping and cultural opportunities appropriate to each community, located for convenience, efficiency and affordability.

The County Zoning Ordinance divided zoning districts into five categories. Included within the Rural Districts category are Agriculture (AG), Exclusive Agriculture (AE), Forest (FR), and Timberland Preserve Zone (TPZ) zoning districts. Rural Districts are intended to preserve the existing open, pastoral character of rural areas, allowing for the development of compatible uses within a rural setting, including lower-density residential uses, agricultural operations and support uses, natural resource production and management, and low-intensity recreation. Rural Districts are also intended to ensure the long-term quality of natural resource values while at the same time ensuring the sustainability of agricultural and logging activities.

F5.1 GIS Database for Forestry

Issue: The Planning Department does not have a concise method of quickly determining whether a given site has sufficient timberland productivity potential to play a role in consideration of discretionary actions, such as re-zoning requests and applications where the possibility of clustered development exists.

Discussion: Existing objective 15.1 in Forestry chapter states "Identify and protect significant timber lands from conversion to unrelated residential and other non-timber-related uses." Presently, the Planning Department must refer to Soil Surveys by the Soil Conservation Service or USFS, which show the site potential by region (not parcel specific) using their own classification systems which are not easily reconciled, either with each other or with the more commonly accepted California Forest Practice Rules Site Classification System, which is contemplated by the Forest Practice Act and the Forest Tax Reform Act of 1976 (TPZ). With guidance by a person knowledgeable in these systems and forestry, the County GIS consultant could define regions of common Site Classification, which would then automatically assign an initial, reasonably accurate value of timber productivity potential to each parcel.

Recommendation: Add a new policy 15.4 to the General Plan that states “Create new, or improve existing data bases and GIS layers as necessary to accurately reflect the timber producing potential of areas designated as Rural Regions in the General Plan, in accordance with the California Forest Practice Rules Timber Site Classification system.”

F5.2 Encourage TPZ and Discourage General Plan Amendments

Issue: Over 75% of the existing, non-urban parcels in an area constituting well over 50% of the productivity potential of private lands on the west slope of Nevada County are less than 10 acres, which is the minimum parcel size allowed to be aggregated with other such parcels to create a 40 acre minimum “TPZ District” in the current Zoning Ordinance. There are very few TPZ parcels or districts in this area, partly because of this large minimum parcel size requirement. In other words, the owners of the majority of the prime timberland in the western county are not receiving ample incentives in the form of lowered taxation as encouragement and partial compensation to manage their land for reduced fire danger and periodic timber harvest. Also, parcels smaller than 10 acres become progressively more difficult to manage and harvest for timber due to the high fixed cost of a Timber Harvest Plan.

Discussion: Timber Production Zone (TPZ) is a voluntary program originally established by the state. In implementing this program, Nevada County property owners can complete a formal application process, and if approved, receive a tax benefit. It is possible but difficult under the current Zoning Ordinance to designate a parcel of 10 acres or more as TPZ. Practically speaking, the present minimum is 40 acres.

Recommendation 1: Consider allowing rural parcels of at least 5 acres, and in CDF Site Class 1,2, or 3, to aggregate with other similar size parcels to create a 20 acre minimum “TPZ District”, to be administered by the remaining provisions in the Zoning Ordinance related to TPZ’s as modified by other recommendations provided by this Forestry Working Group.

Recommendation 2: Discourage General Plan amendments or zoning changes that increase density in Rural Regions, and discourage conversion to non-timber production uses in areas valued as CDF Site Class 1 through 3.

F5.3. Improve Definition of Important Timber Resources

Issue: The present definition of Important Timber Resources in the Zoning Ordinance includes only about 50% of the true timber productivity potential of private timberlands in western Nevada County.

Discussion: Timberland productivity potential is currently not considered in rezoning requests for reduced parcel sizes unless it involves Important Timber Resources, which the Zoning Ordinance defines as “parcels that are 40 acres or larger, and mapped within the Forest designation, that have ideal soil characteristics for timber production, identified as those soils having a high site class or index by the Soil Surveys of Nevada County, prepared by the Soil Conservation Service and the Tahoe National Forest.”

