

CALIFORNIA COASTAL COMMISSION

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W11c

June 23, 1999

TO: Commissioners and Interested Persons

FROM: Tami Grove, Deputy Director
Lee Otter, District Chief Planner
Rick Hyman, Coastal Program Analyst

SUBJECT: **SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 3-98.** For public hearing and Commission action at its meeting of July 14, 1999 to be held at Marin County Board of Supervisors Chambers, Civic Center, San Rafael.

SUMMARY OF STAFF REPORT

I. Description

Santa Cruz County is proposing the following changes to its certified Local Coastal Program:

A. Timber Harvest

Amend the Land Use Plan (LUP) and Implementation portion (IP) portion of its Local Coastal Program to:

1. allow timber harvesting (and associated operations) requiring California Department of Forestry approval of a timber harvest plan only in the Timber Production; Parks, Recreation and Open Space; and Mineral Extraction Industrial zone districts (LUP policy 5.12.14; IP sections 13.10.312; 13.10.322; 13.10.332; 13.10.342; 13.10.352; 13.10.362; 13.10.372; 13.10.382; new 13.10.395a);
2. allow timber harvesting by helicopter only in the "Timber Production" zone district under certain criteria (new section 13.10.378);
3. limit timber harvesting in riparian corridors, residential buffer zones, and landslide areas and do not exempt timber harvesting from following riparian corridor rules (IP: new section 13.10.695b, c; 16.30.050).

B. Roads

Change the design criteria for road surfacing in minor ways (IP Section 16.20.180h).

This amendment was filed on December 31, 1998. These two items are part of a larger package. The other components regarding non-conforming use and resources and constraints mapping have been deemed "minor" and approved by the Coastal Commission on March 11, 1999, the date that this matter was continued.

II. Standard of Review

The standard of review for the land use plan amendments is that they must be consistent with the Coastal Act. The standard of review for the implementation amendments is that they must be consistent with and adequate to carry out the policies of the certified coastal land use plan.

III. Staff Note

This LCP amendment submittal involves several timber harvest issues that the Commission has previously expressed interest in reviewing in a public workshop. Unfortunately, resources have not been available for staff to prepare for such a workshop prior to processing this particular amendment. Staff will continue to seek means to conduct a timber harvest workshop sometime in the future.

IV. Staff Recommendation

Staff recommends that the Commission **approve, only if modified**, the proposed amendment as it relates to timber harvesting. The primary purpose of this amendment is to restrict timber harvesting to three zoning districts: TP Timber Production, PR Parks, Recreation and Open Space, and M-3 Mining. The County has proposed the amendment in response to a recent California Appellate court case that affirmed that local governments have authority to determine appropriate locations for timber harvesting.

In the coastal zone, the proposed restriction of timber harvesting to three zoning districts means that some lands that have timber resources will not be allowed to be logged, unless there is a zoning change to a district that allows timber harvesting, such as TP. Staff's concern with this amendment is that the existing criteria for such rezonings are unclear in the land use plan, and that this could result in rezonings that are inappropriate under Coastal Act policies, particularly those concerning recreational and visual resources, environmentally sensitive habitat, and lands subject to geological hazards. Staff is further concerned that the amendment would allow for inappropriate logging in Parks, Recreation, and Open Space and Resource Conservation areas where the intent is to reserve these areas for recreational and other compatible low-intensity uses or conservation uses, respectively. Finally, staff has identified two activities --helicopter logging and logging on

landslides -- where the proposed amendment is regulatory in nature and not clearly implementing land use plan policies. Table 1 summarizes these issues and staff's recommended modifications.

Another part of the submittal addresses roads. The proposed revisions, however, do not relate to timber roads. The amendments simply repeat land use plan policies and promote fire protection and erosion control. They are recommended for approval.

TABLE 1: Santa Cruz County Timber Harvesting Amendment Issues and Proposed Modifications

Existing Policy	Proposed Amendment	As Modified
LAND USE PLAN		
Six land use plan designations in the coastal zone have timber resources: Parks Recreation and Open Space; Mountain Residential; Agriculture; Resource Conservation; Public Facilities; Rural Residential. There is no "Timber Resource" or "Timber Production" land use designation.	UNCHANGED	UNCHANGED
There is no explicit policy on whether Timber Production is an appropriate use in these land use designations except for the Agriculture designation, where it is discretionary (Policy 5. 13.4).	UNCHANGED	Specify that timber harvesting in recreational, visually or environmentally sensitive areas, or in areas susceptible to hazards, is not appropriate if logging will harm the resource values of these areas. (Mod A)
LUP Objective 5.12 encourages sustainable forestry under high environmental standards, protection of the scenic and ecological values of forested areas, and orderly timber production consistent with the least possible environmental impacts.	UNCHANGED	UNCHANGED
LUP Policy 5.12.9 encourages rezoning to Timber Production "where appropriate." No LUP policy specifies what is appropriate.	UNCHANGED	Specify that timber harvesting in recreational, visually or environmentally sensitive areas, or in areas susceptible to hazards, is not appropriate if logging will harm the resource values of these areas. (Mod A)
LUP Policy 5.12.2 allows for timber harvesting in the TP Timber Production zone district	Adds Policy 5.12.14 that allows timber harvesting only in 3 zoning districts: TP, M-3, PR.	Prohibit timber harvesting in PR zone in coastal zone (Mod B-1)

Existing Policy	Proposed Amendment	As Modified
ZONING		
Timber harvesting is an allowable use in the TP Timber Production, PR Parks and Recreation, SU Special Use, M-1, M-2, and M-3 Industrial zones; small scale harvesting is allowed in RR and R-A zones.	Limits timber harvesting to 3 zones: TP, M-3, PR	Add prohibition of timber harvesting in PR zone in coastal zone (Mod B-3)
Section 13.10.170d allows rezoning of land to Timber Production in six different designations and two mapped resource areas without LCP amendment.	UNCHANGED	Eliminate TP as allowable zone for Park or Resource Conservation designations. Other zoning changes to Timber Production need LCP amendments (B-2).
Helicopter logging not addressed in zoning	Restricts helicopter logging	Do not restrict (Mod C).
Timber harvesting exempt from riparian corridor protective policies.	Timber harvesting not exempt from riparian corridor protective policies.	Clarify non-commercial harvesting may be permitted in riparian corridors (Mod D)
Logging on landslide areas not directly addressed in zoning	Prohibits logging on landslide areas meeting certain criteria (see findings for detail)	Do not prohibit (Mod D).

Summary Of Issues And Comments

At the County hearings, the proposed timber harvest amendments elicited substantial comments. The amendments approved generally elicited favorable reaction from neighborhood and environmental groups and unfavorable reaction from those who conduct timber harvests and/or own timberland. In response, the County noted that most of the timber land remains zoned for timber harvesting, amendments to a zone that allows timber harvesting are possible for other properties, and that the proposal addresses environmental and neighborhood concerns with logging. Much of the testimony was focused on matters not in the Commission's purview, such as concurrent changes that the County was recommending to the Forest Practices Rules, the effects of the proposals outside of the coastal zone, and on earlier amendment proposals that were not finally adopted by the Board of Supervisors.

This matter was continued from the Commission March 11, 1999 hearing after testimony was taken. At the hearing Commissioners raised the following concerns:

1. How much land is involved? The answer to this question depends on what is at issue. Within Santa Cruz County's Coastal Zone the exact amount of forested land is unknown. It is at least 21,608 acres which is shown as "Timber Resource" on somewhat outdated County maps, according to Coastal Commission staff calculations (which match fairly closely the County's totaling of 21,355 acres using their GIS). Timber-cutting proponents claimed the amount should be 7,500 acres more and submitted their own maps. Staff evaluated several of these polygons against color aerial photography with the zoom transfer scope and found them to include significant errors. These were not minor delineation problems, but included deficiencies such as showing Highway 1 pavement area and the face of the adjacent Waddell Bluffs as additional timberland. It would take considerable time to analyze each and every red polygon area. They would all have to be examined individually using the zoom transfer scope. Thus, the figure is somewhere in between 21,608 and 29,108 acres.

These totals do not include forested lands in Big Basin State Park. They do include some forested land in Wilder Ranch and Gray Whale Ranch State Parks because these areas were not parklands when the original resource inventories were compiled in the early 1970's.

What is at issue from staff's perspective is the amount of timberland where timbering would no longer be allowed (i.e., compared to where it is allowed now). Pursuant to the County submittal this is land zoned "SU," about 290 acres of which in the coastal zone was mapped "timber resource." According to timber interests, the amount of "SU" zoned land in the Coastal Zone that has timber is another 1,300 acres or so. Also, at issue would be land zoned "PR," pursuant to the recommended modification to delete logging as a permitted use in that district as well. Although "PR" is generally reserved for public lands or private lands used for recreational purposes, testimony was presented by one landowner with timber on his property that was zoned "PR." There appears to be only 25 acres of private PR zoned land with mapped timber resources. One must understand

that landowners of "SU" or "PR" zoned land can request a rezoning to "TP," which would then allow logging to occur. How much of this land is suitable for rezoning is unknown, as evaluation would have to occur on a case-by-base in concert with suggested modifications to ensure against inappropriate rezonings where coastal resources are involved.

Regarding the proposed riparian setback, the County has indicated that 1,601 acres in the Coastal Zone are affected.

2. What does the State Board of Forestry think of the County's proposal?
Enclosed is correspondence from the Department of Forestry and Fire Protection taking issue with the riparian buffer portion of the amendment which they view as regulatory in nature (see Attached Correspondence). Additionally, Commission staff will forward this report to the Department with a cover letter requesting any further comments.

As background to understanding various agency authorities, two types must be considered: planning and regulatory. Regarding planning, under State General Plan law and the Coastal Act, local governments must designate land uses in the general plan and zoning ordinance.¹ Regarding timber lands, Section 30243 must be considered in this planning ("long-term productivity of soils and timberlands shall be protected"), along with all other governing policies of the Coastal Act. Further specific zoning guidance is provided in the Timberland Productivity Act of 1982.² This statute strongly encourages the identification and placement of timber land into the "Timber Production" zone district, but leaves the individual designations and re-zoning to the discretion of local planning authorities. The local government takes these all into consideration as well as other factors in determining what land uses to allow where. The Coastal Commission must find the resulting land use plan and zoning consistent with

¹ The LCPs prepared pursuant to the requirements laid out in the Coastal Act include Land Use Plans "sufficiently detailed to show the kinds, locations and intensity of land uses" (PRC 30108.5) and "zoning ordinances...which, when taken together with [the land use plan] implement the policies and provisions of this division at the local level" (PRC 30108.6).

² This law (Government Code Section 51101 et seq.) is primarily directed towards encouraging counties to identify timber resources and zone land which contains commercial timber resources to the "Timber Production" Zone District. The statute requires all County Assessors in the state to prepare a list of properties that were, or, in the opinion of the Assessor, should be, assessed as timber production lands as their "highest and best" use. (Government Code Sections 51110 and 51110.1). The Act then lays out a mandatory re-zoning process which must be undertaken by counties where timber production properties have been identified. (Gov. Code Section 51112). The clear preference of the statute is that all timber production land will be zoned into the "Timber Production" zone, although the discretion to place land in this zone district is left up to the individual counties. Once zoned into the "Timber Production" zone district, the statute provides that "The growing and harvesting on those parcels shall be regulated solely pursuant to state statutes and regulations" i.e. The Forest Practice Act. (Government Code Section 51115.1) According to the Timberland Productivity Act, (Government Code Section 51114) the "Timber Production" zone district functions in many ways like a Williamson Contract for farmland. That is, land in the "Timber Production" zone remains in the district for a minimum of ten years and the initial time period "rolls over" every year unless the property is rezoned, thus any rezoning to a new zone district will not usually be effective for ten years. Also similar to a Williamson Contract, there is a very limited ability to obtain an immediate rezoning to another zone district.

the Coastal Act. A recent court case has affirmed the right of local governments to determine where timber harvesting is appropriate.³ To date the Department of Forestry and Fire Protection has accepted these decisions; i.e., it will not approve a Timber Harvest Plan for an area not zoned to allow timber harvesting.

Regarding regulation, the Forest Practice Act specifically gives the California Department of Forestry and Fire Protection (CDF) rather than local jurisdictions, authority to regulate commercial timber operations through the review of Timber Harvest Plans (PRC Section 4516.5.d).⁴ A recent court case upholds this regulatory authority.⁵The Coastal Act (and in this case the Santa Cruz County Local Coastal

³ This case, Big Creek Lumber Company v. County of San Mateo (1995) 31 Cal. App 4th at 418, found that a zoning regulation which provided for a 1000' buffer between timber operations and residences located on land outside the "Timber Production " zone was not in conflict with the Forest Practice Act. In its decision, the Court distinguished between regulations which directed *how* timber harvesting would be accomplished and those which were simply identifying *where* the land use of timber harvesting could take place. The Court opined that regulations directed to the *conduct* of timber operations were inconsistent with the Forest Practice Act because the Act gave CDF sole authority to review and approve the permits for this activity through the Timber Harvest Plan process. The Court found however, that the zoning criteria added by San Mateo County was permissible because it only addressed a *locational* issue (i.e. where timber harvesting could and could not occur) pursuant to the county's general authority to plan for land uses.

⁴ "Timber operations " means the cutting or removal or both of timber or other solid wood forest products, including Christmas Trees, from timberlands for commercial purposes, together with all the work incidental thereto, including, but not limited to construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for the falling of trees, fire hazard abatement and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities conducted after January 1, 1988, but, excluding preparatory work such as tree marking, surveying or road flagging. "Commercial purposes" includes (1) the cutting or removal of trees which are processed into logs, lumber or other wood products and offered for sale, barter, exchange or trade, or (2) the cutting or removal of trees or other forest products during the conversion of timberlands to other land uses other than the growing of timber which are subject to the provisions of Section 4621, including, but not limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects and transportation projects. Removal or harvest of incidental vegetation from timberlands, such as berries, ferns, greenery, mistletoe, herbs and other products, which action cannot normally be expected to result in threat to forest, air, water or soil resources, does not constitute timber operations.

⁵ This case (Westhaven Community Development Council v. County of Humboldt, (1998) 61 Cal. App.4th at 365), the Court denied the plaintiffs' request to issue an injunction preventing logging, subject to a CDF approved Timber Harvest Plan, unless and until a use permit for the activity was obtained from Humboldt County. The Court opined that even though the County Zoning Ordinance stated that a use permit was required for commercial timber harvests, the requirement could not be enforced because the Forest Practice Act pre-empted application of zoning regulations "to the extent those regulations required a permit for timber operations on a land area of three or more acres." The Court distinguished the ruling in their case from that made in the Big Creek case as follows "that decision {the Big Creek decision} did not address, consider or resolve any issues relating to local permitting requirements, because the county ordinance at issue in Big Creek Lumber Co. did not create a permit requirement....The Big Creek Lumber Co. draws a distinction between local attempts to regulate the conduct of timber operations, the first type prohibited by Section 4516.5 (d) and local efforts to regulate the location of timber operations" The Court thus affirmed the earlier decision in Big Creek "that the Forest Practice Act does not preempt local efforts to regulate the location of timber harvesting."

Program) is consistent with this rule, by exempting from the definition of "development" and, hence, coastal permit regulatory authority, "timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). In the absence of having regulatory authority, local governments can comment on and participate in the Department of Forestry and Fire Protection's review of Timber Harvest Plans and can appeal such decisions to the Board of Forestry. Thus, the function of any regulatory-like provisions that local governments have in their local coastal programs is limited to being a basis on which to make comments and appeals and a basis to make decisions on any timber harvesting that may not come under the Department's purview.

3. If land is already designated "TP," can the County then impose a riparian buffer restriction? There is a process established in the Timberland Productivity Act (and referenced in the County Code) for rezoning out of "TP." In the absence of such rezoning, the County will have the ability to request the Board of Forestry to respect its desire for a no-cut riparian buffer zone. The proposed amendment includes such a riparian buffer provision but it does not grant the County any unilateral regulatory authority to impose it. Correspondence from the Department indicates that they are not respecting this request (see Attachment).

This ordinance provision for a riparian buffer has been challenged in court. County counsel has submitted a letter indicating why it believes that the amendment is legal. It will be up to a court to rule on this matter. Staff does not take, and recommends that the Commission not take, a position on this matter. The question under review herein is simply evaluating the proposal from a Coastal Act perspective.

4. Should the amendment have required an EIR? An EIR is not necessary in order for the amendment to be submitted to the Coastal Commission. Under CEQA Guidelines Section 15050 the County's decision to prepare a Negative Declaration is binding on the Commission, as a responsible agency. Since this decision has been challenged, it will be up to a court to determine if an EIR was required pursuant to the California Environmental Quality Act.

Following are some of the concerns(in bold) that members of the public voiced, along with the staff response:

1. Timber is an agricultural activity. Just because land is designated for agricultural use, the County has the ability to determine specific categories of agricultural uses which it wishes to allow and which not to allow.

2. Landowners can not rezone to TP land that is not designated "timber resource." To rezone to TP requires specific criteria of harvestable wood on the property (under State Law and referenced in the *County Code*). Land automatically becomes "Timber Resource" even if not previously mapped, if so rezoned by meeting

these criteria (pursuant to *General Plan* Figure 1-7" new information acceptable for updating maps"). The County has been processing requests to rezone to TP.

Additional Information

For further information about this report or the amendment process, please contact Rick Hyman or Lee Otter, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (831) 427-4863.

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ATTACHMENTS

- Full Text Of Proposed Amendments
 - Correspondence
-

I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

MOTIONS AND RESOLUTIONS

The Commission needs to make five separate motions in order to act on this recommendation:

A. DENIAL OF LAND USE PLAN MAJOR AMENDMENT #3-98 PART A AS SUBMITTED

MOTION 1:

"I move that the Commission certify Major Amendment # 3-98 part A to the County of Santa Cruz Land Use Plan as submitted by the County."

Staff recommends a "NO" vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

RESOLUTION:

The Commission hereby **rejects** Major Amendment # 3-98 part A to the land use plan of the County of Santa Cruz as submitted for the specific reasons discussed in the recommended findings on the grounds that, as submitted, it does not meet the requirements of Chapter 3 of the Coastal Act. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment.

B. APPROVAL OF LAND USE PLAN MAJOR AMENDMENT #3-98 PART A, IF MODIFIED

MOTION 2:

"I move that the Commission certify Major Amendment # 3-98 Part A to the County of Santa Cruz Land Use Plan as submitted by the County, if modified according to Modifications A-1 and B-1."

Staff recommends a "YES" vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

RESOLUTION:

The Commission hereby **approves** Major Amendment # 3-98 Part A to the land use plan of the County of Santa Cruz as submitted for the specific reasons

discussed in the recommended findings on the grounds that, as modified according to Modifications A-1 and B-1, it meets the requirements of Chapter 3 of the Coastal Act. There are no feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment.

C. DENIAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT #3-98 PART A AS SUBMITTED

MOTION 3:

*"I move that the Commission **reject** Major Amendment #3-98 Part A to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by the County."*

Staff recommends a "YES" vote which would result in **denial** of this amendment as submitted. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment (otherwise the amendment is approved as submitted).

RESOLUTION:

The Commission hereby **rejects** Major Amendment #3-98 Part A to the implementation plan of the Santa Cruz County local coastal program, as submitted, for the specific reasons discussed in the following findings, on the grounds that the amendment is not consistent with and not adequate to carry out the certified land use plan and exceeds the County's legal authority and hence the Commission's ability to approve.

D. APPROVAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT #3-98 PART A, IF MODIFIED

MOTION 4:

*"I move that the Commission **approve** Major Amendment #3-98 Part A to the Santa Cruz County Local Coastal Program Implementation Plan, if it is modified according to Suggested Modifications A-2, B-2 &-3, C, D."*

Staff recommends a "YES" vote which would result in **approval** of this amendment if modified. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

RESOLUTION:

The Commission hereby **approves** Major Amendment #3-98 Part A to the Implementation Plan of the Santa Cruz County Local Coastal Program, for the specific reasons discussed in the following findings, on the grounds that, as modified by Suggested Modifications A-2, B-2, B-3, C & D, the amendment conforms with and is adequate to carry out the certified land use plan. Approval of the amendment will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

E. APPROVAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT #3-98 PART B, AS SUBMITTED

MOTION 5:

*"I move that the Commission **reject** Major Amendment #3-98 Part B to the Santa Cruz County Local Coastal Program Implementation Plan, as submitted by Santa Cruz County.*

Staff recommends a "NO" vote which would result in **approval** of this amendment as submitted. An affirmative vote by a majority of the Commissioners present is needed to pass the motion; and since the motion is written in the negative, if it fails then the amendment is approved.

RESOLUTION:

The Commission hereby **approves** Major Amendment #3-98 Part B to the Implementation Plan of the Santa Cruz County Local Coastal Program, as submitted, for the specific reasons discussed in the following findings, on the grounds that the amendment conforms with and is adequate to carry out the certified land use plan. Approval of the amendment will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following changes to the proposed Local Coastal Program amendments, which are necessary to make the requisite findings. If the local government accepts each of the suggested modifications within six months of Commission action, by formal resolution of the Board of Supervisors, the corresponding amendment portion will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

A. Rezoning Lands to Timber Production

1. *Revise 1994 General Plan and Local Coastal Program for the County of Santa Cruz policy 5.12.9 by adding the underlined wording:*

Encourage timberland owners to apply for Timber Production zoning where appropriate. In the Coastal Zone it is not appropriate to zone timberland for timber production if the land is recreational, environmentally sensitive, or visible from rural scenic roads (pursuant to policy 5.10.3) and if logging will harm these resource values. For purposes of this policy, harmful activities shall be considered as those including any significant disruption of environmentally sensitive habitat, any loss of landmark old growth trees, any degradation of scenic public views, any significant loss of timberland soils or siltation of spawning gravels. Also, it is not appropriate to zone timberland for timber production if the land is susceptible to a hazard that may be exacerbated by logging and not responsive to mitigation. Such rezonings must be in accordance with the procedures set forth in the TP ordinance.

and revise last sentence of policy 5.12.8 to be consistent with and reference this revision as follows:

...Require, as a condition of any land division, rezoning to TP for parcels which have equivalent timber resources and that meet the criteria of policy 5.12.9.

2. *Add to County Code Section 13.10.375(c) the following new underlined subsections:*

7. The land shall not be recreational, environmentally sensitive, nor visible from rural scenic roads (pursuant to policy 5.10.11) where logging will harm these resource values. For purposes of this policy, harmful activities shall be considered as those including any significant disruption of environmentally sensitive habitat, any loss of landmark old growth trees, any degradation of scenic public views, any significant loss of timberland soils or siltation of spawning gravels.

8. The land shall not be susceptible to a hazard that may be exacerbated by logging and not responsive to mitigation.

B Zoning Districts Where Timber Harvesting is Allowed

1. *Revise proposed new 1994 General Plan and Local Coastal Program for the County of Santa Cruz policy 5.12.14 (LCP) by deleting the wording "Parks, Recreation and Open Space (PR)," or by adding the underlined wording:*

Allow timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, only in the Timber Production (TP), Parks, Recreation and Open Space (PR) (except in the coastal zone), and Mineral Extraction Industrial (M-3) zone districts.

2. *Revise Section 13.10.170(d) of the County Code "Consistent Zone Districts" 3 by adding the underlined wording:*

. . . Rezoning of a property to a zone district which is shown in the following Zone Implementation Table as implementing the designation applicable to the property, shall not constitute an amendment of the Local Coastal Program, unless it involves rezoning to "TP" or "M-3" in the coastal zone.

General Plan/Local Coastal Program Land Use Designation

Zone District pursuant to Section 13.10.300 et seq. And Section 13.10.400 et seq.

Open Space Uses:

-O-R Parks, Recreation and Open Space

PR –Parks, Recreation and Open Space
 PF –Public Facilities
 TP—Timber Production, outside of the Coastal zone only.

-O-C Resource Conservation

PR –Parks, Recreation and Open Space
 PF –Public Facilities
 TP—Timber Production, outside of the Coastal zone only.

A- Agriculture
 CA- Commercial Agriculture

General Plan/Local Coastal Program Resource

-Agricultural Resource Lands

AP-Agricultural Preserve Zone District
 A-P-Agriculture with Agricultural Preserve Combining Zone District
 CA-Commercial Agriculture
 TP-Timber Production (except for Coastal zone lands designated Parks or Resource Conservation)

-Timber Resource Lands

TP-Timber Production (except for Coastal zone lands designated Parks or Resource Conservation)

3. *Revise Subsection (b) of Section 13.10.352 - Timber Harvesting- of the Parks, Recreation and Open Space Uses Chart of the County Code by adding the underlined wording:*

"PR USES CHART"

USE	PR
Timber Harvesting, <u>outside of the coastal zone</u> subject to Section 13.10.695.	P

C. Timber Harvest Related Helicopter Operations

Delete proposed Section 13.10.378 and associated references or revise proposed Section. 13.10.378 as by adding the underlined wording and deleting the wording with strikethroughs::

(a) Helicopter yarding of timber shall only be permitted for timber harvested from properties zoned TP or zoned another zone district where timber harvesting is an allowed use. Appurtenant helicopter service and log landing areas must be sited within the Timber Harvest Permit Plan (THP) boundaries on property which is either zoned TP or is zoned on another zone district where timber harvesting is an allowed use.

(b) Where environmental review or other resource protection evaluation concludes that the following measures are advisable, the County will communicate such recommendations to the appropriate authorities:

- limit helicopter flights for log transport between the area where the felling is occurring and the landing ~~must~~ to occur only over property contained within the approved THP.

~~(b) -No helicopter flight may occur~~ within 1,000 feet horizontally of an inhabited residence.

D. Locational Criteria for Timber Harvesting

Revise proposed Section. 13.10.695 by adding the underlined wording and deleting the wording with ~~strikethroughs~~:

(a) Timber harvesting requiring approval of a Timber Harvesting Plan by the California Department of Forestry is allowed, in addition to the TP zone, only in those zone districts which specifically list timber harvesting as an allowed use.

(b) Within those zone districts (except the TP zone), commercial timber harvesting shall not occur within the following areas:

1) riparian corridors, defined as:

- i) 50-feet from the bank full flow line of a perennial stream
- ii) 30-feet from the bank full flow line of an intermittent or ephemeral stream

2) a residential buffer, measuring 300-feet from the exterior walls of any residential dwelling located on adjacent properties not zoned TP.

~~3) in areas identified as active or recent landslides, as determined by a registered Geologist or Engineering Geologist, based on the most current mapping, photo interpretation, and/or surface observation.~~

(c) Within the TP zone district, commercial timber harvesting shall not occur within riparian corridors, defined as:

- i) 50-feet from the bank full flow line of a perennial stream
- ii) 30-feet from the bank full flow line of an intermittent or ephemeral stream

III. RECOMMENDED FINDINGS

The Commission finds and declares for the following parts A and B of Santa Cruz County Major Amendment # 3-98 regarding timber harvest and roads:

A. TIMBER HARVEST

The County has proposed amendments to the Land Use Plan and implementation plan of the local coastal program involving three aspects of timber harvesting: 1. limitations on locations of harvest, 2. helicopter harvesting restrictions, and 3. riparian corridors, residential buffers, and landslide areas.

1. Limitation on Location of Timber Harvesting

This amendment has both a land use plan component and a zoning component. Since the standards of review are different, each is discussed separately.

a. Land Use Plan Amendment

(1.) Description and Background

The proposed amendment mostly concerns the appropriate locations for timber harvesting regulated by the California Department of Forestry. Currently, the *1994 General Plan and Local Coastal Program for the County of Santa Cruz* (LCP) contains a broad objective to promote sustainable forestry. Objective 5.12 states:

To encourage the orderly economic production of forest products on a sustained yield basis under high environmental standards, to protect the scenic and ecological values of forested areas, and to allow orderly timber production consistent with the least possible environmental impacts.

The certified Local Coastal Program land use plan map contains six land use designations in the coastal zone that have timber resources: Parks Recreation and Open Space; Mountain Residential; Agriculture; Resource Conservation; Public Facilities; Rural Residential. These are found in the North Coast and Bonny Doon planning areas. There is no "Timber Resource" nor "Timber Production" land use designation. Nor is there any explicit discussion in the LCP about whether timber harvesting is an appropriate use in the land designations where timber resources occur, except for the "Agriculture" category. In "Agriculture" areas timber resource land can be zoned "TP" according to plan policy 5.13.4.⁶ In the other designations, objectives are limited to the primary purposes of the designations. For example, in the two residential designations, the objectives are limited to providing for low density residential development and retaining rural character (objectives 2.4 and 2.5).⁷

The County does have a separate timber resource map that is referenced in the LCP, although its status relative to the land use designations and zoning districts of the LCP is not entirely clear. LCP Policy 5.12.9 encourages (re)zoning of land that is mapped as timber resource to the "Timber Production" zoning district "**where appropriate**" (emphasis added), and policy 5.12.2 states that timber harvesting is a principal use in that district. For timber resource land over 20 gross acres in size not zoned "TP," land divisions and residential development are to be evaluated for timber resource potential. Timber resources are to be protected and the parcel rezoned to "TP" as part of any land division approval (policy

⁶ If it is not so zoned, then generally it is zoned "Commercial Agriculture (CA)" and used for commercial cultivation of plant crops and raising of animals. (Policy 5.13.5).

⁷ Similarly, In the Parks, Recreation, and Open Space areas, "low intensity uses which are compatible with the scenic values and natural setting of the county for open space lands which are not developable" and "commercial recreation, County, State and Federal parks, preserves, and biotic research stations, local parks and passive open space uses for park lands which are developable" are allowed (policy 7.1.3). The "Resource Conservation" designation is for public or private lands held for conservation purposes (policy 5.11.5). The only such land in the coastal zone which has timber is a Fish and Game ecological reserve. The "Public Facilities" designation is for public and quasi public facilities, public facility support facilities, and institutions (policy 2.21.1). The only "Public Facility" designation in the coastal zone with possible timber resources is on the University of California, Santa Cruz campus. One area is protected environmental reserve land and the other is undeveloped "resource" land.

5.12.8). Beyond this, there is no specific policy that states that all mapped timber resource land should be zoned "TP" or alternatively that it should be logged.⁸

This proposed amendment to the coastal land use plan, the *1994 General Plan and Local Coastal Program for the County of Santa Cruz*, would add new policy 5.12.14. This would allow timber harvesting that is regulated by the Department of Forestry through Timber Harvest Plans only in the Timber Production, Parks, Recreation and Open Space, and Mineral Extraction Industrial zone districts. State-approved timber harvest plans are required for most timbering operations except for the following:

- harvesting Christmas trees;
- harvesting dead, dying or diseased trees of any size and small amounts (less than 10 percent of the average volume per acre under certain conditions) of fuelwood or split products;
- operations conducted on ownerships of timberland of less than 3 acres (1.214 ha) in size and not part of a larger parcel of timberland in the same ownership;
- and certain cutting or removal of trees which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration, and intensity.

These types of operations would be governed by other local coastal program policies and are not affected by this amendment (except with regard to residential zoning as discussed below). The County is offering this amendment as a follow-up to a court case that states that while local governments can not regulate the conduct of timber cutting operation, they can use their planning authority to determine **where** it may occur (*Big Creek Lumber v. County of San Mateo*, 31 Cal. App. 4th at 418, (1995)).

(2.) Standard of Review

The standard of review for land use plan amendments is the Coastal Act. Under the Act, land use plans are to indicate the kinds, locations, and intensities of uses that are allowable in various locations (PRC 30108.5). The substantive policies of Chapter 3 are the primary basis for making these determinations. In this case, the most relevant governing sections of the Coastal Act are:

30223 Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

⁸ These maps can be updated upon rezoning of land in or out of a "TP Timber Production" zoning district, without constituting a local coastal program amendment (figure 1-7). Otherwise, if new information were presented showing timber resources outside of the currently mapped areas and not designated "TP," the County would have the option of updating the mapping through an amendment of its *1994 General Plan and Local Coastal Program for the County of Santa Cruz*. "TP" zoning generally applies to parcels capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre pursuant to State law and County policy.

30240(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

30243 The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

30251 The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

30253 New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Additionally, Coastal Act section 30001.5(c) states, as a basic goal, "Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state."

(3.) Analysis

The Commission must determine whether the land use plan with the proposed amendment is consistent with the Coastal Act. As submitted by the County, the

amended land use plan would not clearly define where timber harvesting is allowed and, therefore, consistency with the various policies of Chapter 3 of the Coastal Act is not guaranteed. As mentioned, a land use plan should indicate kinds, locations, and intensities of uses (PRC 30108.5). Typically, this is achieved through a series of land use designations, each for a different use or group of uses. Unfortunately, Santa Cruz County does not have a designation for timber harvesting. Complicating matters, there are six designations in the Coastal Zone where timber harvesting could potentially occur (see first column of table above). A review of the land use plan provisions regarding purposes and uses of the designations alone (see above) reveals that timber harvesting is only explicitly shown as appropriate in agricultural areas. One is left to interpret how separate policies favoring timber harvesting (in Section 5.12) are to be implemented in other areas. The proposed amendment only serves to perpetuate this ambiguity by addressing only zoning districts, not the land use designations, where timber harvesting is allowed. The proposed new policy does not alter any land use plan policies or designations. Nor does it change which zoning districts are appropriate for implementing which land use designations. It simply states the districts where timber harvesting is permitted: TP, PR, and M-3. In effect, the only guidance in the LCP as to the appropriate location of timber harvesting is Policy 5.12.9, which encourages rezoning of timberlands to timber production "where appropriate." Under this approach, there is no guarantee that timber harvesting would not be deemed appropriate in locations that might conflict with Coastal Act policies concerning environmentally sensitive habitat, visual resources, recreational lands, and lands where geological hazards are a concern. This is inconsistent with these respective policies (Sections 30233, 30240, 30251, 30253). The specific analysis of each proposed zoning district restriction is summarized below.

- **"TP" Zoning:** The land use plan already has provisions sanctioning TP zoning where timber harvesting is allowed. Thus, the part of the proposed amendment that says that timber harvesting is allowed in the TP zone district is redundant. It does not give guidance as to where the TP zoning may apply in the future. It thus perpetuates the non-definitive direction of land use plan policy 5.12.9. As proposed for amendment, the land use plan will lack an explicit policy that addresses timberlands and clarifies the cited objective; i.e., which of the timberlands (which may or not be included on the County Resource Maps) are suitable to be rezoned to "TP" and hence suitable to be logged. Lacking such language, one possible interpretation is that any such lands, no matter what resource constraints they pose, are suitable. Thus, the proposed amendment could lead to rezonings and, hence, timber harvesting that is in clearly inappropriate locations from a Coastal Act perspective. Therefore, this amendment must be denied, because the resulting land use plan would be inconsistent with the Coastal Act.
- **"PR" Zoning:** The land use plan does not have a policy that addresses PR zoning. However, cited policy 7.1.3 specifies which uses are allowed in the Parks, Recreation, and Open Space designation on the land use map. The implication is that PR zoning is the district that implements the identically-named land use plan designation. Policy 7.1.3 does not say anything about allowing timber harvesting. In

fact such a use would conflict with the list of the allowed uses, the purpose of the designation, and hence Coastal Act policy 30223. All PR lands in the coastal zone of Santa Cruz County are within State Park units, nature reserves or similar protected areas. Timber harvesting would conflict with, be disruptive to, and is fundamentally incompatible with the basic natural resource protection purposes of these areas. Thus, the proposed amendment, which would allow for timber harvesting in the PR district is inconsistent with the Coastal Act and must be denied.

- **"M-3" Zoning:** The land use plan does not have a policy that addresses M-3 zoning. That zone applies to mines. Section 2.19 of the *1994 General Plan and Local Coastal Program for the County of Santa Cruz*, provides for heavy industrial and quarry operations. There are two sites designated with a "Q" quarry overlay symbol (Lonestar Shale and Limestone) in the coastal zone that have timber resources on them (the underlying land use plan designation is "Mountain Residential." They are not zoned "M-3." A zoning designation of M-3 implies sanctioning a disruption of the natural environment that would require removal of tree cover to function. Therefore, saying that timber harvesting is an allowed use in such a zoning district is acceptable.

4. Remedies

It would have been preferable for the County to structure the proposed amendment differently, at least as it affects the coastal zone, in order to provide clarity. Under the Coastal Act, the land use plan is to give general indications of locations, intensity, and kinds of permitted uses. The zoning then provides the details consistent with the land use plan directive. This would suggest a three-step process with regard to timber harvesting:

1. Ensure that the timber resource maps were up to date, using aerial photography and possibly other information;
2. Decide appropriate locations for timber harvesting based on Coastal Act criteria and then other local objectives that did not conflict, in line with the recent Big Creek court case. For example, answer such questions as: is timber harvesting appropriate only in lands which are zoned TP? Are there sensitive areas, such as environmentally sensitive habitat, or visually sensitive lands, where timber harvesting should not be allowed?
3. Ensure that the land use plan was internally consistent with and appropriately incorporated into these locational decisions. This step would involve comparing the (revised) timber resource map with the land use plan map. For each designation where timber resources occur, the plan should make clear whether timber harvesting is an allowed use based on the previous step. For example, if there remained designated "Mountain Residential" and "Rural Residential" areas where timber harvesting was desired, the "purpose" sections of the designations could be restated to add timber harvesting as being suitable. Or, alternatively,

such areas could be reclassified to a designation where timber harvesting was said to be suitable.

In the absence of such an exercise, though, the inconsistencies of the submitted amendment may be addressed by adding overriding policy language that dictates where timber harvesting is suitable. This could be accomplished by adding criteria to existing policy 5.12.9 to replace the vague "where appropriate" language. Such criteria should follow Coastal Act considerations as outlined above and are shown in **Suggested Modification A-1**. A companion change needs to be made to the previous policy regarding "Timber Resource Land Not Zoned Timber Production" for consistency, as also shown in Suggested Modification A-1. That policy now requires a rezoning to "TP" if there is any approved land division on such lands. However, if under the modification to policy 5.12.9, timber harvesting is inappropriate, then this rezoning should not occur.

Additionally, the reference to allowing timber harvesting in "PR" zones needs to be deleted as shown in Suggested Modification B, as it applies to the coastal zone. The subject County provisions were written to apply both in and out of the coastal zone. The Commission is aware that the "PR" zone district is used outside of the coastal zone to designate some publicly owned watershed lands and some privately owned lands that may be logged. The Commission notes that it does not have authority outside of the coastal zone. Therefore, the County could choose to either allow timber harvesting to be permitted or not on "PR" lands outside of the coastal zone under the suggested modification.

If the land use plan is modified along these lines, according to Modifications A-1 and B-1, then the amendment can be approved because the land use plan as amended will be consistent with the Coastal Act.

b. Implementation Amendment

(1.) Description and Background

The certified Local Coastal Program implementation plan explicitly allows some type of timber harvesting in the following zoning districts: "TP Timber Production", "PR, Parks, Recreation, and Open Space," and "SU Special Use" zoning districts. Harvesting is an allowed interim use of a mining site in the M-1, M-2, and M-3 Industrial zone districts. Small-scale timber harvesting is an allowed use in the "RA" (Residential Agriculture), and "RR" (Rural Residential) districts.

As discussed above, the proposed land use plan amendment would limit timber harvesting to the TP, PR, and M-3 zoning districts. In parallel to this change, the proposed amendment to the zoning ordinance would delete entries that currently allow timber harvesting in the "Rural Residential (RR)," "Residential Agriculture (RA)," "M-1" and "M-2" Industrial, and "Special Use (SU)" zone districts. It would also specify that timber harvesting is not allowed in the Agricultural ("CA," "AP," and "A"), Commercial

("PA," "VA," "CT," "C-1," "C-2," "C-4"), and Public and Community Facilities zone districts. The *County Code* sections affected are 13.10.312; 13.10.322; 13.10.332; 13.10.342; 13.10.352; 13.10.362; 13.10.372; 13.10.382; new 13.10.695a (see Attachment 1). [As explained below, the only substantive change from the current zoning provisions is that timber harvesting will no longer be allowed in the "Special Use" district.]

Zoning districts are shown on the zoning map. A substantial portion of the mapped timber resource areas are zoned "Timber Production" (20,697 out of 21,355 acres or 97% in the coastal zone). Properties with timber resources on them are also zoned a variety of other districts, including "SU," "CA," and "RA" (see second column of table).

The zoning map may also be amended. For each land use plan designation, overlay, and mapped resource, there are one or more appropriate zoning districts. Section 13.10.170(d) of the *County Code* provides that "Timber Production" zoning is a consistent implementing zoning district for property designated in the *1994 General Plan and Local Coastal Program for the County of Santa Cruz* as "Agriculture," "Public/Institutional Facilities," "Mountain Residential," "Parks, Recreation, and Open Space," "Resource Conservation," as well as Agricultural and Timber Resource lands (see third column of table). Under this provision a rezoning to timber harvest in any of these designations does not constitute a local coastal program amendment, as the Coastal Commission had certified this provision stating that "Timber Production" is appropriate zoning for these designations.

"PR" (which also allows timber harvesting) is a consistent implementing zoning district for property designated in the *1994 General Plan and Local Coastal Program for the County of Santa Cruz* as "Agriculture," "Mountain Residential," "Rural Residential," "Parks, Recreation, and Open Space," and "Resource Conservation," as well as Agricultural Resource lands (see third column of table). M-3 (which also allows timber harvesting) is a consistent zoning district for property with a Quarry overlay symbol on the land use plan map. "SU" (which also allows timber harvesting) is a consistent zoning district anywhere.

The proposed amendment will now explicitly limit where timber harvesting can occur to the three noted zoning districts: "TP," "PR," "M-3." The amendment does not alter the permissibility of timber harvesting in the "M-3 Mineral Extraction Industrial District" (as an interim use of a mining site), the "Parks, Recreation and Open Space (PR)" district, and the "TP" zone district. What the amendment will mean is that timber harvesting can not occur on timber land in one of the other districts, absent a rezoning. The rezoning would not constitute a local coastal program amendment if the rezoning involved any of the land use designations noted in the previous paragraph, which it almost certainly would.

The proposed amendment explicitly prohibits timber harvesting in Agricultural, Commercial, and Public and Community Facilities zone districts. The current zoning district regulations do not show timber harvesting as permitted uses in those districts.

Under traditional planning rules and County policy, if a use is not listed as an allowable land use in a particular zone district, then it is already prohibited. Thus, this aspect of the amendment is also a reiteration of existing policy.

The proposed amendment deletes timber harvesting as an interim use of a mining site in the M-1 and M-2 Industrial zone districts. The purpose of these districts is to provide areas for light and heavy industrial facilities respectively (*Code Section 13.10.341*). Since mines would not be zoned "M-1" nor "M-2," this is simply a "clean-up" amendment from the County's perspective.

The proposed amendment also deletes timber harvesting in the "SU" zone district. This district is used for flexible planning of large properties, lands with a variety of physical constraints, and mixed uses (*Code Section 13.10.381*).

The proposed amendment deletes "small-scale" timber harvesting in the "RA" and "RR" zoning districts. "Small-scale" is not specifically defined, but according to County staff means "minor." This is defined in section 16.52.030 as those harvests not requiring State approval. Thus, the County would maintain that State-approved timber harvest plans are currently not listed as permitted uses in these districts and the proposed amendment thus does not represent a change, just a reiteration. These districts are certified as appropriately implementing lands designated "Mountain Residential," "Rural Residential," and "Suburban Residential" in the land use plan. Additionally, "RA" is an implementing district for lands designated "Agriculture."

With the exception of the noted change to the "RA" and "RR" districts, this amendment does not alter provisions regarding tree cutting that is not subject to a State-approved timber harvest plan.⁹

⁹ Under the Coastal Act removal of major vegetation that is not subject to such regulation and is not for agricultural purposes or kelp harvesting needs a coastal permit. County regulations thus provide for the following categories in the coastal zone:

County notice of timber harvesting (*County Code* §16.52.035) or timber harvest permit (§16.52.037) and coastal permit (§13.20.160): tree removal for commercial purposes

Various other discretionary permits (would include a coastal permit or exclusion): tree removal authorized pursuant to those permits, such as tree removal needed to construct an authorized building.

Significant tree removal permit (excluded from coastal permit exclusion per §13.20.074): removal of significant trees not included in the above categories (defined in Section 16.34.030)

Exempt: removal of orchard trees (§16.52.031), removal of tree crops pursuant to an agricultural operation (§16.34.090), removal of trees in an emergency situation caused by hazardous or dangerous condition of the tree (§16.34.080), and non-significant trees (defined in Section 16.34.030)

Although the proposed language prohibiting timber harvesting in most zoning districts references only such harvesting requiring a State-approved timber harvest plan, there are also no entries in the individual zoning districts which mention any other types of tree cutting as permissible uses. The cited *Code* sections in the above list could be interpreted to allow tree cutting in the second, third, and fourth categories in all zoning districts. Any commercial cutting of timber that is not regulated through State-approved timber harvest plans (first category) would still be allowed in the "TP," "PR," and "M-3" districts under this amendment. But with the proposed deletion of "small-scale" timber harvesting from being

(2.) Standard of Review

The standard of review for these amendments is the land use plan. Most relevant are new policy 5.12.14 and policy 5.12.9, as modified above. Among other relevant provisions are Objective 5.12:

Encourage the orderly economic production of forest products on a sustained yield basis under high environmental standards, to protect the scenic and ecological values of forested areas, and to allow orderly timber production consistent with the least possible environmental impacts.

and policy 5.1.3, "Protection of Public Vistas":

Protect significant public vistas ...from all publicly used roads and vista points by minimizing disruption of landform and aesthetic character caused by timber harvests.."

Furthermore, the provisions describing the purposes and uses of each land use designation, as discussed above, govern.

(3.) Analysis

This amendment is written to carry out the directive of the proposed new land use plan policy. The lists of permitted uses in each zoning district comply with this policy as submitted. However, since the new land use plan policy must be modified to delete timber harvesting as a permitted use in the PR zoning district, the proposed amendment is now inconsistent with this provision and must be denied. As well, there is nothing in the purpose section of the "PR" zoning district that suggests that timber harvesting should be a permitted use.

"SU" - Special Use Zoning: With regard to the "SU" district, deletion of timber harvest as a permitted use is consistent with the land use plan. The land use plan does not discuss "SU" districts, they are an expedient found in the zoning ordinance. The way the certified zoning is framed, any parcel can be rezoned to "SU" without being considered a local coastal program amendment. This means that anyone who wanted to log anywhere could ask for a rezoning to "SU" and then have the right to log. This defeats the purpose of policy 5.12.9, as modified. Furthermore, the intent of the land use plan policies and their proposed modifications is for timberland that is found acceptable to be logged to be primarily used for that purpose. The "SU" district allows mixed uses and all uses. Applying it to timberlands implies that mixing timber harvesting with other uses is appropriate and/or logging and then establishing other

allowed in the "RA" and "RR" zoning districts, there would be no explicit allowances for such timber removal in any other zoning districts.

uses is appropriate. These contravene the land use plan policy direction as well. Instead, it is the intent of the land use plan and the proposed amendment that timberlands to be harvested should be zoned "TP," where the priority use is timber harvest. Any appropriate lands now zoned "SU" can be rezoned to "TP."

A concern has been raised about currently "SU" zoned land that has timber resources. A review of the zoning maps reveals that there are approximately 290 acres of mapped timber resource land in the coastal zone that is so zoned "SU" and thus will no longer be able to be logged. Most of these are designated on the land use plan as "Mountain Residential." There is nothing in the "Mountain Residential" designation's description that favors timber harvesting; the designation is to apply to areas suitable for very low density residential uses. Thus, by requiring such properties to undergo rezoning in order to allow timber harvesting in the future, which will be the effect of this amendment their suitability for timber harvesting in the context of all the operative land use plan policies can be evaluated.

"TP" Zoning: A further question is whether the amendment conflicts with any other existing land use plan policies. The amendment does not change the currently certified provision that timber harvesting is an allowed use in the "TP" zoning district. That is the zoning district that gives precedence to timber harvesting (although it allows other compatible uses as well). That is the only zoning district specifically mentioned in the land use plan as being appropriate for timber harvesting.

Rezoning to "TP without LCP Amendment: As noted in the above findings, the implementation plan has been certified to allow rezonings to "TP" without being considered local coastal program amendments subject to Coastal Commission review. This procedure is no longer fully consistent with the land use plan as will be amended with modifications. As noted policy 7.1.3's list of permitted uses in the "Parks, Recreation, and Open Space" designation says nothing to suggest that timber harvesting is an appropriate use. The same goes for policy 5.11.5 regarding the "Resource Conservation" designation. Therefore, the non-reviewable rezoning provision to "TP" for those designations is inconsistent with the land use plan. Furthermore, the non-reviewable rezoning to "TP" in the other four land use plan designations and the two mapped resource areas is inconsistent with policy 5.12.9, as modified. To implement that policy may require some of these lands to stay in their current zoning category rather than be rezoned to "TP."

Section 13.10.3759(c) of the *County Code* contains the criteria for approving a rezoning to "TP." These follow and reference the provisions of state timber law (e.g., meet timber stocking standards). They do not reference any other *1994 General Plan and Local Coastal Program for the County of Santa Cruz* policies. Thus, they carry the implication that any land that meets the technical definitions for timberland should be rezoned to "TP." This reading is inconsistent with policy 5.12.9, as modified.

Rezoning to "M-3:" The implementation plan also has a provision allowing rezoning of "Q Quarry" designated land to the "M-3" zone without being considered as a local

coastal program amendment. As noted, the "M-3" zone allows timber harvesting. There are mapped "Mineral Resource" areas that also have timber resources. The "Q" designation is just a symbol on the land use map; thus its extent, and the extent of the area that can be rezoned to "M-3" is unclear. Since there could be a rezoning to "M-3" (which would allow for timber harvesting) encompassing sensitive forests, there could be a conflict with policy 5.12.9, as modified.

Non-"TP" Zoning: A concern with this amendment involves the current zoning maps. Information included in the County submittal indicates that 21% of timber harvests countywide (both in and out of the coastal zone) took place in the Special Use, Commercial Agriculture, or Agriculture zones; zones where timber harvesting would no longer be permitted. The "SU" district has been discussed above. The agricultural districts currently do not explicitly allow timber harvesting; thus, even without this amendment future harvests in these zones would not occur. In the coastal zone there is some mapped timberland that is mostly designated "Agriculture" on the land use plan and zoned "Commercial Agriculture". This district allows various agricultural and agricultural support uses along with limited residential and other uses. An argument has been raised that timber harvesting is an agricultural use. While some state law supports such a definition, that is not part of the County's definition.