This definition poses two problems: First, the General Plan recognizes that land use designations other than Forest and Open Space may contain areas of high forest products potential, yet this wording in the Zoning Ordinance does not. Over 50% of the CDF Site Class 1 areas within the forestry urban-wildland interface area of about 75,000 acres are in parcels of less than 40 acres, with a median parcel size of just over three acres; a much smaller proportion of the total timberland

potential within this area is represented by Forest districts than suggested by this wording. Also, it needs recognition that this interface area mentioned constitutes about 75% of the Site Class 1 areas on the entire western slope of the County. Third, the criteria for determining whether or not the site is “important” is unclear and easily subjected to challenge because neither of the Soil Surveys mentioned gives the reader a site index or CDF site class. SCS provides a “Woodland Suitability Group” of 1 through 7. Tahoe National Forest provides a USFS Forest Survey Site Class of 1 through 7. The only apparent commonality between these two systems are numbers 1 through 7; for example, there is no indication that, SCS Group 3 equals a USFS Class 3. Both systems can be reconciled back to the common denominator of site index, which then can be brought into the CDF Site Class system of 1 through 5, which is the basis of reference to the Forest Practice Act and the Forest Tax Reform Act (TPZ).

Recommendation: Re-define “Important Timber Resources” in the Zoning Ordinance to “parcels that are 5 acres or greater, and designated as Rural Districts in the Zoning Ordinance, that have suitable site characteristics for potential timber production. This is intended to recognize the value of timber producing soil. This may allow property owners with valuable timber producing soil the opportunity to receive potential funding benefits that may result from conservation programs. The intention is to remain consistent with Section L-II 4.3.14 of the Zoning Ordinance by continuing existing requirements for preparation of a Management Plan for those project proposed on parcels 40 acres in size within the Forest designation. The intention is not to expand requirements for Management Plans to smaller sized parcels or to other zoning designations.

F5.4 Reduce TPZ fee

Issue: The County currently charges a fee for lands applying to go into TPZ, which serves as a disincentive for owners of small parcels, many of which have very high timber production potential.

Discussion: Nevada County’s TPZ application process is difficult. The county should review the process in other counties in the state. If a simpler process is found, this could become a model for changing and simplifying Nevada County’s process.

Recommendation: The County should restructure the application fee and the process in a manner that encourages submission of TPZ applications.

F5.5 Reduce Cost of THP

Issue: Cost of Timber Harvest Plan (THP) preparation represent a large percentage of timber harvesting costs for a small landowner. There should be a method to reduce these costs while complying with Forest Practice Rules, and still protecting county resources.

Discussion: There is a belief that a need exists for a mid-level THP, but it is too complex an issue to be resolved by this committee. The CDF is discussing this problem, and if a solution is proposed, the Board may evaluate whether it meets the need of the County.

Recommendation: That a solution to reduce costs of THP preparation for smaller landowners, if ~~so~~ proposed by the Board of Forestry and if it meets the goals of the County General Plan be supported by the Board of Supervisors.

F5.6 Processing and Marketing

Issue: Currently, processing of forest products is only allowed on parcels with the Forest zoning designation, even though, as pointed out in Recommendation #F5.3, important timber lands includes many areas with Residential Agricultural (RA), Exclusive Agricultural (AE), General Agricultural (AG), Forest (FR), Timber Protection Zone (TPZ), Planned Development (PD), and Open Space (OS) zoning designations.

Discussion: None

Recommendation: Consider allowing primary processing and/or marketing of forest products with a Conditional Use Permit, on parcels with Residential Agricultural (RA) on parcels at least 10 acres in size, and parcels of any size in the following districts: Exclusive Agricultural (AE), General Agricultural (AG), Forest (FR), and Timber Production Zone (TPZ), zoning designations, in addition to the existing allowance for parcels zoned Forest (FR).

F5.7 Right-to-harvest

Issue: Many new residents of the forestry urban-wildlands interface area oppose timber harvesting in their neighborhood, even when the harvest plan is permitted and conducted in accordance with applicable regulations. This misconception of “rights” can result in a financial hardship to a land owner or logging contractor involved in a legitimate land use.

Discussion: Speakers to our group spoke of the feasibility of treating parcels down to 5 acres in size as wood lots, but pointed out that conflicting land use issues, complaints about noise, dust, and traffic from neighbors, along with the high fixed cost associated with a THP act together to establish lower limits to the minimum feasible parcel size. The Forestry Working Group was unable to provide a solution to the THP cost for small parcels, but we recommend reinforcing the legitimacy of harvest operations by including a policy in the General Plan that refers to the current Agricultural Right to Farm Ordinance.

Recommendation: The Board of Supervisors create a new General Plan policy 15.6 that states "Normal forestry practices shall be supported by maintaining the Right to Farm Ordinance to provide for notice to buyers and landowners of land in, and adjacent to, RA, AG, AE, PD and FR zoning districts, describing normal agricultural practices including timber harvesting, which may occur in such districts informing them of the right to continue such practices in conformance with the applicable regulations."