In addition to these officially-mapped timber resource lands a representative of Big Creek Lumber has submitted a map showing over 7,500 acres in the coastal zone of timber land in the Rural Residential, Special Use, Commercial Agriculture, or Agriculture zone districts. These additional acres are not mapped as timber resource lands. They would have to be carefully reviewed to determine if they all hold commercial timber stands. However, given the age of the previous mapping (over 25 years ago) and a sample examination of aerial photographs, the representative's map has some validity. On the other hand, a review of aerial photography has shown that not all of this 7,500 acres is timberland.

Different perspectives can be taken with regard to this information. Some citizens expressed concern with the site-specific effect of this amendment and the fact that the County did not perform such an analysis. An approach to address their concerns would be a parcel-specific review to determine if other uses allowed would be consistent with the land use plan. If no such uses were found, then if the proposed amendment were to go forward it should be accompanied by a site-specific rezoning. For example, there is a parcel designated "Agriculture" and zoned "CA Commercial Agriculture." It contains mapped timber resources. The analysis would determine if not allowing timber harvesting would be in conflict with land use plan provisions and if any of the other permitted uses allowed in the zoning district would be feasible and consistent with land use plan provisions.

However, this type of analysis is not necessary in order for the Commission to approve the remaining aspects of the proposed amendment. As long as logging remains permitted in the "TP" zoning district, then the supportive land use policies can be carried out. This is made clear by the fact that there is the possibility that a rezoning to that

district could always be requested if an owner of a parcel not already so zoned wanted to log. Furthermore, each affected parcel still retains its certified zoning district. This zoning has been found consistent with the land use designation. Each mentioned district contains a variety of permitted uses. There thus would be some use (other than timber harvesting) that could be made of each property that would be consistent with the certified land use plan and hence not result in a "taking." There do appear to be approximately eight parcels that are zoned "CA" or "A" in the coastal zone that are mostly forested according to the map provided by Big Creek Lumber's representative (they are not mapped by the County as timber resource). Since most of the permitted uses involve open lands, these parcels would be most restricted under the amendment. They would be prime candidates for a rezoning to "TP." This would be preferable to modifying the proposed amendment to include timber harvesting as a permitted use on agriculturally-zoned land. Although it can be argued that only such land with timber could be logged, theoretically there could be some incentive to convert productive fields to timber plantations. Also, there could be incentive to log those timbered portions of productive fields that currently provide habitat, buffers, or scenic amenities. Finally, ancillary timber activities could potentially be allowed (e.g., grading for landings or haul roads) that would adversely affect farming operations.

(4.) Remedies

The zoning provisions need to be made consistent with the land use plan provisions. Timber harvesting needs to be deleted as a permitted use in the "PR" zone district at least as far as the coastal zone is concerned, as shown in Suggested Modification B-3. To ensure that timber harvesting does not become permitted in Parks and Resource Conservation designations through future amendments, Section 13.10.170d of the *County Code* must be revised to remove the non-reviewable rezoning, as shown in Suggested Modification B-2. To ensure that other rezonings are consistent with policy 5.12.9, as amended, they need to be subject to Coastal Commission review, pursuant to the Coastal Act, as shown in Suggested Modification B-2 and they need to be considered in light of policy 5.12.9's criteria, as showing in Suggested Modification A-2. The proposed amendment can then be approved because the implementation plan as amended and so modified will be consistent with the land use plan.

The following table shows what the results of the suggested modifications to the land use plan and zoning would be. The first column shows the six land use designations on the land use plan map in the *1994 General Plan and Local Coastal Program for the County of Santa Cruz* that have mapped timber resources. The second column shows all the zoning districts corresponding to each land use designation that have mapped timber resources. For example, all timber resource land in the "Resource Conservation" land use designation in the *General Plan* is zoned "TP," while properties with timber resources in the "Rural Residential" land use designation in the *General Plan* are zoned five different ways. The third column shows all possible zoning districts that the *County Code* allows for the respectively land use plan map designation. The strikeouts represent suggested modifications. The fourth column shows whether timber

harvesting is an allowed use in each of the zoning districts, as proposed in the County submittal. Again, the strike-outs and underlines represent suggested modifications.

Land Use Designations w/ Timber Resources	Existing Zoning with Timber Resources	Acceptable Zoning Districts for Land Use Designations	Is Timbering an allowable use? (Proposed and as modified)
Parks, Recreation, & Open Space	PR Parks, Recreation, & Open Space SU Special Use TP Timber Production	PR Parks, Recreation, & Open Space SU Special Use TP Timber Production PF Public Facilities	<u>Not OK in coastal zone</u> OK Not OK OK Not OK
Mountain Residential	RR Rural Residential TP Timber Production SU Special Use	RR Rural Residential TP Timber Production** SU Special Use RA Rural Agriculture A Agriculture	Not OK OK Not OK Not OK Not OK
Agriculture	CA Commercial Agriculture TP Timber Production	CA Commercial Agriculture TP Timber Production**	Not OK OK
		A Agriculture RA Residential Agriculture SU Special Use	Not OK Not OK Not OK
Resource Conservation	TP Timber Production	TP Timber Production	OK
		PR Parks, Recreation, & Open Space PF Public Facilities A Agriculture CA Commercial Agriculture SU Special Use	<u>Not OK in coastal zone</u> OK Not OK Not OK Not OK Not OK

Land Use Designations w/ Timber Resources	Existing Zoning with Timber Resources	Acceptable Zoning Districts for Land Use Designations	Is Timbering an allowable use? (Proposed and as modified)
Public Facility	SU Special Use *CA Commercial Agriculture	SU Special Use CA Commercial Agriculture	Not OK Not OK
		PF Public Facilities A Agriculture TP Timber Production**	Not OK Not OK OK
Rural Residential	RR Rural Residential RA Residential Agriculture SU Special Use TP Timber Production A Agriculture	RR Rural Residential RA Residential Agriculture SU Special Use TP Timber Production** A Agriculture	Not OK Not OK Not OK OK Not OK

** = Any further rezonings to "TP Timber Production" would have to be on timberland that is not recreational, environmentally sensitive, highly scenic, or susceptible to hazards that can be exacerbated by logging, subject to Coastal Commission review through the local coastal program amendment process.

2. Helicopter Timber Harvesting

a. Description of Amendment

This proposed amendment proposes a new section (13.10.378) of the *County Code* to allow timber harvesting by helicopter only in the "TP" zone district, pursuant to three criteria. The first criteria is that any appurtenant helicopter service and log landing areas must be sited within the Timber Harvest Plan boundaries on properties which are zoned for timber harvesting. This provision appears to just restate that timber harvest is allowed only in areas so zoned. That is because such appurtenant helicopter operational facilities would be included on the Timber Harvest Plan as approved by the State.

The second criteria is that helicopter flights for log transport between the area where the felling is occurring and the landing must occur only over property contained within the approved THP. This appears to mean that if there was a non-contiguous timber harvest area (e.g., a property intersected between where the logs were being felled and where they were being transported to by helicopter), then helicopter transport would not be allowed.

The third criteria is that no helicopter flight may occur within 1000 feet horizontally of an inhabited residence.

The purpose of this amendment is to reduce noise impacts from helicopters on residences near logging operations and to help promote safety.

b. Standard of Review

The following 1994 *General Plan* provisions are most applicable:

3.19.1 - which prohibits the use of helicopters for any use other than emergency law enforcement, emergency medical or commercial agricultural purposes; the County does not define logging operations as an agricultural use; therefore, logging would not fall under the exceptions in this policy

6.9.1 - which deals with the compatibility of land uses with respect to noise.

However, these provisions are not part of the certified local coastal program. Also germane are the various policies to control erosion listed under Objective 6.3 and the various habitat protection policies listed under Objective 5.1.

c. Analysis

The proposed regulation may not adequately carry out the land use plan. There may be occasions where helicopter transport would be the environmentally preferred method of hauling cut logs from the harvest site. This would be particularly true, for example, in a sensitive watershed where the only alternative would involve soil-destructive yarding and hauling methods (e.g., by truck or tractor on a particular site that would require grading for landings or new road construction).

Because neither the Coastal Commission nor any local cities or counties have permitting authority over commercial timber harvesting operations subject to the Forest Practice Act, the proposed amendment's limitation on helicopter operations is clearly beyond the purview of the County to enforce anyway. As defined in the Forest Practices Act, "timber operations" includes "removal...of timber" and "haul routes and schedules" (PRC Sections 4516.5(a) and 4527). Regulation of how timber is removed is thus pre-empted by the Board of Forestry, and local jurisdictions may not regulate this aspect of timber harvesting (PRC Section 4527), nor may the Coastal Commission. Additionally, the FAA would preempt local government vis-a-vis helicopter altitudes over residences.

In conclusion, since the proposed amendment is not only problematic from a resource protection standpoint, but involves regulatory authority that the Commission has no authority to delegate, it must, therefore, be denied.

d. Remedies

The proposed wording needs to be qualified in two ways in order to be legally sound. First, it can not dictate the method of timber removal. Thus, the reference to not allowing

helicopter logging where logging is permitted must be deleted. Second, helicopter flight regulations can not be dictated and such references must be deleted. This can be accomplished in one of two ways, either (1) by simply deleting the proposed new section 13.10.378 and the references to it or (2) by placing qualifying language that is consistent with the County's authority. Under this second option, the provision would be written with flexibility so that recommendations against helicopter logging would not be automatic, but would be based on resource protection considerations. As so modified, according to Suggested Modification C, the proposed amendment is consistent with the land use plan and can be approved.

The Commission notes that it does not have authority outside of the coastal zone. The subject County provisions were written to apply both in and out of the coastal zone. The County could choose to develop regulations on this subject that apply exclusively outside of the coastal zone and put them into effect without Commission review.

3. Riparian Corridor, Residential Buffer, and Landslide Limitations

a. Description of Amendment

This proposed amendment would add a new *County Code* section (13.10.695b, c). This would prohibit logging in the PR and M-3 districts within 300 feet of a residence not zoned "TP" or within active or recent landslide areas. It would also prohibit all timber harvesting within 50 feet of the banks of perennial streams and 30 feet from the banks of intermittent streams.

Also, Section 16.30.050 in the Riparian Corridor chapter would be correspondingly amended to no longer allow activities done pursuant to a valid County timber harvest permit to be exempt from the Riparian Corridor standards. A County timber harvest permit would only apply to those infrequent cases where timber harvest is exempt from State review (e.g., for non-commercial logging). The riparian corridor standards prohibit development in defined riparian corridors, unless an exception is granted. The defined riparian corridor would in some cases be wider than the proposed 50 foot buffer prohibition of Section 13.10.695 (e.g., it covers the entire width of riparian vegetation and a 100 wetland buffer). If there were a logging proposal within the riparian corridor beyond the prohibition area, that fell under the County's jurisdiction to regulate, then it would have to meet the tests of the exception provisions (Section 16.30.060) in order to be approved.

b. Standard of Review

Several 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* policies address riparian corridors.

Objective 5.1 is:

to maintain the biological diversity of the County through an integrated program of open space acquisition and protection, identification and protection of plant habitat and wildlife corridors and habitats, low-intensity and resource compatible land uses in sensitive habitats and mitigations on projects and resource extraction to reduce impacts on plant and animal life.

The Local Coastal Program has provisions requiring protection of riparian areas and wetlands; which are defined as environmentally sensitive habitats (under policies 5.1.2 and 5.1.3). They must be delineated and biotic reports must be prepared. Sensitive habitat provisions include:

- Policy 5.1.3 allows only uses dependent on resources in these habitats unless:
 - ⇒ other uses are consistent with habitat protection policies and beneficial to the public;
 - ⇒ the project approval is legally necessary to allow a reasonable economic use of the land;
 - ⇒ any adverse environmental impact will be completely mitigated; and
 - ⇒ there is no feasible less-damaging alternative.
- Policy 5.1.4 requires complying with the Sensitive Habitat Protection ordinance (Chapter 16.32 of the *County Code*).
- Policy 5.1.6 states in part,

Sensitive habitats shall be protected against any significant disruption of habitat values; and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no alternative exists, deny any project which cannot sufficiently mitigate significant adverse impacts on sensitive habitats...

The following 1994 *General Plan and Local Coastal Program for the County of Santa Cruz* provisions specifically address riparian corridors and wetlands:

- Objective 5.2 is "to preserve, protect and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters."
- Objective 5.7 is "to protect and enhance surface water quality in the County's streams, coastal lagoons and marshes by establishing best management practices on adjacent land uses."

- Policy 5.2.2 specifies adherence to the Riparian Corridor and Wetland Protection ordinance (Chapter 16.30 of the *County Code*), to ensure no net loss of riparian corridors and riparian wetlands.
- Policy 5.2.3 states that “development activities, land alteration and vegetation disturbance within riparian corridors and wetland required buffers shall be prohibited unless an exception is granted per the Riparian Corridor and Wetlands Protection ordinance.”

The County, in such cases, is required to make Riparian Exception findings of:

- ⇒ special circumstances affecting the property,
- ⇒ necessity for proper function of an existing or permitted activity;
- ⇒ not being injurious to downstream or other nearby property;
- ⇒ not reducing nor adversely impacting the riparian corridor;
- ⇒ there being no less environmentally damaging alternative;
- ⇒ and meeting local coastal program objectives (*County Code* Section 16.30.060).

- Policy 5.2.7 states, “Allow compatible uses in and adjacent to riparian corridors that do not impair or degrade the riparian plant and animal systems, or water supply values, such as non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities...”

With regard to **residential buffers**, *1994 General Plan and Local Coastal Program for the County of Santa Cruz* policy 8.5.2 is applicable:

Ensure the compatibility of commercial and industrial uses with adjacent uses...

With regard to **landslides** the following *1994 General Plan and Local Coastal Program for the County of Santa Cruz* provisions are applicable:

- Objective 6.2 - this objective seeks to minimize the hazards and property damage caused by proposed activities in areas of unstable slopes.
- 6.2.6 – this policy requires building sites to be located away from potentially unstable slopes.

The only policy to specifically mention **landslides** addresses only land divisions (6.2.5 – “exclude land with...recent or active landslides from density calculations for land divisions”), but by implication demonstrates the County’s concerns with disruptive activities in such areas.

c. Analysis

The subject criteria for riparian and residential setbacks are locational and objectively verifiable. There is ample basis in the cited land use plan policies for a **riparian**

setback. Although some of the cited policies allow for disruption that can be mitigated, there are overriding specific policies that call for the preservation of the integrity of the riparian habitat. The proposed logging prohibition area matches the definition of "Riparian Corridor" in the current *County Code* section 16.30.040. By prohibiting commercial tree-cutting, the integrity of this defined corridor is preserved. Conversely, allowing commercial tree-cutting clearly impacts the riparian corridor.¹⁰ However, the text can be read to prohibit all tree cutting. The first subsection of the new proposed Section 13.10.695 refers to "timber harvesting requiring approval of a Timber Harvesting Plan by the California Department of Forestry," (i.e., commercial cutting) but the second (b) and third (c) subsections which address riparian setbacks do not also contain this qualifier. Since there is a definition of commercial timber harvest in the County Code, the lack of such a qualifier could imply that this proposed section applies to all tree cutting. This provision thus must be denied as being inconsistent with the land use plan because there may be some instances (e.g., for fire suppression, habitat restoration, disease prevention) that non-commercial harvesting is necessary to preserve the integrity of the riparian corridor.

There is less direct, but still ample basis in the land use plan for the proposed **residential setback** and no policy conflicts would result. Under the Timber Productivity Act, it is permissible for counties to require such setbacks, as affirmed in *Big Creek Lumber Company v. County of San Mateo* (1995). Actually a review of the timber resource and zoning maps indicates that this provision is unlikely to be applicable in the coastal zone at this time as there is no "PR" or "M-3" land with a timber resource designation on it. There is some "PR" zoned land that is outside of Big Basin State Park that may have timber resources on it (according to a map provided by a representative of Big Creek Lumber), but it is almost all adjacent to "TP" land, where the buffer does not apply.

The proposed County prohibition against timber operations on some active or recent **landslides** does not appear to have a basis in the land use plan. There are no land use plan policies that address development on landslides specifically, rather the topic is encompassed in general geologic safety policies. These policies are generally written to be implemented on a project-specific basis after geotechnical evaluation. There is nothing in the land use plan or other zoning provisions to suggest a certain category of development is prohibited on landslide areas. To the contrary there is some logical testimony in the record that some logging of landslide areas may be desirable to relieve the gravitational burden on them. The objectives of the land use plan policies can be met through specific mitigation measures. Furthermore, the policy only applies to landslide areas in non-TP zones where logging is allowed (i.e., "PR" and "M-3") with no rationale given or apparent. As modified above, the prohibition will then only apply to M-3 zones, which are limited to mines, which by their nature involve substantial earth-moving.

¹⁰ The *Code* definition additionally includes a 100 foot buffer around water bodies. A review of the location of coastal wetlands in northern Santa Cruz County reveals no mapped timber resources in close proximity, therefore obviating the need for the proposed prohibition to extend to wetland buffers, as was requested by testimony in the local hearings

Additionally, this proposal is problematic because it does not contain an objective locational criterion. As written, it appears that County staff would have to interpret their geologic hazard maps and a registered geologist's report and make a determination as to whether the proposed timber operation would be located in a prohibited area. This edges into regulation because it could be argued that discretion is involved in such a determination.

In conclusion, this provision is not consistent with the land use plan and is of dubious legal authority of the Commission to regulate and, hence, must be denied.

d. Remedies

(1.) Riparian

The noted deficiency with regard to riparian setbacks can be remedied by clarifying that the timber harvesting restriction applies to commercial harvesting. With such a clarification, there is assurance that the integrity of the riparian corridor is preserved, as the land use plan requires. Any non-commercial harvesting is subject to local regulation, in this case primarily the riparian corridor protection ordinance (Chapter 16.30 of the *County Code*). As noted, the proposed amendment removes an outdated exemption from this chapter, thus ensuring that any timber cutting that is under the County's purview is not exempted from following the provisions of this section. These provisions generally prevent tree cutting within the riparian corridor, but do allow exceptions. Thus, were it necessary to allow some tree cutting, such approval could be granted.

Given the land use plan policy basis to preserve the integrity of the riparian corridor, there is no need to consider whether some commercial logging in the corridor could be done in an environmentally sound manner and/or have environmental benefits. Nevertheless, the Commission is appreciative of testimony that commercial timber harvesting may be environmentally desirable in the proposed riparian prohibition area for habitat improvement reasons; and hence the implication that the proposed restriction is contrary to County habitat protection policies. Specifically, assertions were presented to the Commission supporting cutting riparian forest because:

- of the need to protect plant systems by allowing selective harvesting of diseased Monterey pine;
- of the need to harvest to prevent forest fires;
- of the need to prevent drying up creeks which unchecked forest growth causes;
- if not harvested, trees will fall into streams causing log jams and resultant erosion;
- not harvesting will lead to a significant decrease in diversity and number of plant and animal species which occupy the forest.
- if some trees are not cut, forest will be unhealthy with stunted growth and shade and woody material will be unavailable for fish habitat;

- cable yarding will not be allowed leading to more destructive tractor yarding which generates more sediment.

The literature, common understandings, and what the proposals actually do reveal such arguments are not compelling.

Regarding Monterey pine, they are not typically associated with the immediate riparian corridor. As modified, the exception provisions to allow harvesting diseased and dying trees are available.

Regarding forest fires, harvesting will not prevent them. In fact, "fire suppression during this century in combination with logging and grazing has created forests with much greater density of vegetation than in the past. The dense vegetation also increases the opportunity for intense conflagrations."¹¹ "Wildfires often burn less intensely in riparian areas than in upland areas because of the generally moist conditions near streams. Riparian areas may serve as effective barriers to the spread of low severity fires across the landscape." Of course, riparian areas can burn and result in some adverse conditions, including increased sediment yields and decreased aquatic species diversity. Yet, "fire is another disturbance factor that contributes to the diverse mosaic of riparian vegetation." Thus, even if somehow the burning (or more intense burning) of a riparian corridor could be attributed to the fact that no logging had been allowed in it, the result is not necessarily undesirable. Furthermore, the prohibition only extends a maximum of 50 feet into the riparian corridor, the moistest area, so that opportunities remain for logging in the remainder of the corridor area. And, were fire suppression or clean-up necessary in the proposed buffer zone that involved tree removal, the exception provisions would be available.

Regarding drying up streams, transpiration to nourish the riparian trees is a natural process that has been repeated for centuries before commercial logging appeared on the scene. The cover letter to the paper submitted, "Competition for Limited Dry Season Ground-stored Water Between Forest Use and Streamflow in the Waddell Valley," says that awareness of this effect does not dictate a particular course of action since that depends on the results desired.¹² Indeed the paper notes that fires have the same effect as tree cutting. Furthermore, the paper addresses the entire watershed; it does not calculate the magnitude of decreased streamflow from the riparian forest alone. If it ever were determined that commercially cutting trees in the riparian corridor were necessary so that a stream would not dry up (i.e., if this were the only available method), then a subsequent amendment (including a land use plan change) could be requested. However, for example, to date, Department of Fish and Game recommendations for the restoration of the endangered coho salmon south of San Francisco Bay (i.e., in streams subject to this amendment) focus on other measures to

¹¹ Skinner and Chang, 1996 cited in Kattleman and Embry, "Riparian Areas and Wetlands," *Sierra Nevada Ecosystem Project: Final Report to Congress*. 1996.)

¹² Briggs to Coastal Commission, March 10, 1999.

preserve and enhance streamflow rather than on cutting riparian vegetation (which is recommended for preservation and restoration).

Regarding log jams, the literature actually supports retaining riparian vegetation because some trees will fall into streams. Logs in streams are valuable. "The progressive loss of large pieces of coniferous wood from streams due to continued logging of riparian zones... has led to widespread changes in channel form and to impaired habitat quality."¹³ Current forest practice rules allow these cumulative impacts to increase in severity in part because specified buffer strip widths are too narrow to allow sufficient recruitment of large pieces of wood and because logging is allowed in buffer strips. "Partial harvest and salvage logging within [some areas where riparian buffers have been established] have reduced their ability to contribute large wood to streams."¹⁴ Log jams that are detrimental for some reason can be removed; this proposal would not prevent such stream restoration.

Regarding diversity, harvesting results in a decrease of detrital inputs into streams. "Decrease of detritus will cause decreased populations of these [stream invertebrate] species."¹⁵ Harvesting also results in a loss of logs in streams as discussed above. Reductions of logs in streams are associated with a decrease in large deep pools, which are a characteristic of high quality aquatic ecosystems. Attributes of habitat diversity include the variety and range of hydraulic conditions (i.e., depths and water velocities) and types and frequencies of wood.¹⁶ Furthermore, timber harvesting in the riparian corridor can affect the amount of shading that the stream receives. Shading is necessary to provide for diverse aquatic habitat. Thus, the prohibition on riparian corridor tree removal should result in greater stream habitat diversity, not less.

Regarding the health of the riparian forest, logging is not necessary to maintain it. To the contrary, "maintaining the integrity of the vegetation is particularly important for riparian-dependent organisms including amphibians, arthropods, mammals, birds, and bats."¹⁷ Again, riparian forests have flourished for centuries before commercial logging appeared on the scene.

Regarding cable yarding, the amendment does not prohibit its occurrence. It would prohibit additional tree removal that could be useful in installing cables. However, cables may be installed over streams where there is already a clearing or they may be

¹³ Reid, "Forest Practice Rules and Cumulative Watershed Impacts in California," 1999.

¹⁴ Bryant 1980 and Bisson et. al. 1987 cited in *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment*, Report of the Forest Ecosystem Management Assessment Team (a coalition of federal resource agencies) 1993, p. V-13.

¹⁵ Knight and Bottorff, "The Importance of Riparian Vegetation to Stream Ecosystems," in Warner and Hendrix, editors, *California Riparian Systems*, 1984.

¹⁶ *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment*, Report of the Forest Ecosystem Management Assessment Team 1993, p. V-22.

¹⁷ *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment*, Report of the Forest Ecosystem Management Assessment Team 1993, p. V-25.

installed above tree level. Also, helicopter logging is another alternative that is not precluded by this amendment (see finding above).

In contrast to these arguments for allowing riparian logging, there is other evidence of its detrimental effects. "Accelerated rates of erosion and sediment yield are a consequence of most forest management activities."¹⁸ "Timber harvesting and associated activities can alter the amount and timing of streamflow by changing onsite hydrologic processes."¹⁹ Vegetation diversity can be lost as a result of riparian logging.²⁰ Santa Cruz County has expressed concern over even selective logging of riparian corridors resulting in a young stand and a predominately hardwood stand of remaining trees, as not providing suitable conditions to maintain cojo habitat.²¹ As part of the County hearing process, evidence was submitted of the destructive nature of commercial logging adjacent to French and Gamecock Creeks.

Correspondingly, there is extensive support in the literature for preserving riparian corridors. Some benefits are:

- Maintenance of the aquatic food web through provision of leaves, branches, and insects
- Maintenance of appropriate levels of predation and competition through support of appropriate riparian ecosystems
- Maintenance of water quality through filtering of sediment, chemicals, and nutrients from upslope sources
- Maintenance of an appropriate water temperature regime through provision of shade and regulation of air temperature and humidity
- Maintenance of bank stability through provision of root cohesion on banks and floodplains
- Maintenance of channel form and in-stream habitat through provision of woody debris and restriction of sediment input
- Moderation of downstream flood peaks through temporary upstream storage of water
- Maintenance of downstream channel form and instream habitat through maintenance of an appropriate sediment regime.²²

¹⁸ *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment*, Report of the Forest Ecosystem Management Assessment Team 1993, p. V-16.

¹⁹ Keppeler and Ziemer 1990 and Wright et. al. 1990 cited in *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment*, Report of the Forest Ecosystem Management Assessment Team 1993, p. V-19.

²⁰ *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment*, Report of the Forest Ecosystem Management Assessment Team 1993, p. V-25.

²¹ James to Rutten, NMFS, December 10, 1998.

²² National Marine Fisheries Service, *Essential Fish Habitat*, March 26, 1998, p. 192.

Given this evidence, the proposed zoning amendment, as modified according to Suggested Modification D, can be approved as being consistent with the cited land use plan policies.

(2.) Landslides

The legal deficiency regarding the landslide prohibition could be remedied by including a clear, objective indication of where it applies. Unfortunately, that does not appear possible at this time. The County does have a landslide map prepared in 1975. However, the map can not be referenced for this purpose because in addition to being dated, it is of too large a scale (1:62,500) to be accurate for determining exactly where it applies, identifies some of the suspected landslide sites with non-dimensional symbols (delineations in two dimensions are needed to determine with particularity the areas it applies to), and depicts deposits rather than recent or active landslides.

Thus, at this time, in the absence of having objective locational criteria available and a justifiable policy basis, the landslide prohibition element of the proposed amendment needs to be deleted. If so modified, according to Suggested Modification D, then the amendment can be approved as being consistent with the land use plan.

The Commission notes that it does not have authority outside of the coastal zone. The subject County provisions were written to apply both in and out of the coastal zone. The County could choose to develop regulations on this subject that apply exclusively outside of the coastal zone and put them into effect without Commission review.

Furthermore, the Commission notes that the suggested modification A-1 to the Land Use Plan would provide clearer criteria for the County with regard to determining where additional "TP" zoning can occur. The County can use its rezoning authority to limit "TP" zoning and hence logging in areas it deems inappropriate, which might include some landslide locations.

B. ROADS: CHANGE DESIGN CRITERIA FOR ROADS

1. Description of Amendment.

This proposed amendment makes a minor change in the design standards for private roads and driveways in Section 16.20.180h of the *County Code*. These are defined only as those which serve "habitable structures or parcels". For gradients between 10 and 15% oil and screenings (a relatively unsophisticated paving method) will always be required. The current regulation requires oil and screenings only in high erosion areas. For gradients less than 10% 6 inches of drain rock or base rock is proposed to be required. The current regulation has no such requirement.

2. Standard of Review

The most relevant policy of the *1994 General Plan and Local Coastal Program for the County of Santa Cruz* is:

6.5.1 Access Standards: Require all new structures...to provide an adequate road for fire protection in conformance with the following standards:...

(c) The access road surface shall be "all weather," which means a minimum of six inches of compacted aggregate base rock, Class 2 or equivalent, certified by a licensed engineer to 95 percent compaction and shall be maintained...

Other policies address erosion control and prevention of sedimentation which could adversely affect streams and other sensitive habitats.

3. Analysis

The proposed amendment wording mirrors the land use plan policy wording. Although the stated purpose of the policy is fire protection, it is worthwhile as a means to prevent erosion of the exposed "dirt road" surface and consequent sedimentation. Therefore, this amendment is approved as consistent with the land use plan. It would not apply to roads used exclusively for timber production purposes, as the ordinance only address access routes to "habitable structures or parcels." To the extent that a road might be exempt from County regulation by virtue of being preempted by the Forest Practices Act or some other state or federal statute, then obviously the County could not apply this provision. However, the County could make a recommendation to the appropriate authority to follow this standard.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The County gave this set of amendments a "Negative Declaration" under CEQA, finding no adverse impacts. The Commission concurs in this finding, for the reasons discussed in these findings, and provided the suggested modifications are made. Under CEQA Guidelines Section 15050 the County's decision to prepare a Negative Declaration is binding on the Commission, as a responsible agency. The Commission notes that concerned citizens claimed an environmental impact report was necessary. However, the Commission finds that the information available is sufficient to make the necessary findings. There is nothing in the record to prove that not allowing some timber harvesting, which the amendment does, would have a significant adverse impact on the environment. If there were a case where logging was deemed an environmental benefit, then there are options, including: undertaking an alternative measure, rezoning the property in question to a zone which allows logging, or applying for a permit (if one is needed) under various County provisions to do selective tree removal that does not

fall under the State purview. A last resort would be to seek a further amendment to the local coastal program to allow the specific circumstance. This amendment does not permanently affect the environment as restricting certain logging at this time would not prevent it from occurring in the future through a subsequent amendment. As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified would have on the environment.

**SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MAJOR
AMENDMENT NO. 3-98**

ATTACHMENTS

FULL TEXT OF PROPOSED AMENDMENTS

ZONING PORTIONS WHICH ARE NEW ARE IN BOLD

DELETIONS ARE SHOWN BY STRIKE-OUTS

CORRESPONDENCE FOLLOWS

NOTE: INCLUDED IN THIS PACKET IS CORRESPONDENCE RECEIVED SINCE THE LAST COMMISSION HEARING; FOR EARLIER CORRESPONDENCE PLEASE CONTACT COASTAL COMMISSION STAFF

WNC

Exhibit A

Proposed General Plan Amendments:

~~Revise Table 1-7 (General Plan Resource and Constraints Maps) as shown on the attached pages~~
(minor)

Add Policy 5.12.14, as follows:

5.12.14 Zone Districts Where Timber Harvesting is Allowed

Allow timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, only in the Timber Production (TP), Parks, Recreation and Open Space (PR), and Mineral Extraction Industrial (M-3) zone districts.

ORDINANCE _____

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.312(b) - ALLOWED USES IN THE AGRICULTURAL ZONES, 13.10.322(b) - ALLOWED USES IN THE RESIDENTIAL ZONES, 13.10.332(b) - ALLOWED USES IN THE COMMERCIAL ZONES, 13.10.342(b) - ALLOWED USES IN THE INDUSTRIAL ZONES, 13.10.342(b) - INDUSTRIAL ZONE DISTRICT USES CHART, 13.10.352(b) - PARKS, RECREATION AND OPEN SPACE USES CHART, 13.10.362(b) - ALLOWED USES IN THE PUBLIC AND COMMUNITY FACILITY ZONE, 13.10.372(b) - TIMBER PRODUCTION ZONE USES CHART, 13.10.382 - ALLOWED USES IN THE SPECIAL USE "SU" DISTRICT, 16.20.180 - PRIVATE ROAD STANDARDS AND 16.30.050 - RIPARIAN CORRIDOR EXEMPTIONS, AND ADDING COUNTY CODE SECTION 13.10.378 - TIMBER HARVESTING RELATED HELICOPTER REGULATIONS AND SECTION 13.10.695- LOCATIONAL CRITERIA FOR TIMBER HARVESTING

SECTION I

Subsection (b) of Section 13.10.312 - Uses Allowed in Agricultural Districts of the County Code is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the agricultural districts shall be as provided in the Agricultural Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the agricultural zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123. All Level V or higher Approvals in the "CA" and "AP" zone districts are subject to the special findings required by Section 13.10.314(a) in addition to those required in Section 18.10.230.
2. **Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Agricultural zone districts.**

SECTION II

Subsection (b) of Section 13.10.322 - Residential Uses - of the County Code is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the residential districts shall be as provided in the Residential Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the residential zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.
2. **Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Residential zone districts.**

SECTION III

Subsection (b) of Section 13.10.322 of the County Code is hereby amended to delete the following use from the Residential Uses Chart:

	RA	RR	R-1	RB	RM
Timber harvesting, small scale, subject to the Timber Harvest Ordinance (Chapter 16.52)	P	P	--	--	--

SECTION IV

Subsection (b) of Section 13.10.332 - Commercial Uses - of the County Code regarding commercial uses is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the commercial districts shall be as provided in the Commercial Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the commercial zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.
2. **Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Commercial zone districts.**

SECTION V

Subsection (b) of Section 13.10.342 - Uses in Industrial Districts - of the County Code is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the industrial districts shall be as provided in the following Industrial Uses chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the industrial zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123. For purposes of this Chapter, a Mining Approval is a Use Approval.
2. **Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Industrial zone districts, except in the M-3 zone district pursuant to the Uses Chart.**

SECTION VI

Subsection (b) of Section 13.10.342 - Mine Site Interim Uses - of the County Code is hereby

amended by amending the Industrial Uses Chart to read as follows:

INDUSTRIAL USES CHART

USE	M-1	M-2	M-3
-----	-----	-----	-----

Mine site interim uses, such as:

- | | | | |
|--|--|---|---|
| 1) Agricultural uses subject to the regulations of the "A" District; | Allowed at Approval Levels required by Section 13.10.312 or Chapter 16.52 | | |
| 2) Timber harvesting, subject to the regulations of Chapter 16.52 of the County Code Section 13.10.695. | — | — | P |

SECTION VII

Subsection (b) of Section 13.10.352 - Timber Harvesting- of the Parks, Recreation and Open Space Uses Chart of the County Code is hereby amended to read as follows:

"PR USES CHART"

USE	PR
-----	----

<u>Timber Harvesting,</u> subject to Section 13.10.695.	P
--	---

SECTION VIII

Subsection (b) of Section 13.10.362 - Public and Community Facility Uses of the County Code is hereby amended to read as follows:

(b) Allowed Uses.

- The uses allowed in the Public and Community Facilities district shall be as provided in the Public and Community Facilities Use Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit

processing review, or "Approval Level", required for each use in the zone district is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.

2. **Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Public and Community Facility zone district.**

SECTION IX

Subsection (b) of Section 13.10.372 - of the County Code is hereby amended by amending the "Timber" use of the Timber Production Zone district to read as follows:

"TP" USES CHART

USE	TP
Timber: Growing, harvesting: the cutting and removal of timber and other forest products, and work incidental thereto, including helicopter yarding of timber pursuant to Section 13.10.378, (Subject to a Timber Harvest Permit pursuant to Ch. 16.52) subject to Section 13.10.695 of the County Code.	P

SECTION X

Chapter 13.10 of the County Code is hereby amended by adding Section 13.10.378 to read as follows:

13.10.378 Timber Harvest Related Helicopter Operations

- (a) **Helicopter yarding of timber shall only be permitted for timber harvested from properties zoned TP. Appurtenant helicopter service and log landing areas must be sited within the Timber Harvest Permit (THP) boundaries on property which is either zoned TP or is zoned on another zone district where timber harvesting is an allowed**

use. Helicopter flights for log transport between the area where the felling is occurring and the landing must occur only over property contained within the approved THP.

(b) No helicopter flight may occur within 1,000 feet horizontally of an inhabited residence.

SECTION XI

Subsection (a) of Section 13.10.382 - Uses in the Special Use "SU District of the County Code is hereby amended to read as follows:

(a) Allowed Uses.

1. All uses allowed in the RA and R-1 Zone District shall be allowed in the Special Use "SU" District where consistent with the General Plan and when authorized at the highest Approval Levels specified in the Uses Chart in Section 13.10.322(b) for those districts.

2. All uses allowed in Zone Districts other than RA and R-1 shall be allowed in the Special Use "SU" District where consistent with the General Plan and when authorized at the highest Approval Level required by all such districts but no lower than Level V.

3. Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Special Use "SU" Zone District.

SECTION XII

Chapter 13.10 of the County Code is hereby amended by adding Section 13.10.695 to read as follows:

13.10.695 Locational Criteria for Timber Harvesting

(a) Timber harvesting requiring approval of a Timber Harvesting Plan by the California Department of Forestry is allowed, in addition to the TP zone, ^{only in those zone districts} which specifically list timber harvesting as an allowed use.

(b) Within those zone districts (except the TP zone), timber harvesting shall not occur within the following areas:

1) riparian corridors, defined as:

- i) 50-feet from the bank full flow line of a perennial stream
- ii) 30-feet from the bank full flow line of an intermittent or ephemeral stream

2) a residential buffer, measuring 300-feet from the exterior walls of any residential dwelling located on adjacent properties not zoned TP.

3) in areas identified as active or recent landslides, as determined by a registered Geologist or Engineering Geologist, based on the most current mapping, photo-interpretation, and/or surface observation.

(c) Within the TP zone district, timber harvesting shall not occur within riparian corridors, defined as:

i) 50-feet from the bank full flow line of a perennial stream

ii) 30-feet from the bank full flow line of an intermittent or ephemeral stream

SECTION XIII

Subsection (h) of Section 16.20.180 - Design Standards for Private Roads, Driveways and Bridges - of the County Code is hereby amended to read as follows:

~~(h) In all cases, where road gradients exceed 15 percent, 1-1/2 inches of asphaltic concrete shall be provided. (EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used.) Where road gradients exceed 10 percent and a high erosion hazard has been identified by field review, oil and screen may be required at the discretion of the Planning Director. Road surfacing shall meet the following standards, based on the road gradient: 0 to 10 percent gradient - 6 inches of drain rock or base rock; 10- 15 percent gradient - oil and screenings; greater than 15 percent gradient - 1 1/2 inches asphaltic concrete (EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used).~~

"ROADS"

SECTION XIV

Section 16.30.050 of the County Code is hereby amended to read as follows:

16.30.050 Exemptions. The following activities shall be exempt from the provisions of this chapter.

(a) The continuance of any preexisting nonagricultural use, provided such use has not lapsed for a period of one year or more. This shall include change of uses which do not significantly increase the degree of encroachment into or impact on the riparian corridor as determined by the Planning Director.

(b) The continuance of any preexisting agricultural use, provided such use has been exercised within the last five years.

~~(c) All activities done pursuant to a valid County Timber harvest permit.~~

(d) (c) All activities listed in the California Food and Agricultural Code pursuant to the control and eradication of a pest as defined in Section 5006, Food and Agriculture Code, as required or authorized by the County Agricultural Commissioner.

(e) (d) Drainage, erosion control, or habitat restoration measures required as a condition of County approval of a permitted project. Plans for such measures shall be reviewed and approved by the Planning Director.

(f) (e) The Pajaro River Sediment Removal Project, under Army Corps of Engineers Permit No. 21212S37, issued May 1995, or as amended.

SECTION XV

If any section, subsection, division, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, division, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

SECTION XVI

This Ordinance shall take effect on the 31st day after final passage outside the Coastal Zone, and shall become effective upon certification by the California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 1998, by the following vote:

- AYES: SUPERVISORS
- NOES: SUPERVISORS
- ABSENT: SUPERVISORS
- ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

Correspondence

SC Co-3-98-70

Doug Hanvey



537 Humes Ave.
Aptos, CA 95003-5221
email: doug@surfnetusa.com



(831) 685-1937

April 30, 1999

RECEIVED

MAY 03 1999

State Board of Forestry
1416 Ninth St.
Sacramento, CA 95814

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
725 Front Street
Suite 300
Santa Cruz, CA 95060

Re: Logging Practices in Santa Cruz County

Dear Sir or Madam:

I am a citizen of Santa Cruz County and am writing because I am concerned about logging practices by companies in Santa Cruz County. I understand that the Department of Forestry has said that "harvest exceeds growth on industrial forest lands by 22 percent." I also understand that logging companies in Santa Cruz County have brought aggressive logging practices, including logging on steep slopes and stream banks, with resulting damage to streams and fisheries, degraded water quality, erosion and waste from logging roads, overcutting, invasion of exotic species on disturbed sites, and a lack of concern and thus protection for old growth trees.

I also understand that the Santa Cruz County Board of Supervisors has endeavored to protect forests in Santa Cruz County, but has been opposed by the State Board of Forestry. I believe that in this time of great environmental concern, the State Board certainly has a role as arbiter of *minimal* environmental standards, but should a County desire standards and protection for their forests and general environment above those standards, then they should be given full license to implement regulations and laws to so protect their local environment.

I urge, as a minimal step, approval of Santa Cruz County's entire rule package, including approval of the county zoning ordinances as modified by staff recommendations.

Thank you for your time, consideration and concern.

Sincerely,

Doug Hanvey

STATE OF CALIFORNIA-THE RESOURCES AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P. O. Box 944246
Sacramento, CA 94244-2460
(916) 653-7772

RECEIVED 

JUN 23 1999

June 21, 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Jeff Almquist, Chairperson
Santa Cruz County Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, California 95060

Dear Chairperson Almquist:

We have received several non-concurrences from the Santa Cruz County Planning Department regarding California Department of Forestry and Fire Protection (CDF) not enforcing Santa Cruz County Ordinance No. 4529, which prohibits timber harvesting within 50 feet from each side of a stream. While CDF recognizes the county's authority to designate locations where timber harvesting may occur as an allowable land use, the regulation of timber operations falls under the authority delegated by the state to the Board of Forestry and Fire Protection (BOF).

I realize Santa Cruz County has a concern that CDF has not been adequately protecting streams for coho salmon habitat and water quality. This administration is quite concerned about California's streams and will be proposing a package of new timber harvesting rules at the July meeting of the BOF. These new regulations on logging activities are directed toward impaired waterways and those that support salmon or other aquatic species listed under federal or state endangered species laws. The rules are designed to improve water quality by limiting sediment into the stream system, providing shade canopy, and requiring significant buffers from soil-disturbing timber operations.

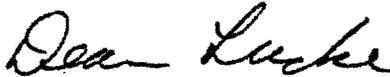
The Board and the Department would welcome the county's input on these rule proposals. Please feel free to contact Mr. Chris Rowney, Executive Officer of the BOF, at (916) 653-8007, for information on the dates and times of BOF hearings on the package.

I would also like to assure you the governor's budget is emphasizing the need for additional personnel in the Forest Practice arena by adding staff to the North Coast Water Quality Control Board, the Department of Fish and Game, the Department of Conservation, and CDF. The total staff increase is 72 positions, with 16 positions allocated to CDF. The additional staffing will allow us to perform more active inspections of timber operations. CDF is also examining ways of doing a better

Mr. Jeff Almquist
June 21, 1999
Page Two

cumulative effects analysis on timber harvesting plans and is working cooperatively with the Department of Fish and Game and Water Quality to ensure water quality is maintained and aquatic species are protected. California streams need to be protected and looked at from a watershed level to determine what the problems are and solve them on a state-wide basis. In a spirit of cooperation, I solicit your county's support to help the administration protect water quality and improve stream habitat through the Board's rule making process.

Sincerely,



For Andrea E. Tuttle
Director

cc: Alvin James, Director of Planning
Steve Wert
Glen Newman
Rodger Thompson
Nancy Drinkard

STATE OF CALIFORNIA--THE RESOURCES AGENCY

GRAY DAVIS, Governor

**DEPARTMENT OF FORESTRY
AND FIRE PROTECTION**

6059 Highway 9 • P.O. Drawer F-2
Felton, CA 95018
(831) 335-6742



June 23, 1999

Matt Baldzikowski, Resource Planner III
Santa Cruz County Planning Department
701 Ocean Street, Room 400
Santa Cruz, CA 95060

Re: Non-concurrence 1-99NTMP-003 SCR

Dear Mr. Baldzikowski,

This is in response to the letter dated May 28, 1999 from the County of Santa Cruz Planning Department expressing a non-concurrence with THP 1-99NTMP-003 SCR because the THP would allow some harvesting within the riparian corridors of class I and class III watercourses and that harvesting would be inconsistent with Santa Cruz County Ordinance No. 4529 that prohibits timber harvesting within 50 feet from each side of the stream.

We believe that the county ordinance has no application to this THP because the ordinance is invalid. The width and manner of protection of watercourse and lake protection zones in timber harvesting operations are subjects addressed in detail in the Forest Practice Rules adopted by the Board of Forestry. See 14 C.C.R. sections 916 -- 916.10. These rules address the conduct of timber harvesting as discussed in *Big Creek Lumber Company v. County of San Mateo* (1995) 31 Cal.App.4th 418 and *Westhaven Community Development Council v. County of Humboldt* (1998) 61 Cal.App.4th 365. The county ordinance seeks to describe its prohibition on timber harvesting along streams as an exercise of its authority to restrict the location of timber harvesting activities under its zoning powers to choose among competing land uses in the county. Although the county has authority to designate locations where timber harvesting may be conducted, we believe that this ordinance has crossed the line into attempting to regulate the conduct of timber operations, an area of regulation limited to the state. See Public Resources Code section 4516.5(d).

The Forest Practice Rules provide a variety of protective measures for the WLPZ. The contain Table I showing "Procedures for Determining Watercourse and Lake Protection Zone Widths and Protective Measures." 14 C.C.R. 916.5. Section 916.4 (b) provides that

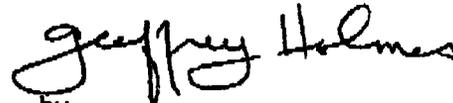
"A combination of the rules, the THP, and mitigation measures shall provide protection for the following:

- (a) Water temperature control.
- (b) Streambed and flow modification by large woody debris.
- (c) Filtration of organic and inorganic material.
- (d) Upslope stability.
- (e) Bank and channel stabilization.
- (f) Vegetation structure diversity for fish and wildlife habitat. . . .

Section 916.4 allows the registered professional forester and the Director of CDF to increase or decrease the width of a proposed WLPZ. Some of the mitigation devices applied are filter strips, equipment limitation zones, equipment exclusion zones, no harvest bands, restricted harvest bands, selective entry bands, and canopy retention requirements. The county ordinance resembles a no harvest band of 50 feet, in some cases duplicating the result of the THP process but in most cases conflicting with the THP process and never allowing adjustment of the width in response to conditions found in an on-site inspection.

Because the ordinance seeks to control timber harvesting through a method already addressed in detail in the Forest Practice Rules, we believe that the ordinance seeks to control the conduct of timber operations in a manner prohibited by Public Resources Code section 4516.5(d).

Steve Wert
Unit Chief



by
Geoffrey Holmes
Forest Practice Inspector
RPF#2561

c: Mark Demming
Region
Unit file

ELEANOR ENGSTRAND
BOX 337
BEN LOMOND, CA 95005

APR 15 1999
RECEIVED

California Coastal Commission
725 Front St, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear members of the Coastal Commission,
May I urge you to approve the
Santa Cruz county zoning ordinances
as modified by staff recommendations.
We need to protect our creeks and
landscapes from practices tolerable
in a more rural age but unacceptable
now.

Sincerely,

Eleanor Engstrand

4/15/99

Dear CCC Staff,

I'm writing to urge that you approve the county zoning ordinances, relating to forestry practices, as modified by staff recommendations.

In short, long live sustainable, responsible forestry!

RECEIVED

Thanks for your consideration APR 16 1999

David Harris

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



RECEIVED

APR 15 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 14, 1999

California Coastal Commission
Central Coast Area Office
725 Front Street #300
Santa Cruz CA 95060

RE: Santa Cruz County Timber Harvest Restrictions

Dear Commissioners:

I encourage you not be misled by the County of Santa Cruz staff. The Timber Harvest ordinances that they have passed (or partially passed), and are asking you to pass are legally and jurisdictionally questionable.

The Forest Practice Act (FPA) and its enabling language in the Public Resources Code (PRC) are very clear as to who has jurisdiction over the content and conduct of Timber Harvest Plans.

The following excerpt from the Forest Practice Act 896 is very clear: *"The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5. In recognition of that certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs.*

This is not to say that the County hasn't certain other authorities that the FPA does not override. PRC 4514 clearly allows the County to create ordinances to declare, prohibit, or abate nuisances. The County has authority to control land use through zoning, however, it is clear from PRC 4516.5 that rules or regulations that deal with content or conduct of Timber Harvest Plans including protection of stream character and water quality, timber stand density control, mass soil movements, location and grade of roads and skid trails is solely within the jurisdiction of the Board of Forestry. The proposal put before you by the County clearly encompasses these elements, and as such is out of the County's and the Coastal Commissions jurisdiction.

**MAIN OFFICE
PLANTATION**

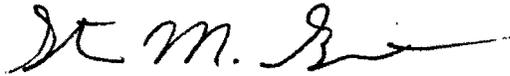
303 POTRERO #42-202 • SANTA CRUZ, CA 95060 • (831) 426-6415 • FAX (831) 426-6485
35500 HAUSER BRIDGE ROAD • CAZADERO, CA 95421 • (707) 847-3761 • FAX (707) 847-3905

These proposed rules and regulations should be presented to the Board of Forestry as described in PRC4516.5. The passage by the County, or the Coastal Commission of these ordinances circumvents existing procedures and laws.

Please do not be misled that the County's zoning and nuisance abatement authority allows them or your commission to pass ordinances in conflict with the Forest Practice Act or the California Public Resources Code.

Those portions of the FPA and PRC cited are attached and highlighted.

Sincerely,

A handwritten signature in black ink, appearing to read "S.M. Butler", with a long horizontal flourish extending to the right.