F5.8 Specialty Markets

Issue: The market for timber products in this area is essentially limited to buyers of logs for rough lumber. Since the product of the buyer is not an end-use product, the potential revenue available to

local harvesters of timber is limited, which makes it difficult to operate unless the harvester is dealing with large volumes.

Discussion: None

Recommendation: Encourage, solicit and develop local end-use industries and specialty markets for locally harvested timber products.

F5.9 Debris and slash

Issue: Many timber harvesting operations near traveled ways and inhabited areas do not meet the intent of the Forest Practice Act in terms of aesthetics, namely, the leaving of unreasonable amounts of slash and high stumps, which create visual impacts and fire hazard.

Discussion: The FPA mentions hand piling or mechanical bunching of such slash as acceptable means of dealing with this situation. Mechanical bunching may involve significant damage to soil and remaining vegetation close to traveled ways and residences. These two treatments differ in terms of possible aesthetic impact, and in terms of residual fire hazard.

Slash and debris resulting from logging operations should be chipped, or hand piled and covered for later disposal or burning, within a minimum of 100 ft. of any traveled way or residence. Chipping or hand piling should be concurrent with logging operations or within one month thereafter. Burning should occur within a reasonable time period, and not more than 9 months.

Recommendation: The County representative on the THP review team shall monitor the proper disposal of debris and slash resulting from Timber Harvest Plans and Fuel Management Plans. The CDF forester shall be notified of violations of Forest Practice Rules regarding debris and slash removal.

F5.10 Forestry Advisor

Issue: The County recognizes the importance of forestlands to the welfare of the county, but has not been able to provide full protection of these forestlands, either through monitoring of forest-related activities, or through education of landowners and other concerning the importance of these lands.

Discussion: Funding of this recommendation could come from general county funds, as benefits are for the general public, and not related to specific timber plans or activities. The County Timber Yield tax revenues could be used for this purpose. The position is not analogous to the Agricultural Commissioner, which is based on a long-existing state law to carry out specific state functions, including pest control and licensing. The state pays \$6,600 to the Agriculture Commissioners office, in-place state programs and unclaimed gasoline taxes help fund staff, and the rest (about \$108,000) comes from the County general fund.

- **(a):** The County representative (Forestry Advisor) would be in a position to be familiar with General Plan requirements and its inventory of sensitive lands. Alternative suggestions could be made for the THP while preserving landowner goals.

- **(b):** The County is in a better position than CDF to ensure that conversion to other uses conforms to county zoning and regulations. AB671 appears to provide adequate penalties for non-conforming activities.
- **(c):** A Forestry Advisor could cooperate with watershed councils, land trusts and other groups to provide educational efforts to increase public awareness of programs and tools that improve management of their lands. The County could cooperate with such entities to obtain grants for education efforts.
- **(d):** Programs and related efforts could include federal/state/county programs (California Forest Stewardship program, etc), conservation easements, estate planning, grant applications, transfer development rights, and tax benefits. Presenters to the Working Group felt that there is a need to understand the importance of preserving forestlands for public benefits.
- **(e):** County Planning staff are not always available to respond to questions and complaints concerning timber operations or alternatives available on land management. A Forestry Advisor could be a focal point for questions and complaints. He/she could maintain current with programs and grants, and maintain information on public programs.

Recommendation: The County provide funds for the position of Forestry Advisor, who shall be a registered professional forester in the State of California who is familiar with Sierra Nevada Forestry and who is able to promote a healthy, diverse and productive ecosystem and to balance the needs of the environmental and timber production communities. These funds would come from the general fund. The duties should include:

- a) County representative on the CDF Timber Harvest Plan (THP) Review team. As representative, he/she would review THPs, participate on pre-harvest THP inspections on selected important forestlands or when requested by concerned citizens, and post comments/responses on a county web page.
- b) County representative to CDF to approve 3-acre conversion notices per section 1104.1 of the California Forest Practice Rules. The representative will review such notices and assure that the conversion is in conformance with all county regulatory requirements, including county notice requirements. Upon completion of the conversion (within two years of notice acceptance), the applicant will inform the County representative who will visit the site to determine that the use specified in the notice (#1104.1.a.1.E) was implemented. The County representative will notify CDF if the use specified was not implemented or was not completed within two years.
- c) Serves as a resource to the Forest Advisory Committee, by assisting the committee on issues, working with entities involved with forestry issues including public land managers, and assisting in arranging educational forums and workshops on forestry issues.
- d) Maintain a link to the county web page containing information on programs and tools available to forest landowners for preserving and improving management of forest lands.
- e) Liaison to the public on forestry issues, by providing advice on forestry issues, such as TPZ lands, THP plans, programs and tools.
- f) The Forestry Advisor would focus on long-range goals that provide present and future opportunities for Timber, Resource Management, Mineral Extraction and Public Health and Safety (especially protection from wildland fires) in Nevada County as a means of retaining

open space lands, giving due consideration to air quality, water quality, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, aesthetic enjoyment, and property rights.