Steven M. Butler, RPF #2390

enc.

psl

CALIFORNIA FOREST PRACTICE RULES

determined to be significant and located within the site survey area on THP's or EM's larger than 3 acres are recorded in a manner consistent with the recording standards identified in OHP's "Instructions for Recording Historical Resources." Describe how these recording requirements have been or will be addressed:

- No sites found within the site survey area.
- The following sites have been recorded and completed records are attached:
- The following site(s) will be recorded prior to THP approval:
- The following site(s) has been previously recorded, update(s) not prepared (attach copy(ies)):
- The following site(s) has been previously recorded, update(s) prepared (attach copy(ies)):
- The following sites will not be recorded, justification provided below:

PART XII: OTHER APPLICABLE INFORMATION

Provide any additional information concerning the archaeological survey for this project:
Additional Information:

PART XIII: ATTACHMENTS

Indicate which attachments are included with this report. For THP's, and EM's of 3 acres or larger, the rules require the attachment of an Archaeological Coverage Map or Maps [14 CCR Sections 929.1 [949.1, 969.1] (b) (7) and 1052 (b)]. This map (or maps) shall contain a north arrow, a scale, and accurately display the project boundary, the site survey area (showing survey intensity(ies)), and specific location of all archaeological and historical sites identified within the site survey area. The map(s) must be on a 1:1 scale copy of a USGS 7.5' quadrangle(s), or digitally generated topographic equivalent. Additional maps at other scales may be included to more accurately display required information or increase clarity.

- | | |
|---|--|
| <input type="checkbox"/> Archaeological Records Check Request | <input type="checkbox"/> Archaeological Coverage Map (1:1 scale of USGS 7.5' quad) |
| <input type="checkbox"/> Archaeological Records Check Request Map | <input type="checkbox"/> Additional Archaeological Coverage Map(s) |
| <input type="checkbox"/> Information Center Reply | <input type="checkbox"/> Project Vicinity Map (optional) |
| <input type="checkbox"/> Example of Notice to Native Americans | <input type="checkbox"/> Written Reply from Native Americans |
| <input type="checkbox"/> USFS or other Agency Correspondence | <input type="checkbox"/> Site Records for: (specify which sites) |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Photographs (optional) |

Part XIV: SUBMISSION OF APPROVED REPORT TO INFORMATION CENTER

Pursuant to 14 CCR Section 929.1 [949.1, 969.1] (f), the RPF or supervised designee, within 30 days following CDF's approval of a THP or acceptance of an EM of larger than 3 acres, shall send to the appropriate Information Center the following:

- (1) A complete Confidential Archaeological Addendum which includes all changes and additions required in the THP review process, and which identifies the plan number, or for EM's of three acres or larger, a Confidential Archaeological letter, and,
- (2) Two copies each of any completed archaeological or historical site records, for sites determined to be significant or for sites the surveyor elects to record but for which no determination of significance has been made.

Complete this section only after CDF approves the THP or after an EM is submitted to the Director.

THP plan number:

Emergency Notice number:

Date mailed to Information Center:

CDF Archaeology Office 01/01/98

CALIFORNIA FOREST PRACTICE RULES

SUBCHAPTER 2 APPLICATION OF FOREST PRACTICE RULES

Article 1 Introduction

896 General

(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these rules shall be followed by Registered Professional Foresters (RPFs) in preparing Timber Harvesting Plans, and by the Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102 and 51115.1 of the Government Code.

It is the Board's intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5. In recognition of that certification and PRC Section 4582.75, these rules are intended to provide the exclusive criteria for reviewing THPs. If the Director believes that there are significant adverse environmental impacts not covered in existing rules, matters should be referred to the Board as otherwise specified in these rules.

(b) The provisions of this subchapter shall be applied in all forest districts.

897 Implementation of Act Intent

(a) RPFs who prepare plans shall consider the range of feasible silvicultural system, operating methods and procedures provided in these rules in seeking to avoid or substantially lessen significant adverse effects on the environment from timber harvesting. RPFs shall use these rules for guidance as to which are the most appropriate feasible silvicultural systems, operating methods and procedures which will carry out the intent of the Act.

While giving consideration to measures proposed to reduce or avoid significant adverse impacts of THPs on lands zoned TPZ, the RPF and Director shall include the following legal consideration regarding feasibility:

The Timberland Productivity Act restricts use of lands zoned Timberland Production Zone to growing and harvesting timber and compatible uses and establishes a presumption that timber harvesting is expected to and will occur on such lands.

(b) In determining whether a THP conforms to the intent of the Act, the Director shall be guided by the following principles:

(1) The goal of forest management on a specific ownership shall be the production or maintenance of forests which are healthy and naturally diverse, with a mixture of trees and under-story plants, in which trees are grown primarily for the production of high quality timber products and which meet the following objectives:

(A) Achieve a balance between growth and harvest over time consistent with the harvesting methods within the rules of the Board.

(B) Maintain functional wildlife habitat in sufficient condition for continued use by the existing wildlife community within the planning watershed.

(C) Retain or recruit late and diverse seral stage habitat components for wildlife concentrated in the watercourse and lake zones and as appropriate to provide for functional connectivity between habitats.

(D) Maintain growing stock, genetic diversity, and soil productivity.

(2) Individual THPs shall be considered in the context of the larger forest and planning watershed in which they are located, so that biological diversity and watershed integrity are maintained within larger planning units and adverse cumulative impacts, including impacts on the quality and beneficial uses of water are reduced.

(3) While the responsibility for implementation of the Act and rules belongs to the Director and the Department, RPFs who prepare THPs have the responsibility to provide the Director with information about the plan and resource areas and the nature and purpose of the operations proposed

Z'BERG NEJEDLEY FOREST PRACTICE ACT

4582.4. Notice of filing to person requesting in writing. Notice of filing of timber harvesting plans shall be made by the department to any person who requests, in writing, such notification.

4582.5. Applicability of plan to specific property. Timber harvesting plans shall be applicable to a specific piece of property or properties and shall be based upon such characteristics of the property as vegetation type, soil stability, topography, geology, climate, and stream characteristics.

4582.6. Availability of plan for public inspection; transmittal of copy to department of fish and game, boards and agencies; hearing on timber harvesting plan.

(a) Upon receipt of the timber harvesting plan, the department shall place it, or a true copy thereof, in a file available for public inspection in the county in which timber operations are proposed under the plan, and, for the purpose of interdisciplinary review, shall transmit a copy to the Department of Fish and Game, the appropriate California regional water quality control board, county planning agency, and, if the area is within its jurisdiction, the Tahoe Regional Planning Agency, as the case may be. The department shall invite, consider, and respond in writing to comments received from public agencies to which the plan has been transmitted and shall consult with those agencies at their request.

(b) Within the public comment period, any responsible agency, as defined in Section 21069, shall provide the department with specific comments or recommendations, or both, on any significant environmental issues and proposed mitigation measures raised by the timber harvesting plan. The responsible agency shall also identify its statutory authority for any requests for mitigation measures that it may determine to be necessary. If the responsible agency fails to respond by the end of the public comment period, the department may assume that the responsible agency has no comments or recommendations concerning the timber harvesting plan, but the failure of the responsible agency to make comments or recommendations shall not be used as the basis for a determination or presumption that the timber harvesting plan will have no significant effect on the environment. The department shall consider all comments and recommendations received from responsible agencies and from the public during the public comment period. If a responsible agency fails to respond within the public comment period, it may request additional time to respond. The director may grant an extension of the time to respond of up to 14 calendar days if he or she determines, after consultation with the person submitting the timber harvesting plan, that an extension is necessary.

(c) To ensure that all public comments and concerns are considered by the department, each responsible agency shall maintain a list of written information it disseminates on the timber harvesting plan under review prior to the close of the public comment period.

(d) On and after July 1, 1983, the board of supervisors or planning commission of any county for which rules have been adopted pursuant to Section 4516.5 may request a public hearing on any timber harvesting plan submitted for lands within the county, and the department shall hold a hearing for the purpose of public comment, if requested, prior to taking any action on the timber harvesting plan pursuant to Section 4582.7. The hearing shall be held in the county in which the proposed harvest is located at a time and place convenient to the public. The hearing shall be held in county offices if made available by the county for that purpose. The chairperson of the hearing shall be a representative of the department, shall receive both oral and written testimony from members of the public, local government officials, persons submitting the plans, and others, and shall provide for the hearing to be electronically recorded. The department shall prepare and make available written responses to significant issues raised at the hearing. The requirements of this subdivision shall not be construed as extending the time within which any action is required to be taken pursuant to Section 4582.7.

4582.7. Review of plan; public comments; time; hearing; determination by board and director.

(a) The director shall have 15 days from the date that the initial inspection is completed or, if the director determines that the inspection need not be made, 15 days from the date of filing, as specified in Section 4604, or a longer period mutually agreed upon by the director and the person submitting the timber harvesting plan, to review the plan and take public comments. After the initial review and public comment period has ended, the director shall have up to 10 working days, or a longer period mutually agreed upon by the director and the person submitting the plan, to review the public input, to consider recommendations and mitigation measures of other agencies, to respond in writing to the issues raised, and to determine if the plan is in conformance with the rules and

Z'BERG NEJEDLEY FOREST PRACTICE ACT

regulations of the board and with this chapter.

(b) If the director determines that the timber harvesting plan is not in conformance with the rules and regulations of the board or with this chapter, the director shall return the plan, stating his or her reasons in writing, and advising the person submitting the plan of the person's right to a hearing before the board, and timber operations shall not commence.

(c) A person to whom a timber harvesting plan is returned may, within 10 days from the date of receipt of the plan, request of the board a public hearing before the board. The board shall schedule a public hearing to review the plan to determine if the plan is in conformance with the rules and regulations of the board and with this chapter. Timber operations shall await board approval of the plan. Board action shall occur within 30 days from the date of the filing of the appeal, or a longer period mutually agreed upon by the board and the person filing the appeal.

(d) If the timber harvesting plan is not approved on appeal to the board, the plan may be found to be in conformance by the director within 10 days from the date of the board action, provided that the plan is brought into full conformance with the rules and regulations of the board and with this chapter. If the director does not act within 25 days, or a longer period mutually agreed upon by the director and the person submitting the plan, timber operations may commence pursuant to the plan, and all provisions of the plan shall be followed as provided in this chapter.

(e) Upon the request of a responsible agency, the director shall consult with that agency, pursuant to this chapter, but the director, or his or her designee within the department, shall have the final authority to determine whether a timber harvesting plan is in conformance with the rules and regulations of the board and with this chapter.

4582.75. Rules as criteria for reviewing timber harvesting plans. The rules adopted by the board shall be the only criteria employed by the director when reviewing timber harvesting plans, pursuant to Section 4582.7.

4582.8. Transmittal of plans to Board of Equalization. Within 10 days from the date that a timber harvesting plan is determined to be in conformance under Section 4582.7, or within 10 days from the date of receipt of a notice of timber operations, a nonindustrial timber harvest notice, a notice of exemption to convert less than three acres to a nontimber use pursuant to Section 4584, or an emergency notice filed pursuant to Section 4592, the director shall transmit copies thereof to the State Board of Equalization.

4582.9. Appeal of approved plan; conditions of filing; suspension of timber operations; hearing.

(a) Notwithstanding any other provision of this chapter, the Director of Fish and Game or the State Water Resources Control Board may, not later than 10 days after approval of a plan by the director, appeal the approval to the board. At the time of filing of an appeal with the board, the person shall notify the director and the plan submitter of the appeal, and no further timber operations shall occur under the plan until the final determination of the appeal by the board.

(b) The Director of Fish and Game or the State Water Resources Control Board may appeal the approval of a plan by the director only if the Department of Fish and Game or the State Water Resources Control Board or a California regional water quality control board has: (1) Participated in an onsite inspection of the plan with the department; and (2) Participated in a multidisciplinary review of the plan. The board may establish procedures for filing an appeal and may, in order to demonstrate that a substantial issue is raised with respect to the environment or public safety, specify findings which are required to be made in filing an appeal.

(c) The board shall grant a hearing if it determines that the appeal under this section raises substantial issues with respect to the environment or to public safety. The board, by regulation, may delegate this determination to its chairperson.

(d) The board shall hold a public hearing within 30 days after the filing of an appeal, or a longer period mutually agreed upon by the board, the appellant, and the plan submitter. Witnesses may appear either at the request of a party having standing or at a request of a majority of the board or board committee holding the hearing. Within 10 days after the conclusion of the hearing, the board shall approve or deny the plan. The basis for the board's decision shall be all applicable provisions of California law, including, but not limited to, the California Timberland Productivity Act of 1982

which is sufficiently clear and detailed to permit the Director to exercise the discretion and make the determinations required by the Act and rules.

(c) The Director shall use the standards provided in these rules when reviewing plans to determine if they conform to the rules and regulations of the Board and the provisions of the Act. In specific circumstances provided in these rules, the Director shall disapprove plans because they conflict with the intent of the Act as interpreted by the Board.

(d) Due to the variety of individual circumstances of timber harvesting in California and the subsequent inability to adopt site-specific standards and regulations, these rules use judgmental terms in describing the standards that will apply in certain situations. By necessity, the RPF shall exercise professional judgment in applying these judgmental terms and in determining which of a range of feasible (see definition 14 CCR 895.1) silvicultural systems, operating methods and procedures contained in the rules shall be proposed in the plan to substantially lessen significant adverse impacts in the environment from timber harvesting. The Director also shall exercise professional judgment in applying these judgmental terms in determining whether a particular plan complies with the rules adopted by the Board and, accordingly, whether he or she should approve or disapprove a plan. The Director shall use these rules to identify the nature of and the limits to the professional judgment to be exercised by him or her in administering these rules.

(e) Based upon site-specific conditions where, in the judgment of the RPF, the application of rules pertaining to how a timber operation will be conducted will not achieve the intent of the Act and rules, and where the RPF can describe a practice(s) which will meet or exceed the intent of the Act and rules, the RPF may prescribe an alternative practice(s) in lieu of those in the rules. The practice(s) shall:

- (1) Be explained and justified by clear and convincing evidence in the plan;
- (2) Be written so they provide clear instructions and enforceable standards for the timber operator; and (3) Provide a result(s) at least equal to that of the rule(s) to be supplanted;
- (4) Provide that, where appropriate for the alternative practice, the plan submitter is responsible for retaining an RPF to aid in interpreting the THP to the timber operator and timberland owner on a continuing basis to help to assure compliance with the alternative.

(f) No alternative practice(s) as described in this section may be prescribed by an RPF or approved by the Director under this section in lieu of the following rules:

- (1) The rules contained in Subchapter 2 (Application of Forest Practice Rules); Article 2 (Definitions, Ratings, and Standards) and Article 11 (Coastal Commission Special Treatment Areas) of Subchapter 4 (Coast Forest District Rules); Article 2 (Definitions, Ratings, and Standards) of Subchapter 5 (Northern Forest District Rules); Article 2 (Definitions, Ratings, and Standards) and Article 11 (Coastal Commission Special Treatment Areas) of Subchapter 6 (Southern Forest District Rules); and Subchapter 7 (Administration) of Chapter 4, Division 1.5 of the California Administrative Code; or
- (2) Any rule pertaining to the width of the special treatment area adjacent to a wild and scenic river declared pursuant to PRC 5093.50, et seq.; or
- (3) Any rules or parts of rules that incorporate practices or standards specified in the Forest Practice Act.

(g) No alternative practice as described in this section can be used in counties which have had rules adopted under section 4516.5 of the Public Resources Code unless it is specifically adopted for the county.

(h) The Director shall not accept for inclusion in a THP any alternative practice as described in this section where two or more agencies listed in 4582.6 of the PRC and 14 CCR 1037.3 have submitted written comments which lead the Director to the conclusion that the proposed alternative will not meet the intent of the Act and rules, and the agencies participated in the review of the plan, including any on-the-ground inspection.

Article 2 Preparation and Review of Timber Harvesting Plans

898 Feasibility Alternatives

After considering the rules of the Board and any mitigation measures proposed in the plan, the RPF shall indicate whether the operation would have any significant adverse impact on the environment. On TPZ lands, the harvesting per se of trees shall not be presumed to have a significant adverse impact on the environment. If the RPF indicates that significant adverse impacts will occur, the RPF shall

explain in the plan why any alternatives or additional mitigation measures that would significantly reduce the impact are not feasible.

Cumulative impacts shall be assessed based upon the methodology described in Board Technical Rule Addendum Number 2, Forest Practice Cumulative Impacts Assessment Process and shall be guided by standards of practicality and reasonableness. The RPF's and plan submitter's duties under this section shall be limited to closely related past, present and reasonably foreseeable probable future projects within the same ownership and to matters of public record. The Director shall supplement the information provided by the RPF and the plan submitter when necessary to insure that all relevant information is considered.

898.1 Review of Plan by Director

The Director shall review plans to determine if they are in conformance with the provisions of PRC 4582.75 which requires that rules adopted by the Board shall be the only criteria employed by the Director in reviewing plans pursuant to PRC 4582.7.

- (a) In reviewing plans, the Director shall apply all applicable rules promulgated by the Board.
- (b) When in doubt as to the feasible alternative which best carries out the intent of the Act, the Director shall seek the advice of other state agencies charged with protecting the public interest in forest-related resources.
- (c) In reviewing plans, the Director shall disapprove all plans which:
 - (1) Do not incorporate feasible silvicultural systems, operating methods and procedures that will substantially lessen significant adverse impacts on the environment.
 - (2) Would not meet the requirements of individual rules which provide a range of feasible alternatives through which to carry out the intent of the Act.
 - (3) Meet the special conditions for disapproval set by the Board in 14 CCR 898.2.
- (d) If the Director, before the public comment period has ended, finds that a plan cannot be approved without a change in the conduct of timber operations, the Director shall, consistent with the rules and procedures adopted by the Board, communicate with the preparer of the plan, explain any probable causes for disapproval and suggest possible mitigation measures. The preparer of the plan shall then have the opportunity to respond to the Director and provide appropriate mitigation measures prior to the end of the public comment period. Any significant changes (as described in 1036(b), except as covered in 1040, in the conduct of a timber operation made between the close of public comment and the date of the Director's decision will require returning the plan to the review team and reopening the public comment period for ten working days. Public members who participated in the review of the plan will be notified of the significant changes in the conduct of the timber operation and the reopening of the comment period.
- (e) If the Director disapproves a plan, the Director shall, consistent with the rules and procedures adopted by the Board, provide to the preparer of the plan written reasons for disapproval.
- (f) If the Director finds no feasible, less-damaging alternatives that conform with the rules, the Director shall approve such plan unless approval threatens to cause immediate, significant, and long-term harm to the natural resources of the state. In the event of such a threat, the Director shall withhold decision on the plan and shall follow procedures developed by the Board pursuant to PRC 4555.
- (g) If the Director determines that: 1) all feasible mitigation measures or alternatives which are available to substantially reduce or avoid any significant adverse impacts of a THP have been selected; 2) significant adverse impacts remain; 3) the plan otherwise complies with the rules of the Board; and 4) an emergency situation does not exist under PRC Section 4555, the Director shall not approve the plan unless the Director also determines that the benefits of the THP outweigh any significant, unavoidable adverse impacts. If the Director makes such a determination and approves the THP, the Notice of Conformance shall include an explanation of the basis for finding that the conditions 1-3 herein are met and for determining that the THP's benefits outweigh any unavoidable significant adverse impacts. In making such a determination for THPs on lands zoned TPZ the Director shall give consideration to the Legislature's objectives in enacting the Timberland Productivity Act of 1982 ("TPA") and the objectives of the FPA including sustained forest productivity. The TPA-associated benefits to be weighed against any significant avoidable adverse impacts shall include, but not be limited to:
 - (1) Ensuring consistency with the restriction of the use of TPZ lands to growing and harvesting timber and compatible uses;

CALIFORNIA FOREST PRACTICE RULES

CHAPTER 4.5 Hearings [in Rule Counties]

Detailed Analysis Section

1115 Time for Request

The board of supervisors or planning commission of any county for which rules have been adopted pursuant to Sec. 4516.5 of the PRC may request a public hearing on any timber harvesting plan or non-industrial timber management plan submitted for lands within the county. Such request must be made no later than one (1) calendar day after the pre-harvest inspection date. The request may be in writing, by phone, or by facsimile. The request must be for a specific plan that has been filed according to 14 CCR 1032. For good cause, the Director may extend the deadline.

1115.1 Scheduling

Upon receipt of a request pursuant to 14 CCR 1115, the Department shall schedule a public hearing to be held no more than twenty-five (25) and no less than five (5) calendar days from the date of the request.

1115.2 Notification

The Department shall notify the public of the fact that such a public hearing will be held. The notice shall include information on the time and location of the hearing. The notice shall be given at least five (5) days before the date that the public hearing will be held. At a minimum, a copy of the notice shall be mailed to the county requesting the hearing, the Review Team members, and other interested parties as identified pursuant to 14 CCR 1032.7(e), and publishing a copy of the notice in a newspaper of general circulation in the area.

1115.3 Conduct of Hearing

The Department shall conduct a public hearing upon timely request. A Department representative shall conduct the hearing. The Departmental representative should be familiar with the THP or Non-Industrial Timber Management Plan under review. The purpose of the public hearing is to gather information from the public regarding the proposed timber operation. The public hearing is considered to be an integral part of the multidisciplinary review of the THP or NTMP. The comments of the public shall be electronically recorded by the Department, and may be recorded by any person present. No departmental action with regard to the approval or disapproval of a timber harvesting plan or Non-Industrial Timber Management Plan shall occur at the public hearing. The Department representative that conducted the hearing shall submit a written report of the hearing to the Departmental employee responsible for approval or disapproval of the plan. The Department shall provide written responses to significant issues raised at the public hearing in the official response of the director required by 14 CCR 1037.8.

Z'BERG NEJEDLEY FOREST PRACTICE ACT

Division 4, Chapter 8, Public Resources Code
Effective January 1, 1998

Article 1. General Provisions

4511. This chapter shall be known as the Z'berg-Nejedly Forest Practice Act of 1973.

4512. Findings and declarations.

(a) The Legislature hereby finds and declares that the forest resources and timberlands of the state are among the most valuable of the natural resources of the state and that there is great concern throughout the state relating to their utilization, restoration, and protection.

(b) The Legislature further finds and declares that the forest resources and timberlands of the state furnish high-quality timber, recreational opportunities, and aesthetic enjoyment while providing watershed protection and maintaining fisheries and wildlife.

(c) The Legislature thus declares that it is the policy of this state to encourage prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, and recreational opportunities alike in this and future generations.

(d) It is not the intent of the Legislature by the enactment of this chapter to take private property for public use without payment of just compensation in violation of the California and United States Constitutions.

4513. Intent of Legislature. It is the intent of the Legislature to create and maintain an effective and comprehensive system of regulation and use of all timberlands so as to assure that:

(a) Where feasible, the productivity of timberlands is restored, enhanced, and maintained.

(b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment.

4514. Limitations of powers and rights. No provision of this chapter or any ruling, requirement, or policy of the board is a limitation on any of the following:

(a) On the power of any city or county or city and county to declare, prohibit, and abate nuisances.

(b) On the power of the Attorney General, at the request of the board, or upon his own motion, to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance.

(c) On the power of any state agency in the enforcement or administration of any provision of law which it is specifically authorized or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in Part 3 (commencing with Section 3479) of Division 4 of the Civil Code or for any other private relief.

4514.3. Exemption from waste discharge requirements; conditions.

(a) Timber operations conducted pursuant to this chapter are exempt from the waste discharge requirements of Article 4 (commencing with Section 13260) of Chapter 4 of Division 7 of the Water Code; provided, that there is a certification by the federal Environmental Protection Agency that the provisions of this chapter constitute best management practices for silviculture pursuant to Section 208 of the Federal Water Pollution Control Act.

(b) The exemption contained in subdivision (a) shall not apply when any of the following occurs:

(1) The board requests issuance of waste discharge requirements.

(2) There has been a finding by the State Water Resources Control Board that the board has failed to maintain a water quality regulatory process consistent with the certification required under subdivision (a).

(3) After monitoring the water quality impacts from timber operations conducted in compliance with this chapter, there has been a finding by the State Water Resources Control Board that compliance with best management practices would result in less water quality protection than

required in water quality control plans approved pursuant to Section 13245 of the Water Code.

4514.5. Writ of mandate. Any person may commence an action on his own behalf against the board or the department for a writ of mandate pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure to compel the board or the department to carry out any duty imposed upon them under the provisions of this chapter.

4515. Report to Legislature on actions taken. The board shall submit to the Legislature on December 1st of each year a report on the actions taken pursuant to this chapter during the preceding fiscal year. Such report shall include a statement of the actions, including legislative recommendations, which are necessary to more fully carry out the purposes and requirements of this chapter.

4516. Agency rules and regulations. Notwithstanding any provision of this chapter, the California Tahoe Regional Planning Agency shall have the right, within the reasonable exercise of its powers, to adopt rules and regulations by ordinance or resolution which are stricter than those provided under this chapter and regulations adopted pursuant to this chapter. The agency's rules and regulations may include, but are not limited to, matters relating to soil erosion control, protection of stream character and water quality, flood control, stand density control, reforestation methods, mass soil movements, submission of timber harvesting plans, location and grade of roads and skid trails, excavation and fill requirements, slash and debris disposal, haul routes and schedules, hours and dates of logging, and performance bond requirements. Whenever state funds are not expended for the support of the California Tahoe Regional Planning Agency, as provided in Section 67131 of the Government Code, the Tahoe Regional Planning Agency shall have the right to adopt rules and regulations pursuant to this section.

4516.5. County recommendation of rules and regulations; timber operations; board rules and regulations; limitation on enforcement and validity of local ordinances, rules and regulations; applicability of section.

(a) Individual counties may recommend that the board adopt additional rules and regulations for the content of timber harvesting plans and the conduct of timber operations to take account of local needs. For purposes of this section, "timber operations" includes, but is not limited to, soil erosion control, protection of stream character and water quality, water distribution systems, flood control, stand density control, reforestation methods, mass soil movements, location and grade of roads and skid trails, excavation and fill requirements, slash and debris disposal, haul routes and schedules, hours and dates of logging, and performance bond or other reasonable surety requirements for onsite timber operations and for protection of publicly and privately owned roads that are part of the haul route.

Where a bond or other surety has been required, the director shall not issue a work completion report without first ascertaining whether the county in which the timber operations were conducted has knowledge of any claims intended to be made on the bond or surety.

(b) The board shall, in conformance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code and within 180 days after receiving recommended rules and regulations from a county, adopt rules and regulations for the content of timber harvesting plans and the conduct of timber operations consistent with the recommended if the board finds the recommended rules and regulations are both of the following:

(1) Consistent with the intent and purposes of this chapter.

(2) Necessary to protect needs and conditions of the county recommending them.

(c) The rules and regulations, if adopted by the board, shall apply only to the conduct of timber operations within the recommending county and shall be enforced and implemented by the department in the same manner as other rules and regulations adopted by the board.

(d) Except as provided in subdivision (c), individual counties shall not otherwise regulate the conduct of timber operations, as defined by this chapter, or require the issuance of any permit or license for those operations.

(e) The board may delegate to individual counties its authority to require performance bonds or other surety for the protection of roads, in which case, the procedures and forms shall be the same as those used in similar circumstances in the county. The board may establish reasonable limits on

the amount of performance bonds or other surety which may be required for any timber operation and criteria for the requirement, payment, and release of those bonds or other surety. If the county fails to inform the director of the claims within 30 days after the completion report has been filed, the bond or surety shall be released.

(f) This section does not apply to timber operations on any land area of less than three acres and which is not zoned timberland production.

4516.6. Delay between approval and commencement of timber operations; waiver; appeal of approval.

(a) To provide for adequate public review and comment, notwithstanding Section 4582.7, the director shall not approve a timber harvesting plan in any county for which rules and regulations have been adopted pursuant to Section 4516.5 or 4516.8 until 35 days from the date of filing of the plan, and timber operations shall not commence until five days from the date of approval of the plan. The board may provide, by regulation, for those periods to be waived or shortened by the department upon a determination, pursuant to criteria and procedures established by the board, that the proposed timber operations will cause no significant environmental damage or threat to public health and safety or to the environment, or that the timber operations are necessary to reduce such a threat. If the chairperson of the board of supervisors of the county in which the proposed timber operations are located notifies the director and the plan submitter that the county intends to appeal the approval of the plan and that the county meets the requirements for filing an appeal, no timber operations shall occur until the final determination of the appeal. If the board of supervisors determines not to appeal the approval of the plan, it shall immediately notify the director and the plan submitter in writing of that determination, and timber operations pursuant to the plan may commence immediately.

(b) (1) The board of supervisors of the county for which rules and regulations have been adopted pursuant to Section 4516.5 or 4516.8 may, not later than 10 days after approval of the plan by the director, appeal that approval to the board, if the county has both participated in the initial inspection of the plan area with the director and participated in a multidisciplinary review of the plan.

(2) The board may establish procedures for filing the appeal and may specify findings which the board of supervisors is required to make in filing the appeal to demonstrate that a substantial issue is raised with respect to public health and safety or the environment.

(c) The board shall grant to a county that meets the requirements for filing an appeal an initial hearing to consider the county's request for an appeal at the next regularly scheduled board meeting following the receipt of the request.

(d) The board shall grant a public hearing on the appeal if it determines at an initial hearing pursuant to subdivision (c) that the appeal raises substantial issues with respect to public health and safety or the environment.

(e) (1) The board shall hold a public hearing on the appeal granted pursuant to subdivision (d) within 30 days from the date of granting the hearing or at the next regularly scheduled board meeting, whichever occurs first, or within a longer period of time that is mutually agreed upon by the board, the county, and the plan submitter. Upon conclusion of the hearing, the board shall approve or deny the plan. The basis of the board's decision shall be conformance with this section and the rules and regulations of the board, including any rules or regulations enacted with respect to the county pursuant to Section 4516.5 or 4516.8, and this chapter. In denying a plan, the board may make findings that set forth conditions under which it believes that the plan would have been approved.

(2) The board may delegate conduct of the hearing and the decision to a committee of three members to be appointed for that hearing by the chairperson of the board. The committee shall consist of at least two general public members of the board. The chairperson of the board or the chairperson's designee shall conduct the hearing. The decision of the committee shall have the full force and effect of a decision of the full board.

(f) This section does not apply to timber operations on any land area of less than three acres and which is not zoned for timberland production.

4516.8. Recommendations by counties for adoption of additional rules and regulations. In addition to the authority provided in Section 4516.5, the Counties of Marin, Monterey, San Mateo, Santa Clara, and Santa Cruz may recommend that the board adopt additional rules and

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JUN 01 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

May 27, 1999

Diane Landry
Staff Counsel
California Coastal Commission
1725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Santa Cruz County's Proposed Riparian Corridor Protection
Regulations

Dear Ms. Landry:

This letter is written on behalf of the County of Santa Cruz ("County") regarding its submission to the California Coastal Commission ("Commission") on December 31, 1998 of proposed amendments to the County's General Plan/Local Coastal Program Land Use Plan and implementing zoning ordinance amendments. While the proposed amendments address a number of concerns to the County, this letter addresses exclusively proposed section 13.10.695 of the County code, which would prohibit timber harvesting within 50 feet of the bank full flow line of a perennial stream and within 30 feet of the bank full flow line of an intermittent or ephemeral stream. We understand that you have requested that the County provide the Commission with the legal justification for its regulation of timber harvesting in riparian corridors.

The timber industry has repeatedly characterized the proposed riparian corridor ordinance as preempted by state law. While precluding local governments from regulating the conduct of timber operations, state forestry laws contemplate a central role for local government in determining where timber harvesting is appropriate. By adopting the riparian corridor ordinance, the County would be exercising its undisputable authority to adopt local zoning regulations which it determines are critical to protecting the County's wildlife habitat and water quality.

I. The County's Proposed Riparian Corridor Ordinance Is A Valid Exercise of Its Police Power Under The State Constitution.

The California Constitution expressly provides that "[a] county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." Cal. Const., art. 11, § 7. The County's regulatory power "is just as broad, sweeping and inclusive" as the Legislature's, so long as it is not in direct conflict with state law. People ex. rel. Deukmejian v. County of Mendocino, 36 Cal.3d 476, 484 (1984) [204 Cal.Rptr. 897] (quoting Stansislaus Co. Etc. Ass'n. v. County of Stansislaus, 8 Cal.2d 378, 383-84 (1937)); see also Kucera v. Lizza, 59 Cal.App.4th 1141, 1148 (1997) [69 Cal.Rptr.2d 582] (local government's authority to regulate for the public welfare "is broad and inclusive").

Among the most important areas of local health and safety regulation is the field of water quality. See Mendocino, 36 Cal.3d at 486-87; People v. City of Los Angeles, 160 Cal.App.2d 494, 507 (1958) (local governments not preempted by state water quality laws from adopting additional regulations); Baldwin v. County of Tehama, 31 Cal.App.4th 166, 173 (1994) [36 Cal.Rptr.2d 886] (local groundwater regulation not preempted by state law). It is well-established that timber harvesting in riparian corridors may have adverse impacts on water quality, including increased sedimentation levels and turbidity, increased temperature, and decreased value for fisheries habitat. The proposed riparian corridor ordinance will serve the important governmental goal of protecting the water quality of County streams from these adverse impacts of timber harvesting. The ordinance, therefore, is valid unless directly preempted by the two state statutes that primarily address timber harvesting, the Z'berg-Nejedly Forest Practice Act of 1973, Public Resources Code section 4511 *et seq.*, ("FPA") and the California Timberland Productivity Act of 1982, Government Code section 51100 *et seq.*, ("TPA").

II. The Proposed Riparian Corridor Ordinance Is Not Preempted by State Law.

A. There Is A Strong Presumption that Local Health, Safety, and Environmental Regulations Do Not Conflict With State Law.

The traditional power of a county to adopt zoning ordinances that protect public health and safety and local natural resources is not preempted unless it is in conflict with state law. Such a conflict only arises where the local ordinance "duplicates, contradicts, or enters an area fully occupied by general law, either expressly or by

legislative implication." Mendocino, 36 Cal.3d at 484, (quoting Lancaster v. Municipal Court, 6 Cal.3d 805, 806-08 (1972)) (citations omitted); accord IT Corp. v. Solano County Board of Supervisors, 1 Cal.4th 81, 90 (1991) [2 Cal.Rptr.2d 513].

In determining whether such a conflict exists, courts give great deference to local control: "[I]n view of the long tradition of local regulation and the legislatively imposed duty to preserve and protect the public health, preemption may not be lightly found." Mendocino, 36 Cal.3d at 484. Moreover, because local regulatory concerns may vary from location to location, courts are particularly reluctant to find preemption "when there is a significant local interest to be served that may differ from one locality to another." Fisher v. City of Berkeley, 37 Cal.3d 644, 708 (1984) [209 Cal.Rptr. 682], aff'd, 475 U.S. 260 (1986); Palos Verdes Shores Mobile Estates, Ltd. v. City of Los Angeles, 142 Cal.App.3d 362, 374 (1983) [190 Cal.Rptr. 866]; Suter v. City of Lafayette, 57 Cal.App.4th 1109, 1119 (1997) [67 Cal.Rptr.2d 420].

B. The Forest Practice Act Does Not Expressly Preempt the County's Proposed Riparian Ordinance.

Public Resource Code section 4516.5, subdivision (d) expressly preempts local regulation concerning "the conduct of timber operations." Timber operations are defined in Public Resources Code section 4527 as "the cutting or removal or both of timber or other solid wood forest products . . . from timberlands for commercial purposes, together with all the work incidental thereto . . ." ¹ In Big Creek Lumber Co. v. County of San Mateo, 31 Cal.App.4th 418, 424-26 (1995) [37 Cal.Rptr.2d 159], the court noted

¹ Because Public Resources Code section 4516.5, subdivision (d), prohibits counties from regulating "timber operations, as defined by this chapter," it is the definition of "timber operations" set forth in section 4527, rather than the definition set forth in section 4516.5(a), that must be used in interpreting section 4516.5, subdivision (d). See Westhaven Community Development Council v. County of Humboldt, 61 Cal.App.4th 365, 368 n.4 (1998) [71 Cal.Rptr.2d 536]. In making this distinction, the Legislature clearly intended to preempt local authority only pertaining to the conduct of logging operations, and declined to intrude upon local government's long-standing authority to regulate in areas such as "soil erosion control," "protection of stream character and water quality," and "flood control," all of which are included in the definition of "timber operations" set forth in section 4516.5, subdivision (a).

that the ordinary meaning of "conduct" is "the act, manner, or process of carrying out" a task and concluded that the express preemption set forth in section 4516.5, subdivision (d), was limited to the narrow issue of "how timber operations may be conducted," and that counties are entitled to adopt local zoning regulations addressing "where [timber operations] may take place." *Id.* at 424-26 (emphasis in original). The court therefore held that a county ordinance which prohibited timber harvesting in designated areas within 1,000 feet of a residential dwelling was not expressly preempted by section 4516.5, subdivision (d). *Id.* at 424-27.

Like the ordinance at issue in Big Creek, the County's proposed riparian corridor ordinance addresses only *where* timber harvesting may take place. The ordinance does not in any manner purport to regulate the conduct of logging operations outside the riparian corridors. Thus, the riparian corridor ordinance is not expressly preempted under the FPA.

C. The Timberland Productivity Act Does Not Expressly Preempt the Proposed Riparian Ordinance.

1. The Timberland Productivity Act.

The residential buffer ordinance which the court upheld in Big Creek applied only outside timber production zones ("TPZs") designated pursuant to the TPA. 31 Cal.App.4th at 422. To date, no case has addressed a local government's authority to restrict where timber harvesting may occur within TPZs. The language of the TPA, however, supports the County's authority to adopt zoning regulations for protection of water quality and fish and wildlife habitat within lands zoned Timber Production ("TP").

In adopting the TPA, the California legislature was overhauling a tax system that was seen as encouraging premature logging of forests and the conversion of forestland to urban uses. See Clinton v. County of Santa Cruz, 119 Cal.App.3d 927, 931-32 (1981) [174 Cal.Rptr. 296]. In 1974, the voters approved a state ballot proposition which permitted the Legislature to develop a new system of forest taxation which "shall provide for exemption of unharvested immature trees, shall encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions." *Id.* (quoting Cal. Const., Art. XIII, § 3, subd. (j)).

Pursuant to the Forest Taxation Reform Act of 1976 and the TPA, a new system of taxation was developed to protect the state's private forestlands from pressure to log prematurely; local governments identify lands which are suitable for timber harvesting and compatible uses and designate them TPZ. Gov't Code § 51110(b). The TPZ designation restricts land to identified uses for a 10-year period. *Id.*; Gov't Code § 51115. In exchange, the landowner is taxed based on the restricted value of the land. Gov't Code § 51110(b).

2. The Timberland Productivity Act Authorizes the County to Zone TPZ Land to Protect Water Quality and Fish and Wildlife Habitat.

The TPA thus reserves to local governments the authority to 1) determine which lands are suitable for inclusion in the TPZ, and 2) zone land designated TPZ for timber harvesting or "compatible uses." Gov't Code § 51115. The local governments are also reserved the right to bring an action to enforce zoning restrictions, with respect to TPZ land, by specific performance or injunction. Gov't Code § 51116. As in the FRA, however, the state retained the exclusive power to regulate how timber harvesting may be conducted *where it is permitted by local zoning*:

Parcels zoned as timberland production shall be zoned so as to restrict their use to growing and harvesting timber and to compatible uses. The growing and harvesting of timber on those parcels shall be regulated solely pursuant to state statutes and regulations.

Gov't Code § 51115.

The Government Code defines "[c]ompatible use" as

any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use: (1) Management for watershed. (2) Management for fish and wildlife habitat

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Gov't Code § 51104(h). The authority of local governments to zone TPZ lands for "compatible uses" is referenced throughout the TPA and in the California constitution. See, e.g., Cal. Const., Art. XIII, § 3, subd. (j); Gov't Code §§ 51102(a)(1); 51104(h); 51110(b); 51111; 51112(a).

Government Code section 51104(h) thus reserves to local governments the right to adopt zoning ordinances applicable to TPZ lands that further watershed and fish and wildlife management goals. The inclusion of wildlife habitat and water quality management as "compatible uses" reflects the Legislature's goals of ensuring that state forestlands are managed not merely for the production of lumber, but for broader environmental and watershed purposes as well:

The Legislature [] declares that it is the policy of this state to encourage prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, and recreational opportunities alike in this and future generations.

Pub. Res. Code § 4512(c).

Because riparian corridor protection zones are well-established resource management tools for the protection of water quality and the preservation of high-quality fish and wildlife habitat, the establishment of a 30 to 50 foot no-cut zone along streams clearly falls within the definition of a "compatible use" under Government Code section 51104(h). Thus, the proposed ordinance is not preempted by the TPA unless, in a specific instance, its enforcement would significantly inhibit the growing and harvesting of timber on a given parcel.

The Legislature's reservation of local governments' authority to zone TPZ land for water quality and fish and wildlife management uses, to the extent that such uses do not significantly inhibit timber harvesting, is analogous to the regulatory scheme at issue in IT Corp. v. Solano County Board of Supervisors. In IT Corp., the California Supreme Court held that the county was not preempted by the Hazardous Waste Control Act ("HWCA") from requiring plaintiff, IT, to submit an extensive clean-up plan for its hazardous waste disposal facility. The HWCA permitted local regulation of existing hazardous waste facilities so long as such regulations did not "prohibit or unreasonably

regulate the disposal, treatment, or recovery of resources from hazardous waste.” 1 Cal.4th at 97 (emphasis omitted). The Court found that the regulations were reasonable. Id. at 98-101. Like the HWCA, the TPA explicitly recognizes local authority to regulate within limits. Here, as in IT Corp., the County’s proposed regulation is well within permitted limits given that there is no evidence that the proposed riparian corridor ordinance will significantly inhibit timber harvesting on any, much less all, the affected parcels. To the contrary, because the proposed ordinance precludes harvesting only in narrow corridors along specified streams, the effect on overall harvesting levels will be minimal.

D. There Is No Implied Preemption of the Proposed Riparian Ordinance.

Even where there is no express preemption of local regulation, preemption may be implied in certain limited circumstances. Implied preemption of local ordinances will only be found where:

- (1) the subject matter has been so fully and completely covered by general law as to clearly indicate that it has become exclusively a matter of state concern;
- (2) the subject matter has been partially covered by general law couched in such terms as to indicate clearly that a paramount state concern will not tolerate further or additional local action; or
- (3) the subject matter has been partially covered by general law, and the subject is of such a nature that the adverse effect of a local ordinance on the transient citizens of the state outweighs the possible benefit to the municipality.

In re Hubbard., 62 Cal.2d 119, 128 (1964) [41 Cal.Rptr. 393]; see also Big Creek, 31 Cal.App.4th at 426.

In applying the Hubbard test in cases involving state environmental statutory schemes, the California Supreme Court has made clear that implied preemption will not be found if the relevant statute expressly permits local regulation:

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Preemption by implication of legislative intent may not be found when the Legislature has expressed its intent to permit local regulations. Similarly, it should not be found when the statutory scheme recognizes local regulations.

Mendocino, 36 Cal.3d at 485; IT Corp., 1 Cal.4th at 94; Casmalia Resources, Ltd. v. County of Santa Barbara, 195 Cal.App.3d 827, 837 (1987) [240 Cal.Rptr. 903]. In Big Creek, the court found that the state timber harvesting laws "not only tolerate[] but invite[] further local action as to zoning" and expressly allow local governments to determine where timber harvesting is appropriate. Big Creek, 31 Cal.App.4th at 426. The court concluded that a "zoning law allocating competing land uses among the various parts of a county [] neither conflicts with nor duplicates general state regulations governing how one such activity is to be conducted where allowed." Id. at 427.

The fact that the Department of Forestry has adopted regulations which provide some protection for lakes and watercourses (Cal. Code Regs., tit. 14, section 916 *et seq.*) in the course of timber harvesting does not limit the applicability of the Big Creek analysis. The Forestry regulations merely provide a procedure for establishing minimum watercourse and lake protection zones ("WLPZs") and adopting mitigation measures as part of the Department's approval of timber harvesting plans. The regulations restrict, but generally do not entirely prohibit, activities such as road building, timber harvesting, and the use of heavy equipment within WLPZs and near streams, lakes, marshes, and other wetlands, depending on the nature of the waterway and the side slope of the affected waterway. See generally, §§916.3-916.8. The regulations do not, however, address issues specific to Santa Cruz County, such as the County's obligation to ensure the protection of the endangered coho salmon and to protect the local drinking water supply. See attached letters.

The Department of Forestry's establishment of such minimum standards to protect watercourses and other wetlands does not indicate an attempt to deprive local government of its traditional zoning power. In IT Corp., for example, IT argued that because the state had adopted a "complex scheme for overseeing the 'closure' of hazardous waste disposal sites--a scheme designed to minimize health, safety, and environmental risks," that the county was precluded from ordering a more extensive clean-up. 1 Cal.4th at 90. The Court disagreed:

Though extensive and detailed, the HWCA purports only to be a "minimum standards" program and implies no general purpose to strip local entities of

their traditional power to impose and specifically enforce land use regulations.

....

The Regulations set minimum standards for closure plan methodology, but they do not prohibit the operator from submitting a more stringent closure plan A fortiori, they do not eliminate the possibility that enforcement of a local land use regulation might force the operator to submit, for state regulatory approval, a "partial closure" plan which exceeds minimum state standards.

1 Cal.4th at 95-96; see also City of Dublin v. County of Alameda, 14 Cal.App.4th 273, 276 (1993) [17 Cal.Rptr.2d 845] ("Even if a legislative scheme is detailed and extensive, if it purports only to set minimum standards and implies no general purpose to deprive local entities of their traditional powers, preemption by implication will also not be found.")

Moreover, although the state has adopted regulations governing the operation of timber harvesting near certain watercourses, there is nothing in the state regulatory scheme indicating an attempt to preempt local governments from regulating *where* timber harvesting may occur by adopting a zoning ordinance that restricts logging along riparian corridors. As the court held in Big Creek:

Logging, even when conducted according to state regulations, may have *some* impacts properly addressed by the zoning authority. That the state has sought to reduce and control these same occurrences through general regulation does not preempt local zoning control, any more than the state and federal regulation of industrial air pollution would preclude a local zoning authority from relying on air pollution as a reason for excluding industrial plants from residential districts.

31 Cal.App.4th at 427-28. Likewise, here, the existence of state regulations establishing certain protections for streams during the conduct of timber operations does not preclude the County from adopting a zoning ordinance that preserves riparian corridors intact and implements the County's authority to zone TPZ land for water and fish and wildlife management.

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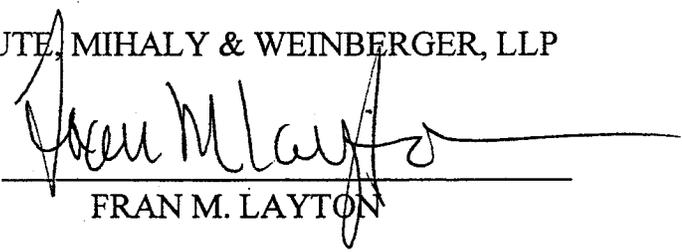
CONCLUSION

In sum, nothing in the state forestry laws or regulations precludes the County from adopting the proposed riparian corridor ordinance. Under Big Creek, the County is permitted to adopt zoning ordinances outside the TP zone that specify *where* timber harvesting is appropriate. Moreover, state statutes expressly authorize the County to zone property designated TPZ for watershed and fish and wildlife habitat management. In light of the Legislature's reservation of local authority over such zoning matters, proposed section 13.10.695 is entirely valid.

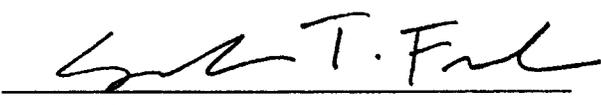
Thank you for your consideration of this matter. Please contact Fran Layton or Dwight Herr, County Counsel, if you have any further questions concerning the preemption issue.

Very truly yours,

SHUTE, MIHALY & WEINBERGER, LLP

By: 

FRAN M. LAYTON

By: 

SUSANNAH T. FRENCH

Attorneys for County of Santa Cruz

cc: Dwight Herr, County Counsel

Attachments:

1. Letter from Alvin D. James, Planning Director, County of Santa Cruz, to Patrick Rutten, National Marine Fisheries Service, regarding 2090 Agreement with CDF for Coho (December 10, 1998).

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May 27, 1999
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2. Letter from Dexter Ahlgren, President of the Board of Directors, San Lorenzo Valley Water District, to Santa Cruz County Board of Supervisors, regarding Proposed Santa Cruz County Amendments to the California Forest Practice Rules (May 18, 1998).
3. Letter from Christopher Berry, Watershed Program Coordinator, City of Santa Cruz Water Department, to Donna Bradford, County of Santa Cruz Planning Department, regarding Proposed Santa Cruz County Amendments to the California Forest Practice Rules (April 30, 1998).

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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**W11c****MEMORANDUM****July 2, 1999**

TO: Coastal Commissioners
FROM: Charles Lester, District Manager *RL/CL*
RE: SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MAJOR
AMENDMENT NO. 3-98 Timber Harvest

Your first hearing on this matter occurred on March 11, 1999. Because much time has elapsed since that hearing and because new commissioners have been appointed, staff is mailing to you the previous correspondence received on this subject. Included is correspondence that was an attachment to the staff report dated February 25, 1999. Also, included is correspondence that was received for the March 11, 1999 hearing. Most, if not all, of this subsequent correspondence was distributed at the hearing to Commissioners.

We are mailing this correspondence only to you. If your alternate will be attending in your place, can you please forward this package to him or her? Thanks.

**SANTA CRUZ COUNTY: LOCAL
COASTAL PROGRAM MAJOR
AMENDMENT NO. 3-98**

TIMBER HARVEST

**CORRESPONDENCE INCLUDED
WITH STAFF REPORT DATED
FEBRUARY 25, 1999**

Law Offices of
DENNIS J. KEHOE
Law Corporation

311 Bonita Drive
Aptos, California 95003
(831) 662-8444 FAX (831) 662-0227

RECEIVED

February 5, 1999

FEB 05 1999

(HAND DELIVERED)

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA COASTAL COMMISSION
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Application of Santa Cruz, County, No. 3-98, Proposed Major Amendment to the Santa Cruz County LCP and Implementing Ordinances.

Dear Coastal Commissioners:

The undersigned represents Big Creek Lumber Company (Big Creek) and Homer (Bud) T. McCrary, the vice president of Big Creek. Big Creek and the McCrary family are long-time timberland owners and the operators of a mill in Santa Cruz County. Big Creek employs many County residents and provides financial benefits to land owners with timber resources, to local employees, and the County of Santa Cruz through the payment of timber yield taxes and property taxes. Most of the timber harvested by Big Creek in Santa Cruz County is processed locally in Big Creek's mill, with much of the lumber being used for various purposes throughout the County. Big Creek, locally owned, has been in business for more than half a century in Santa Cruz County. Furthermore, Big Creek owns more than 2,000 acres of timber resource lands in Santa Cruz County. Much of this acreage is located within the Coastal Zone in Santa Cruz County. Big Creek and Mr. McCrary have a great interest in the vitality of and access to the timber resources in Santa Cruz County.