F5.11 Forestry Issues Advisory Committee

Issue: The County has to make decisions involving forestlands and/or forestry practices in the county. Local forestry expertise is currently not utilized to advise in making these decisions.

Discussion: The community needs a forum where contentious or technical issues may be discussed in an open and public process. A Forestry Issues Advisory Committee could utilize community expertise to gather facts, be science-based, and publicize information so that citizens and public officials may arrive at informed decisions. The Committee could, with input from the Forestry Advisor, advise on BLM surplus lands.

Recommendation: The County encourage Agricultural Advisory Commission to form a Forestry Issues Advisory Committee, made up of volunteer stakeholders from diverse interest groups from within the county on forestry and related issues. The Committee would provide a public forum for discussion of forestry issues brought to them by Committee members, citizens, forestland owners, and the Board of Supervisors.

F5.12 Fuel Loads

Issue: CDF rates many parts of Nevada County as having a high fire danger. Landowners desiring to reduce fuel loads on their lands, currently must file a Timber Harvest Plan to reduce these loads. Current THP costs and restrictions encourage parcel owners to take more trees than they prefer to fund the fuel reduction. Slash is also left because of cost considerations.

Discussion: Parcel owners should be encouraged to make their parcels fire safe for their own benefit and the benefit of their neighbors. Giving more responsibility to the County enforces General Plan policies to encourage a fire safe county. This exemption would apply to private parcels within the urban-wildlands interface. CDF would need to work with the county and public land managers to determine the boundaries of the urban-wildland interface. Landowners would pay no plan fee to any agencies or government organizations. Logging costs could be offset by the commercial sale of timber. However, the harvesting of merchantable timber is not the goal of this exemption. A Forestry Advisory Committee could review processes and guidelines and recommend agreed upon ideas to be included in the proposal to CDF.

Recommendation: During the planning process for the proposed County-wide Fire Safe Plan (See recommendation F2.3), explore various alternatives to reduce fuel loads including the following:

- offer incentives to property owners for fuel reduction
- provide technical assistance to private property owners for fuel reduction projects
- consider an additional exemption to the California Forest Practice Rules to allow the reducing of fuel loads by the owner of a private parcel upon receiving approval of a fuel management

plan by the County and CDF. The County could request other conditions for this proposed exemption from the Board of Forestry based upon local conditions.

PUBLIC HEALTH AND SAFETY

P6.1 Reduce Air Pollution Intrusion

Issue: Influx of air pollution from the Sacramento Valley.

Discussion: Prevailing winds from the west and pollution from the Sacramento Valley can degrade Nevada County air quality to sub-standard levels without any input from local sources. Reduced valley pollution would provide a healthier environment for Nevada County residents and allow more effective use of prescribed burning locally. An article in the Sacramento Bee rated Nevada County the worst in the state for air pollution. This does not mean that the County should not be dealing with the air pollution from local emission sources. Communication and discussion with valley counties about this issue is necessary. A possible outcome of negotiations could be payment from valley counties to Nevada County for local pollution reduction programs and/or the development of a valley financed regional public transportation system.

Recommendation: The BOS (on their own or with the RCRC) enter into discussions with valley counties to reduce air pollution that degrades our county health standards.

MINORITY REPORTS

Two minority reports were developed by members of the Forestry Working Group and submitted to the Community Advisory Committee (CAC) for review. After discussion and debate, the CAC slightly modified the language on recommendation 5.10 regarding the registered professional forester to address concerns raised in one minority report. The CAC declined to support the second minority report relating to the creation of a Forestry Advisory Committee either as part of the Agricultural Advisory Committee or as a separate free standing committee. These minority reports are not included as part of the CAC's Final Report. However, they are available for public review at the Planning Department.

References

County 1995 General Plan

County Zoning Ordinance

March 2001 Public Forums for Natural Heritage 2020

Planning Department File Natural Heritage 2020 – Forestry Working Group (NC00-005)