As a matter of background, Mr. McCrary has served on a number of public commissions and committees including the Planning Commission and Timber Technical Advisory Committee for this County and the California District Timber Advisory Committee. He has also received a number of public awards including Farmer of the Year, San Mateo County, 1998; the Wildlife Conservation Award, by the Resource Agency California Department of Fish and Game, 1995; and the Forester of the Year Award by the Department of Forestry, 1991.

Historically, Santa Cruz County has allowed commercial timber harvesting in zones such as A, RR, RA, and SU. Currently there are thousand of acres of non-TPZ timberland lands available for and capable of growing trees for timbering for commercial usage located in the Coastal Zone. Many land owners in Santa Cruz County including my clients acquired their properties in such areas with the reasonable investment backed expectation of being able to harvest their timber resources. Also, Big Creek has entered into and would, otherwise, enter contracts for timber with such land owners. Application 3-98 prohibits any timbering of such

non-TPZ timberlands.

I.

**THE CALIFORNIA COASTAL ACT REQUIRES THE PROTECTION AND
THE ENHANCEMENT OF TIMBER RESOURCES INCLUDING
HARVESTING AS A COASTAL ORIENTED, PRIORITY LAND USE.**

Timber harvesting is an integral part of the economy and history of Santa Cruz County for more than a century. Second, timber harvesting will continue in response to the need for forest products by the growing population in California.

Third, timber resources including harvesting is a primary natural resource of this State which must be promoted and encouraged in accordance with State laws.

"Inasmuch as the planned production of trees is distinguishable from the production of other products of the **soil only** in relation to the time elapsing before maturity, the production of trees shall be considered a branch of the agricultural industry of the State for the purposes of **any** law which provides for the benefit or protection of the agricultural industry of the State." (emphasis added) Food & Agricultural Code §22

Moreover, the State Legislature has determined that California agriculture helps to feed the world and fuels our economy. Agriculture provides one (1) out of every ten (10) jobs in California and our State has led the nation in total farm production every year since 1948. Food & Agricultural Code §561(a) Furthermore, the Legislature has declared that it is in the public interest to enhance agricultural production in order to bring this industry to the high degree of efficiency evidenced in the other industries. Food & Agricultural Code §54032(b) In addition, agricultural commodities" include forest products. Food & Agricultural Code §58554

Furthermore the State Legislature has determined that agriculture, as an important natural resource, must be encouraged and enhanced as a matter of State policy. For example, §1 of Statutes 1993, Chapter 812(SB850) provides, in part, as follows:

"The Legislature hereby finds and declares all of the following:
(a) Agriculture is the State's leading industry and is important to the State's economy.
(b) The continued productivity of agricultural lands in California is important in maintaining a healthy agricultural economy."
(Statutory Notes, Public Resources §21050)

Thus, the preservation and enhancement of productivity of agricultural lands, including timberlands is an overriding legal imperative as declared by the State Legislature.

Under the California Coastal Act, "the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the production of the areas' agricultural

economy...." Public Resources Code §30241 (All references to Code sections, unless otherwise noted, are the Public Resources Code.) Further, the California Coastal Act mandates that "the long-term productivity of soils and timberlands shall be protected...." (emphasis added) §30243

Application 3-98 of Santa Cruz County is legally insufficient with respect to environmental documents and, therefore, must be summarily denied by the Coastal Commission. Moreover, Application 3-98 is violative of State declared law and policy including the California Coastal Act. Among other items, the productivity of timberland resources is severally curtailed and adversely regulated by Application 3-98.

A. California Environmental Quality Act (CEQA).

The County's PROJECTS encompass not only lands within the Coastal Zone but also the entire jurisdiction of Santa Cruz County. An EIR is required whenever substantial evidence in the record supports a "fair argument" that significant impacts may occur. The "fair argument" standard creates a low threshold for requiring the preparation of an EIR. Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 297, 310 A Negative Declaration is disfavored in that it has a "terminal effect" on the environmental review process. In Sierra Club v. County of Sonoma (1992) 6 Cal.App.4th 1307, 1317-1318, the court stated:

"A court reviewing an agency's decision not to prepare an EIR in the first instance must set aside the decision if the administrative record contains substantial evidence that a proposed project **might** have a significant environmental impact; in such a case, the agency has not proceeded as required by law. (citation) Stated another way, the question is one of law, i.e. 'the sufficiency of the evidence to support a fair judgment.' (citation) Under this standard, deference to the agency's determination is **not** appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary." (emphasis added)

Here, Santa Cruz County is attempting to use a "Negative Declaration" with no mitigation conditions. Such a "Negative Declaration" submitted to the Coastal Commission as a purported "environmental document" is legally insufficient to provide the environmental information required for the Coastal Commission to act in any other way than to deny the application.

B. Coastal Commission.

The County is the lead agency in this matter and has taken the first discretionary action. Further, the Coastal Commission's certification of the LCP is subject to CEQA's requirement. Public Resources Code §21080.9; 14 CCR §15265

In addition to the foregoing, this LCP amendment submittal must include, among other

items, the proposed policies and standards related to the amendments to allow a review for "conformity with the requirements of the Coastal Act"; contain an analysis that "demonstrates conformity with the requirements of Chapter 6 of the Coastal Act"; and contain "environmental review documents" pursuant to CEQA requirements for the amendment to the LCP. 14 CCR §13552(b)(d)(e) Here, the Santa Cruz County has failed to do the necessary analysis; has not submitted the required environmental documents to the Coastal Commission; and has failed to demonstrate conformity with the Coastal Act. Thus, County's application must therefore be denied.

II.

SIGNIFICANT ADVERSE EFFECTS TO THE ENVIRONMENT WILL OCCUR AS A RESULT OF PROPOSED APPLICATION 3-98.

A. Outdated County Timber Resource Map.

The County has submitted, among other document, a map entitled "Timber Resources" approved by the Board of Supervisors on May 25, 1994. The primary basis of the County map is the outdated 1974 PROS report prepared by Reberia & Sue. (Parks, Recreation, and Open Space) There are significant timber resources not designated in the current submittal by the County with particular reference to the foregoing "Timber Resources Map." Furthermore, there are significant timberlands within the Coastal Zone that are not designated on the County Timber Resource Map and not zoned TP. For example, you are referred to the enclosed photograph of a map prepared from recent aerial photographs (1994); data from the United States Government, USGS; and County documents subsequent to 1995. The enclosed map delineates the Coastal Zone in the "North Coast" Area. A similar map will be delivered to you early next week upon completion of the same with respect to the "Bonny Doon" Area within the Coastal Zone.

Referring to the enclosed map, there are large holdings by the State of California for park purposes including Big Basin State Park, the Wilder Ranch State Park, and the recently controlled Coast Land and Dairy properties. Excluding these public holdings, over one-third (33.33%) of the existing timber resources in the North Coast Area, alone, are not designated as such on the out-of-date County "Timber Resource Map" and are not zoned TP, all of which are within the Coastal Zone and some of which is owned or controlled by Big Creek Lumber Company.

Due to the proposal before the Coastal Commission, all of the areas referenced above (designated in red on the enclosed map) will be eliminated from timber production. This is diametrically contrary to the mandates of State law including, but not limited to, the California Coastal Act. The essence of the County application is to eliminate timber production and timberlands rather than protect "the long-term productivity of soils and timberlands." §30243

B. The County's Negative Declaration Is An Insufficient Environmental Document.

The County proposal impacts, adversely, the conduct of timber operations through riparian corridor prohibitions, restriction of helicopter utilization for the removal of cut timber, and enacts cost prohibitive regulation of all private roads including logging roads. (As noted below, each one of these County regulations was included in County's recommendations to the State Board of Forestry for amendments to the State Forest Practice Rules.) All of the foregoing will eliminate significant State-wide timber resources; and adversely regulate the conduct of timber operations, all to the substantial detriment of declared State policies. Further, since significant timber resources cannot be harvested, the economy will be adversely affected and the lands will be converted, in due time, to residential uses. In essence, the County wants to squeeze timbering out of the County through excessive regulation and it wants the control in timbering, itself, rather than the State Board of Forestry.

Enclosed are the following exhibits, all of which confirm that there will be significant adverse impacts to the environment by this County project. The County has stubbornly refused to do anything other than issue a meaningless Negative Declaration. Had this been a private land owner and/or developer project, the lead agency clearly would have required the preparation of an EIR. Nevertheless, the County is blithely attempting to skate through requirements of CEQA.

The exhibits are as follows:

EXHIBIT A: Enclosed photo of the North Coast portion of the Coastal Zone. (The Bonny Doon area map will be submitted next week.)

EXHIBIT B: Correspondence of Robert O. Briggs, Rancho del Oso, Davenport, California, December 8, 1998.

EXHIBIT C: Correspondence dated November 23, 1998, of Dr. Joe R. McBride, Professor of Forest Ecology in the Forest Science Division of the Department of Environmental Science, Policy, and Management and Professor of Landscape Ecology in the Department of Landscape Architecture at the University of California, Berkeley. Currently, he is the Chair of the Forest Science Division.

EXHIBIT D: Correspondence dated September 23, 1998, of Dr. Walter Mark, Doctorate in Plant Pathology, Swanton Pacific Ranch, California State University, Cal Poly, San Luis Obispo.

EXHIBIT E: Correspondence dated September 17, 1998, of Mark Foxx, Certified Engineering Geologist and Certified Professional in Erosion and Sediment Control.

EXHIBIT F: Correspondence dated October 12, 1998, of Raymond M. Rice, Hydrologist and Registered Professional Forester.

EXHIBIT G: Correspondence dated October 15, 1998, of Jeffrey Redding, Masters Degree Urban Planning with specialization in Environmental Planning and Resource

Management from UCLA.

EXHIBIT H: Analytical Study dated October 22, 1998, of Mike Jani, Registered Professional Forester, Certified Soil Erosion and Sedimentation Control Specialist and Certified Archeological Surveys by the State of California.

EXHIBIT I: Correspondence dated November 23, 1998, by Peter A. Twight, Registered Professional Forester.

EXHIBIT J: Correspondence dated December 2, 1998, from Mark S. Rentz, Esq. Vice President, California Forestry Association, Environmental and Legal Affairs.

EXHIBIT K: Correspondence dated December 9, 1998, from James Greig, Registered Professional Forester.

EXHIBIT L: Correspondence dated December 8, 1998, Central Coast Forest Association.

All of the enclosures establish the fact that the County's project, Application 3-98, will clearly have an adverse impact on the environment including timber resources and the "long-term productivity of timberlands." §30243 An EIR analyzing these adverse effects must be prepared before the Commission can even consider this project. The Negative Declaration is an insufficient environmental document.

III. PREEMPTION.

The California Coastal Commission is an agency of the State of California as is the State Board of Forestry. There is preemption by law including §4516.5 and §4516.6. As indicated in subparagraph (f) of both sections, the State preemption does not apply to any timber operations on any land of less than three (3) acres **and** which is not zoned for timber land production. Nevertheless §4516.5(a) provides the County opportunity to make recommendations to the State Board of Forestry concerning the rules and regulations for timber harvesting and the conduct of timber operations. In the County's Application 3-98, Resolution No. 441-98, the County specifically admits as follows:

"On June 3, 1998, the Board of Supervisors considered a report prepared by the Planning Department which recommended that the Board approve the proposed Forest Practice Rules and changes, directed staff to submit the Rules package to the Board of Forestry and directed staff and Supervisor Almquist to attend the Board of Forest hearing to represent the County.... The Board of Forestry on November 3, 1998, approved a number of the proposed Forest Practice Rules changes **but did not approve those affecting riparian corridors, residential buffers, helicopter operations or the various rules regarding road construction, maintenance, or abandonment.** ... The Board of Supervisors

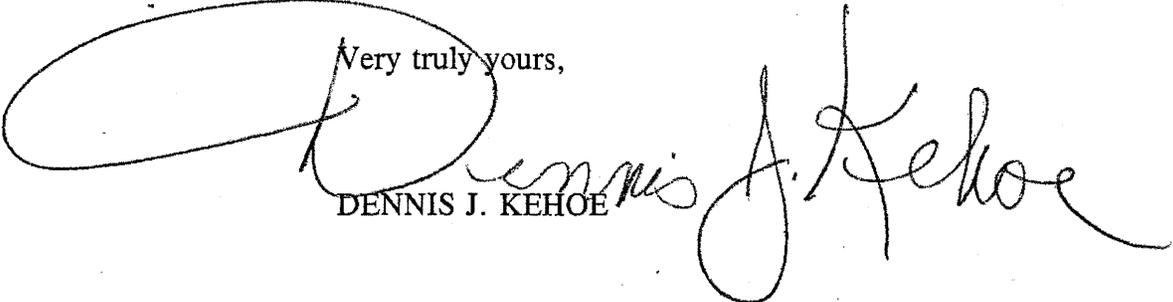
determines that the Forest Practice Rules adopted by the Board of Forestry are not adequate to protect the environment and neighborhoods of the County, and the Board intends to seek changes to the Forest Practice Rules as a means to reduce the impact of timbering on the environment and neighborhoods in the County. ..." (Resolution No. 441-98) (emphasis added)

The proper means of the County to object to the partial, but not total, adoption on November 3, 1998, of the County's recommendations by the State Board of Forestry is set forth in Government Code §11350 which provides that a declaratory relief action may be filed by the County against the State Board of Forestry. The County is well aware of this procedure and has previously litigated the regulations with the State Board of Forestry. See County of Santa Cruz v. State Board of Forestry (1998) 64 Cal.App.4th 826 (Regulations upheld)

Here, instead of litigating or working out its differences with the State Board of Forestry, the County is attempting an end run through the California Coastal Commission by Application 3-98. Further, the County is attempting to regulate by Application 3-98 the conduct of timber operations for such items as "riparian corridors, residential buffers, helicopter operations, and the various rules regarding road construction, maintenance or abandonment." (County Resolution 441-98, page 2, first paragraph), the very items the State Board of Forestry said no to on November 3, 1998. The California Coastal Commission must respect the preemption of the State Board of Forestry and extricate itself from this County circumvention by denying the County's application.

Should you or your staff have any questions concerning the foregoing, please contact the undersigned at your earliest convenience. The Bonny Doon Area map for the Coastal Zone will be delivered to you next week.

Very truly yours,


DENNIS J. KEHOE

DJK:jlc

Enclosures

c: California Coastal Commission, Attn: Peter Douglas, Executive Director
45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219
Board of Supervisors of Santa Cruz County
Rick Hyman, Coastal Planner, California Coastal Commission,
Santa Cruz Office (Hand Delivered)
Office of Attorney General, Attn: John Davidson, Deputy Attorney General
State Board of Forestry
California Department of Forestry and Fire Protection

LIST OF EXHIBITS TO CORRESPONDENCE TO
CALIFORNIA COASTAL COMMISSION dated February 5, 1998
from Dennis J. Kehoe, Attorney at Law

- EXHIBIT A:** Enclosed photo of the North Coast portion of the Coastal Zone. (The Bonny Doon area map will be submitted next week.)
- EXHIBIT B:** Correspondence of Robert O. Briggs, Rancho del Oso, Davenport, California, December 8, 1998.
- EXHIBIT C:** Correspondence dated November 23, 1998, of Dr. Joe R. McBride, Professor of Forest Ecology in the Forest Science Division of the Department of Environmental Science, Policy, and Management and Professor of Landscape Ecology in the Department of Landscape Architecture at the University of California, Berkeley. Currently, he is the Chair of the Forest Science Division.
- EXHIBIT D:** Correspondence dated September 23, 1998, of Dr. Walter Mark, Doctorate in Plant Pathology, Swanton Pacific Ranch, California State University, Cal Poly, San Luis Obispo.
- EXHIBIT E:** Correspondence dated September 17, 1998, of Mark Foxx, Certified Engineering Geologist and Certified Professional in Erosion and Sediment Control.
- EXHIBIT F:** Correspondence dated October 12, 1998, of Raymond M. Rice, Hydrologist and Registered Professional Forester.
- EXHIBIT G:** Correspondence dated October 15, 1998, of Jeffrey Redding, Masters Degree Urban Planning with specialization in Environmental Planning and Resource Management from UCLA.
- EXHIBIT H:** Analytical Study dated October 22, 1998, of Mike Jani, Registered Professional Forester, Certified Soil Erosion and Sedimentation Control Specialist and Certified Archeological Surveys by the State of California.
- EXHIBIT I:** Correspondence dated November 23, 1998, by Peter A. Twight, Registered Professional Forester.
- EXHIBIT J:** Correspondence dated December 2, 1998, from Mark S. Rentz, Esq. Vice President, California Forestry Association, Environmental and Legal Affairs.

LIST OF EXHIBITS TO CORRESPONDENCE TO
CALIFORNIA COASTAL COMMISSION dated February 5, 1998
from Dennis J. Kehoe, Attorney at Law

**LIST OF EXHIBITS TO CORRESPONDENCE TO
CALIFORNIA COASTAL COMMISSION dated February 5, 1998
from Dennis J. Kehoe, Attorney at Law**

EXHIBIT K: Correspondence dated December 9, 1998, from James Greig, Registered Professional Forester.

EXHIBIT L: Correspondence dated December 8, 1998, Central Coast Forest Association.

**LIST OF EXHIBITS TO CORRESPONDENCE TO
CALIFORNIA COASTAL COMMISSION dated February 5, 1998
from Dennis J. Kehoe, Attorney at Law**

Robert O. Briggs

Rancho del Oso
3610 Pacific Coast Highway, Davenport, California 95017

727

December 8, 1998

Board of Supervisors,
Santa Cruz County

For the record of the December 8, 1998 forestry policy hearing

Subject: Testimony re: December 8, 1998 hearing on Santa Cruz County timber harvest policy

On several occasions including as an attachment to comments by Big Creek Lumber Company, my scientific report showing hydrologic consequences of forest growth in Waddell Valley over the past six decades has been presented to the County Planning Commission and the Board of Supervisors. A staff analysis of my report prior to the Board hearing on October 24 misrepresented my findings and falsely attributed the erroneous interpretation to County Hydrologist, Bruce Laclergue who had not seen my report. Staff's misleading paragraph had in fact been written by Mark Deming who is not a hydrologist. Laclergue was asked to edit the paragraph without having seen the report nor been informed of its subject.

After reading my report, Mr. Laclergue informed me that he is in basic accord with my findings and apologized for the misrepresentation.

Conclusion: I should like to restate my serious concern. Surface waters (at least in the Waddell watershed and probably in most Santa Cruz Mountains watersheds) are reduced significantly during the late summer months as forest cover increases. Waddell may, in the next few decades, become a seasonal stream with serious consequences to anadromous fish colonies. This is a serious environmental concern and an understanding of the phenomenon is essential to responsible forestry policy decisions.

The dismissal by county staff of my hydrologic conclusions and the fallacious attribution of the dismissal to the county hydrologist is irresponsible and I believe an objectively researched Environmental Impact Report is absolutely necessary.

Joe R. McBride
1611 Allston Way
Berkeley, CA 94703

November 23, 1998

Board of Supervisors
Santa Cruz County
Government Center
701 Ocean Street
Santa Cruz, CA 95060

Dear Supervisors:

This letter is to express my concern over the proposed changes in county ordinances and zoning which seek to limit timber harvesting in Santa Cruz County. I am opposed to these changes because of the impact they would have on the timber resources of the county, the lack of an appropriate environmental review of their potential impact, and their restrictions on the conduct of operations which are governed by state regulations. My concerns over these issues are based on my knowledge and experience in forestry and land use planning in California and my attendance at Santa Cruz Timber Technical Advisory Committee meeting in 1997 and 1998. I am a Professor of Forest Ecology in the Forest Science Division of the Department of Environmental Science, Policy, and Management and Professor of Landscape Ecology in the Department of Landscape Architecture at the University of California. I currently serve as Chair of the Forest Science Division.

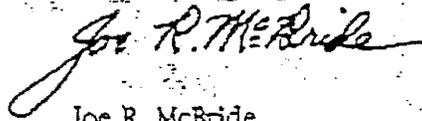
It is my conclusion that the proposed changes in county ordinances and zoning will affect timber resources in Santa Cruz county. The restrictions proposed by these ordinances and zoning changes will eliminate the timber supply from that portion of the county where these changes apply. It will, furthermore, have a ripple effect in reducing timber production from the adjacent Timber Production Zone. America is a net importer of forest products, many of which are harvested in foreign countries where environmental regulations are minimal, if non-existent. When we fail to properly manage and utilize our timber resources, we off-loading onto forest ecosystems in other countries a demand for forest products which has had and continues to have devastating effects on these forest ecosystems. I think it is time for us to recognize the consequences that local restriction of timber harvesting will have forests outside of our local area. To borrow a phrase in common currency in Santa Cruz county, "it is time to think globally and act locally".

My second concern is with the lack of appropriate environmental scrutiny that was given to the proposed changes in county ordinances and zoning. The negative declaration issued concerning these changes disregards the positive environmental benefits proper forest harvesting can have on the forest where natural processes, such as periodic natural fires, have been eliminated to protect human safety. The negative declaration also fails to recognize the exurban growth promoting consequences of the proposed changes in county ordinances and zoning. It is my opinion, based on my observations in other coastal counties in California where timber harvesting has been restricted, that the proposed changes will stimulate further residential construction. The impacts of this development were not properly addressed in the issuing of the negative declaration.

My last concern has to do with the use of locational criteria to limit the conduct of operations in the harvesting and management of forest properties in the county. The State of California, through its Forest Practice Act, has given authority over the conduct of operations to the State Board of Forestry. The proper way to adjust or amend rules concerning the conduct of operations is through petitioning the State Board of Forestry for the adoption of specific rules to govern forest harvesting in the county. I am aware that an attempt to establish certain rules for Santa Cruz county recently failed before the State Board. That should not be interpreted to mean that the process has been forever terminated. The Board of Forestry has expressed its concerns with the proposed rule package, but continues to be willing to work with the county to develop a workable set of rules. In my opinion, control of conduct of timber harvesting operations by rules should continue to be pursued through appropriate channels rather than through the use of locational criteria.

I ask your consideration in these matters. Your responsibility as members of the Board of Supervisors is to all of the citizens of the county and to the future of the county. I hope that you will weigh the long term ramifications of these proposed changes in county ordinances and zoning on all of the people in the county and the future role of the forests in the county.

Sincerely,



Joe R. McBride

Swanton Pacific Ranch
299 Swanton Road
Davenport, CA 95017
(408) 427-1718 / Fax (408) 459-6956

September 23, 1998

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Dear Board of Supervisors:

I am writing this letter to point out some significant environmental impacts of the proposed forest practice rules for Santa Cruz County and the proposed zoning alternatives modifying the zoning designations where timber harvesting is allowed. These proposals will cause an environmental problem where stands of Monterey pine exist in the northern portion of Santa Cruz County along the coast. This portion of the County contains portions of the native Ano Nuevo stand of Monterey pine. Many of these stands occur on parcels zoned, CA, A, and SU.

As you are aware, Monterey pine and other species, such as knobcone pine, are affected by pitch canker. This disease poses a very serious threat to the native Monterey pine stands, which are limited in distribution. Monterey pine shows a very low resistance level, in terms of the proportion of individuals resistant to the disease. One of the best ways to protect the future stands is to harvest selectively and to obtain large numbers of seedlings as natural reproduction. This allows the disease to work in the reproduction and to have resistant individuals that survive form a new stand.

Without the disturbance from logging or other factors, such as fire, to provide an adequate seed bed, the Monterey pines do not reproduce well. With the death of large numbers of trees in the existing stands and the lack of disturbance to provide for a seed bed, reproduction in natural stands does not normally occur, and the stands will ultimately be replaced by brush and hardwood species. The ability to manage these stands to obtain natural regeneration appears to be important to their continued survival.



EXHIBIT D , Page 1 of 2



Board of Supervisors
September 23, 1998
Page Two

I am a member of the Pitch Canker Task Force and have a doctorate in plant pathology. I am the manager of Swanton Pacific Ranch, which includes a large stand of native Monterey pine on CA zoned land. We had planned a timber harvest in this stand in 1998 to reduce the level of pitch canker and to obtain regeneration while an adequate seed source is still available. This harvest was precluded by the actions of the Board of Supervisors to modify the forest practice rules and the zoning.

Sincerely,



Walter R. Mark
Director

TO: Santa Cruz County Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060

FROM: Mark Foxx
1400 Sun Mountain Road
Felton, CA 95018

SUBJECT: Ordinance changes that restrict timber harvesting

Dear County Supervisors:

I am a seventeen year resident of Santa Cruz County. My family owns 172 acres of TPZ land in Felton where we live. I am a Certified Engineering Geologist and a Certified Professional in Erosion and Sediment Control and have worked in Santa Cruz County professionally in these fields since 1982. I have reviewed the Initial Study for your proposed changes to Section 13.10.695 of the County Code. It is my professional opinion that removal of trees from active or recent landslide areas is frequently beneficial and results in positive environmental impact. Such removal reduces geologic hazards, decreases erosion, and increases slope stability. Your ordinance 13.10.695 prohibits timber harvesting in these areas without exception and therefore legislates Significant Environmental Impacts. The Initial Study for these ordinance changes falsely indicates that there will be no environmental impact from their implementation.

Please call my office if you have questions (831) 427-1770.

Sincerely,

Mark Foxx

Mark Foxx
CEG #1493
CPESC #357

9/17/98



44 Robert Court East
Arcata, CA 95521

12 October 1998

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, Ca 950

Dear Members of the Board:

At the request of Big Creek Lumber Company I have reviewed your Proposed Amendments to the California Forest Practice Rules and the related county Ordinance. I am concerned that some of the proposed micro-management of forest practices may run afoul of the "law of unintended consequences". Before explaining why I hold this opinion let me tell you something of myself so that you may judge my qualifications to advise you.

I have been involved in watershed management research for 42 years: 35 years with the Pacific Southwest Research Station and as a private consultant since retiring from the Forest Service nine years ago (Curriculum Vitae is attached). My area of expertise is in the effects of forest management activities on streamflow and (especially) sedimentation. On four occasions I have been asked to advise owners of forest land in your county and in San Mateo County concerning erosion and sediment problems. I have also conducted 12 studies on private and public timber lands in other parts of the state.

The effect of disturbances to a steep forested environment, such as is typical of much of the hinterland of your county, is the result of a complicated mixture vegetation, soil, geology, geomorphology and weather, in addition to the nature of the disturbance itself. Unfortunately, we have little control over those processes. They combine in a somewhat different manner on each site. Furthermore, since the weather is the immediate driving force of any flood flow or sediment discharge it is very difficult to know if a given event is unusual or what a watershed's natural response would be. Background sediment rates are known with any accuracy only in intensively monitored research watersheds. For example the Caspar Creek Experimental Watersheds have 46 station-years of data under undisturbed conditions yet the average annual sediment discharge is only known to an accuracy of plus or minus 22%. This uncertainty is the result of the fact that flows occurring only one percent of the time transport 81 percent of the total sediment (Rice et al. 1979). As a result of this inherently high variability the background sediment production of less intensively monitored watersheds is even more uncertain.

By stipulating management actions to such great detail I fear that your proposed rules will discourage correct responses to unique situations. Some operators will react as one I met some years ago who said, "I couldn't do it right, so I did it legal." To be sure, you allow exceptions but the complexity and detail of your prescriptions will likely deter all but the most determined and innovative. Assuming that the protection of water quality and aquatic resources is one of your objectives, let me site a few examples where your rules may have a deleterious effect.

The very stringent standards that you propose for new roads may discourage new roads and encourage the continuing use of old roads, many of which were poorly designed and located. They were often near stream channels where any road-related erosion has the greatest opportunity to reach the stream. Roads so located favor tractor yarding. The increasingly expensive surfacings tied to gradient on permanent roads may lead to the use of seasonal and lower standard (but longer since they at a lower grade) roads. In one of my studies I found that seasonal roads had 20% more erosion per acre of right-of-way than larger permanent roads (McCashion and Rice, 1983).

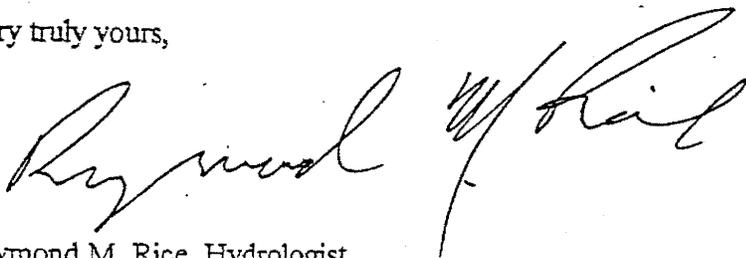
The provision of no-cut corridors on Class I, Class II, and especially Class III watercourses will discourage cable yarding. This too will favor tractor yarding and more sediment.

I presume that the restrictions on helicopter yarding are aimed at noise abatement goals. They appear to me to go beyond what is necessary to achieve that objective. However, that is not my area of expertise. I do know something about erosion from timber harvesting. Helicopter yarding makes it possible to retrieve logs from a forest with the least disturbance to the site.

Restrictions such as you propose may, if adopted, lead to more not less erosion and sedimentation. As I noted above they foster tractor yarding, the least desired method in most cases from an erosion or sediment point of view. Beyond that they likely will foster the conversion of timber land to urban uses. That could be the worst outcome. Dr. Luna Leopold, one of the nation's premier hydrologists, has said, "Of all land-used changes affecting the hydrology of an area, urbanization is the most forceful." (Leopold 1968). Demonstrating that point, Wolman and Schick (1967) found sediment rates from urban areas in Maryland were 10 to 100 times greater than those from mainly natural areas. Something similar likely occurs in California. Quite apart from sedimentation effects, the increase of impervious area that accompanies the urbanization of a watershed increases runoff which may cause downstream flooding and will almost certainly destabilize stream channels leading to additional sediment yield.

I hope you will give these thoughts of mine careful consideration.

Very truly yours,



Raymond M. Rice, Hydrologist
Registered Professional Forester No. 394

Literature Cited:

Leopold, L. B, 1968. Hydrology for urban land planning - A guide book on the hydrologic effects of urban land use. U. S. Geological Survey Circular 554, 18 pp.

McCashion, J. D. and R. M. Rice, 1983. Erosion on logging roads in northwestern California: How much is avoidable? Jour. Forestry, 81(1):23-26.

Rice, R. M., F. B. Tilley, and P. A. Datzman, 1979. A watershed's response to logging and roads: South Fork of Caspar Creek, 1967-1976. Res. Paper PSW-146, 12p.

Wolman, M. G. and P. A. Schick, 1967. Effects of construction on fluvial sediment, urban and suburban areas of Maryland. Water Resour. Res. 3(2):451-462.

CURRICULUM VITAE

A. Personal Data

1. Name - Raymond M. Rice

2. Educational Background

a. College Degrees

1951 - B.S., Montana State University - Forestry

1961 - M.S., University of California (Berkeley) - Forestry

1970 - Ph.D, Colorado State University - Watershed Management

3. Professional Experience

1951-56 - Forester and District Ranger, GS-8 to GS-9 on the Sierra and Cleveland National Forests.

1956-60 - Forester (Forest Influences) GS-9, and Research Forester (Watershed Management) GS-11, PSW Station, Berkeley. Responsible for planning and executing research in snowpack management in relation to management of forest stands.

1960-63 - Research Forester (Watershed Management) and Project Leader, GS-12, PSW Station, Glendora, Calif. Responsible for all watershed management research at research center.

1963-71 - Research Forester (Watershed Management), or Hydrologist, and Project Leader, GS-13, PSW Station, Glendora, Calif. Responsible for problem analyses and planning and execution of watershed management research in mountains of southern California, with emphasis on flood hydrology.

1971-73 - Hydrologist, and Project Leader, GS-14, PSW Station, Glendora, California. Responsible for problem analyses and planning and execution of watershed management research in mountains of southern California, with emphasis on post-fire erosion and rehabilitation of burned watersheds.

1973-82 - Supervisory Hydrologist, and Project Leader, multi-functional research work unit, Processes Affecting Management of Pacific Coastal Forests on Unstable Lands, Arcata, California.

1982-89 - Hydrologist, GS-15, Effects of Forest Management on Hillslope Processes, Fishery Resources, and Stream Environments. In charge of studies on the Caspar Creek Experimental Watersheds and survey studies of the erosional effects of logging and forest roads.

1989- Continues studies at the Redwood Sciences Laboratory as a volunteer and consults with various private organizations.

B. Professional Activities and Recognition

1. Honors and Awards

Member of academic honor societies: Sigma Xi (Science), Xi Sigma Pi (Forestry), Phi Sigma (Biology), Kappa Tau (Scholastic).

Co-recipient of the 1990 Francis H. Raymond Award for "research of forest management on unstable terrain, which has increased our understanding of the processes that contribute to mass erosion and degradation of aquatic habitat."

Named PSW Outstanding Scientist in 1986 for "outstanding achievement in all phases of wildland hydrology research." The incumbent was one of two recipients of this award during the first year of its existence.

Recipient of the Japan Society for the Promotion of Science Fellowship in 1985. Lectured and studied at the Laboratory of Erosion Control, Department of Forestry, Kyoto University.

2. Presentations

- a. Invited papers before scientific societies: 11.
- b. Offered papers before scientific societies: 17.
- c. Presentations at technical conferences, workshops, etc.: 25.

3. Society and Committee Participation

- a. Membership in professional societies:

American Geophysical Union
Society of Sigma Xi

- b. Offices held in professional societies:

- (1) Vice-Chairman, Southern California Section, Society of American Foresters, 1965-1966.
- (2) Chairman, Southern California Section, Society of American Foresters, 1966-1967.
- (3) National Program Chairman, Society of American Foresters, 1970.
- (4) Program Chairman, Hydrology Section Western National Meeting, American Geophysical Union, 1973-1976.
- (5) Working Party Chairman, IUFRO Working Party S1.04-04: Erosion Control by Watershed Management. 1981-1986
- (6) Subject Group Leader, IUFRO Subject Group S1.04: Prevention of Torrent Erosion, Floods and Mud Flows, Snow Damage, and Avalanches. 1987 - 1990.

- c. Committee assignments:

- (1) Policy Committee, Southern California Section, Society of American Forester, 1965-1973.
- (2) Policy Committee, Jedediah Smith Chapter, Northern California Section. Society of American Foresters, 1974-1975.
- (3) Chairman, National Task Force on Water Quality, Society of American Foresters, 1975-1976.

d. Professional Registration:

Registered Professional Forester, State of California: license No. 394.

4. Participation and technical conferences, workshops, etc.

Organized or assisted in the organization and conduct of 6 scientific symposia.

5. Consultations

Advised 10 governmental and private entities concerning erosion, sedimentation and hydrologic consequences of logging, road construction, and fire.

6. Special Assignments

From 1961 to 1985 the incumbent had 13 extended assignments advising or conducting research for Federal, State, and local government entities as well as private and foreign organizations.

7. University Involvement - The incumbent is presently an adjunct professor on the faculty of Humboldt State University. In the past decade he has served on 5 other faculties as a member or chair of 19 master's candidates committees and 5 Ph.D. committees. In addition to giving occasional lectures to soils, fire management, and watershed classes, the incumbent, during spring quarter 1978, taught a graduate level course, Fundamentals of Research, in the School of Natural Resources, Humboldt State University and in 1990 taught a similar course in the School of Business Administration. Three times since 1979, the incumbent and his staff taught graduate level courses on erosional processes and management of erosion in forested areas of the Pacific Coast.

The incumbent lectured on hydrologic models, processes and systems and statistical methods and probability theory in hydrology as part of a short course on Statistical and Probability Analysis of Hydrologic Systems conducted by the School of Engineering, California State University, Los Angeles, 1972.

C. Reporting of Research Results

- a. Publications: Senior or sole author of 52 scientific papers; junior author of 27 papers.
- b. Translation

Shimizu, Toshio and Yoshihara Kono. 1976. Studies on mountain devastation by heavy rains in July, 1972, on Amakusa District. Bull. Gov. For. Exp. Sta. No. 280, p. 69-93. Translated by Joseph B. Arata and Raymond M. Rice.

Jeffrey Redding, AICP
2423 Renfrew Street
Napa, California 94558

October 15, 1998

Dennis Kehoe, Esquire
311 Bonita Drive
Aptos, California 95003

Dear Mr. Kehoe:

I have been employed as a professional land use and environmental planner, working both for local governments and in the private sector for some 22 years. I have a Master's Degree Urban Planning, with a specialization in environmental planning and resource management, from UCLA. I am also trained in landscape architecture.

During the course of my professional career, I have had an opportunity to review many proposed ordinances, associated initial studies and a variety of environmental documents. It was in this capacity that I was asked to review the proposed ordinance currently pending before the Santa Cruz Board of Supervisors relating to timber harvesting. I also had an opportunity to review the Initial Study prepared for that ordinance. Based upon this review, I believe that the Initial Study does not provide adequate information for the Santa Cruz Board of Supervisors to make an informed decision on the significant or potentially significant effects of adopting the proposed ordinance. Many of the statements in the Initial Study are conclusionary without the necessary facts to support the conclusion. For example, on page 5 of the Initial Study concludes under Section C Biotic Factors section:

"The proposed ordinance amendments, especially those that require road surfacing and riparian buffer in all timber harvests, will aid [emphasis added] in the recovery of Coho salmon, California red-legged frog, and steelhead, trout by decreasing erosion and sedimentation in streams. This is a beneficial impact"

There is no evidence in the Initial Study which supports this conclusion. Arguably, the paving of roads could adversely affect the habitat value of the stream corridor by increasing the rate of run-off into the stream and by channeling heavy metals, associated with brake liming and oil drippings, into the stream. A second example on page 3 of the Initial Study concludes under section A., Geologic Factors:

"The proposed ordinance. . . will likely reduce the potential impact of timber harvesting on geologically unstable slopes . due to the reduction in the number of properties where timber harvesting will be allowed. . ."

Page Two
Dennis Kehoe/Santa Cruz Timber harvest Ordinance
October 15, 1998

In fact, nothing in the Initial Study supports this conclusion. The reader and the decision maker is left with the impression after reading the Initial Study that adopting and implementation of this ordinance not only has no significant or potentially significant effects but will in fact benefit the environment. The facts just aren't present to reach either of these conclusions.

A final example is within Section B, Hydrologic Factors on page 4 of the Initial Study:

"The proposed ordinance amendments are intended to decrease erosion from private roads by requiring road surfacing on all new roads. The establishment of a riparian buffer zone for all timber harvesting will allow sediment to be trapped within the buffers before it can reach streams"

This conclusion may or may not be true but there is certainly no evidence to support the conclusion in the Initial Study. In fact, erosion may in fact be increased by the paving of roads since erosion rates depends upon many factors, including the rate of water run-off, the slopes between the paved road and the stream in question, and the type of soil and soil cover over which the concentrated water will run. The point is that without the evidence to support these kind of broad generalizations, the decision-maker cannot make an informed conclusion about the environmental effects that might result from his/her decision on this ordinance. - -

In summary, I don't believe that the Initial Study as presently constituted meets the requirements of Chapter 15063[c][5] of the State CEQA Guidelines.

I believe that adoption and implementation of the ordinance may have a significant effect on the environment necessitating the preparation of a full or focused Environmental Impact Report. This ordinance will have both direct and indirect consequences. I believe that a fair argument could be made that certain provisions of the ordinance may have a significant or potentially significant effect on water quality and biotics as discussed in the above paragraphs. In addition, adopting and implementing the ordinance may have indirect consequences as well. Assuming that there is a demand and market for timber from Santa Cruz County, timber harvesting will still occur even if this ordinance is adopted. The Initial Study assumes this to be true, albeit at a reduced level and in different areas of the County. The indirect effect of this ordinance is to shift those timber harvesting activities to these other areas. Are these parcels suitable for such activities? What environmental constraints to they have? Is/are the environmental effect(s) of shifting timber harvesting activities to other areas of the County "better or worse" with or without this ordinance? The proper place to examine these issues is in an EIR which must examine reasonable foreseeable projects and project alternatives. The Initial Study does reference the fact that property owners may rezone their properties to TP to allow / /

Page Three
Dennis Kehoe/Santa Cruz Timber Harvest Ordinance
October 15, 1998

for timber harvesting to take place. Although I don't necessarily agree with the conclusion of the Initial study that such a rezoning is statutorily exempt from CEQA, the time to assess the impacts of this indirect consequence of ordinance adoption is before the ordinance is adopted since the County's process seems to preclude it at a future legislative stage.

In summary, both direct and indirect consequences must be considered by the Lead Agency in determining the significance or potential significance of a project (Section 15064[d] of the State CEQA Guidelines. The Initial Study does not consider direct and indirect impacts of ordinance adoption and implementation and therefore cannot reasonably conclude that adoption and implementation of the ordinance will not have a significant or potentially significant impact on the environment.

I also had an opportunity to read the excerpts from the local newspaper and letters written by interested parties on both sides of the issue. I believe that with the level of public controversy over the environmental effects of this ordinance that the County is obligated to prepare an EIR prior to adopting this ordinance pursuant to Chapter 15064[h][1] of the State CEQA Guidelines.

Please feel free to contact me if I may be of further assistance to you in this matter.

Sincerely,


Jeffrey Redding, AICP

SANTA CRUZ COUNTY MUST PREPARE AN ENVIRONMENTAL IMPACT
REPORT BECAUSE THIS PROPOSAL WILL CAUSE SIGNIFICANT
ENVIRONMENTAL EFFECTS

The following will show that Santa Cruz County failed to adequately analyze the environmental effects of this proposal. This led to inappropriate and misleading responses in the Initial Study's Environmental Checklist. A Negative Declaration on the part of planning staff cannot be substantiated by any competent substantial evidence.

PROJECT DESCRIPTION

Amendments to the Santa Cruz County code to limit timber harvesting to the Timber Production, Parks, Recreation and Open Space and Mineral Extraction Industrial Zone Districts; To establish improved surfacing standards for private roads; to delete timber harvesting as a riparian corridor exemption; to establish helicopter regulations related to timber harvesting and to establish locational criteria for timber harvesting in the county. Proposal includes amending County Code Sections 13.10.170(d)-Zoning Implementation, 13.10.312(b)- Uses in Agricultural Districts, 13.10.322(b)- Residential Uses, 13.10.332(b)- Commercial Uses, 13.10.342- Uses in Industrial Uses, 13.10.342(b)- Mine Site Interim Uses, 13.10.352(b)- Parks, Recreation and Open Space Use Chart, 13.10.362(b)- Allowed Uses in the Public and Community Facilities Zone, 13.10.372(b)- Timber Production Zone Uses Chart, 13.10.382- Allowed Uses in the Special Use "SU" District, 16.20.180- Private Road Standards, 16.30.050- Riparian Corridor Exemptions, and Adding County Code Sections 13.10.378- Timber Harvesting Related Helicopter Regulations and 13.10.695- Locational Criteria for Timber Harvesting

PROJECT EFFECTS

GEOLOGIC FACTORS

In Section XII (add Section 13.10.695 to County Code) of the Project under "Locational Criteria for Timber Harvesting", the County proposes that "timber harvesting and associated activities shall not occur within areas identified as active or recent landslides, as determined by a registered Geologist or Engineering Geologist, based on the most current mapping, photo-interpretation, and/or surface observation".

In the Environmental Review Checklist (ERC, hereafter), Geologic Hazards #1, the County contends that this portion of the Project will have "no impact" on "landslides, mudslides or other slope instability".

* Prohibition of timber harvesting on active landslides can and will cause further landsliding, mud flows and slope instabilities by eliminating the ability to remove trees from active slide areas. It is a common practice, often suggested by geologists from State Division of Mines during harvest plan review, to remove trees from unstable areas in order to decrease surface weight and to reduce the negative

torsional effects that partially uprooted trees have on active slides. (see attached letter, Mark Foxx, Engineering Geologist) This portion of the Project will cause significant environmental impact.

In the ERC, Geologic Hazards #8, the County contends that the Project will have "no impact" on possible increases of erosion of soils, either on or off site".

* Failure to remove tipped and unstable trees from active landslides often accelerates further sliding and increases instability. This will increase both short and long term soil erosion in these affected areas. This portion of the Project will cause significant environmental impact unless very specific mitigation measures are provided.

HYDROLOGIC FACTORS

In Sections: II (13.10.312—Uses in Agricultural Districts), III (13.10.322-Residential Uses) and (13.10.342- Uses in Industrial Districts), VI (13.10.342(b)- Industrial Uses Chart), VII (13.10.352(b)- PR Uses Chart), VIII (13.10.362(b)- Public and Community Facilities Uses), IX (13.10.372(b)- TP Uses Chart), XI (13.10.382- Uses in the Special Use "SU" District), and XII (13.10.695- Locational Criteria for Timber Harvesting) the Project completely eliminates all harvest of timber from a variety of locations/zones by stating that "timber harvesting is not an allowed use" or that timber harvest is "subject to" restrictive criteria.

In the ERC, Hydrologic Factors #2 the County contends that the Project will have "no impact on private or public water supply".

* When landowners are faced with the prospect of a prohibition of timber harvest on their property, there is a high likelihood that they will turn to some type of development of the parcel so as not to be entirely excluded from some form of reasonable use. In the initial study, this possibility is never discussed yet it is such a potential likelihood, that the failure to analyze the potential impacts is both inadvisable and misleading. Public and private water supplies will be threatened by increased development in the watersheds.

* Prohibitions of timber harvest will cause an increase of forest biomass which will lead to much higher water uptakes and a decrease in ground water supplies. (Water in Environmental Planning, Thomas Dunne and Luna Leopold, 1978, studies on Waddell Creek, Robert Briggs)

* Many publicly and privately held water companies rely on funds generated through timber harvest for improvements and maintenance of their infrastructure for delivery of their water supply. The Project will result in significant reductions in revenues to these water purveyors which may result in an inability to insure an ample water supply. For example, the City of Santa Cruz annually harvests timber from its watershed lands. These are bisected by many streams. The proposed

riparian buffers will significantly reduce the volume of timber available for harvest within these forested areas.

In the ERC, Hydrologic Factors #4, the County contends that the Project will have "no impact on increased siltation rates".

* Development within the watersheds will increase siltation rates unless significantly mitigated. Testimony by the County Planning officials would indicate that the County has insufficient staffing and enforcement to realistically mitigate current negative impacts from development let alone what may be expected following implementation of these proposed ordinances. It may be that there is no realistic way to mitigate for this increased development. Furthermore, periodic re-entries to properties for commercial timber harvest allows for corrective work and improvements to already existing access roads. Mountainous roads require ongoing maintenance to prevent siltation (see attached letter by Ray Rice, Hydrologist).

In the ERC, Hydrologic Factors #5, the County contends that the Project will have "no impact on surface or ground water quality" which may be compromised by "contaminants including silt-urban runoff, nutrient enrichment, pesticides etc."

* Increased rural development will result in significant increases in runoff of contaminants, which cannot be mitigated. There already is documented evidence in the San Lorenzo Valley that rural development in the forest has lead to significant increases in contaminated runoff due to animal enclosures.

In the ERC, Hydrologic Factors #7, the County contends that the Project will have "no impact on groundwater recharge".

* See #2 above, also, increased residential development in the watersheds will cause significant reductions in groundwater recharge rates due to residential consumption. This has been documented in the Soquel aquifer and the Santa Margarita (Scotts Valley) aquifer.

In the ERC, Hydrologic Factors #9, the County contends that the Project will have "no impact on changes in drainage patterns or rate and amount of runoff".

* Access roads, housepad construction and increased impervious surfaces associated with residential development will significantly alter drainage patterns as well as the rates and amounts of surface runoff.

In the ERC, Hydrologic Factors #10, the County contends that the Project will have "no impact on cumulative saltwater intrusion".

* Residential buildout in forestland will require increased water use. This will only be accomplished by wells and surface uptakes. This will lead to significant cumulative saltwater intrusion for which there is no current successful mitigation.

BIOTIC FACTORS

In Sections: II (13.10.312—Uses in Agricultural Districts), III (13.10.322-Residential Uses) and (13.10.342- Uses in Industrial Districts), VI (13.10.342(b)- Industrial Uses Chart), VII (13.10.352(b)- PR Uses Chart), VIII (13.10.362(b)- Public and Community Facilities Uses), IX (13.10.372(b)- TP Uses Chart), XI (13.10.382- Uses in the Special Use "SU" District), and XII (13.10.695- Locational Criteria for Timber Harvesting) the Project completely eliminates all harvest of timber from a variety of locations/zones by stating that "timber harvesting is not an allowed use" or that timber harvest is "subject to" restrictive criteria.

In the ERC, Biotic Factors #1, the County contends that the Project will have "less than significant impact on known habitat of any unique, rare or endangered plants or animals".

*The proposed prohibition on harvesting trees in the riparian zones as defined by the County will have a significant negative impact on endangered aquatic species which will not be offset by supposed reductions from other impacts. All fish species referenced by the County require the presence and instream inputs of large woody material. Fire, which at one time acted to thin naturally occurring redwood stands, is no longer a feasible management tool given the risk to existing human development in the forest. Now, selective timber harvest is the only known method of increasing tree growth while reducing tree numbers to allow for development of these larger trees in second growth redwood stands. Selective harvesting is the only feasible method which could provide this woody material within a reasonable time frame.

In the ERC, Biotic Factors #2, the County contends that the Project will have "less than significant impact on unique or fragile biotic communities".

* The naturally occurring Monterey Pine stands located on parcels zoned SU, A and CA are infested with Pitch Canker. Many of these trees are dead and/or dying. Commercial salvage of these trees reduces the risk of further infestations and catastrophic fire. These stands are considered a unique biotic community by the County. Prohibitions on harvest of these trees in these locations will have a significant negative environmental effect on this plant community. The lack of timber harvesting in these areas is already impeding the ability to critically research solutions and impacts of this disease. Indeed, given the overcrowded and decadent nature of these stands, mechanical manipulation (logging) of these stands is the only known method of restoring them to a healthy, natural state. This has been

scientifically replicated many times over the past two decades throughout California in areas of high visitor use such as Yosemite National Park.

In the ERC, Biotic Factors #3, the County contends that the Project will have "no impact on fire hazard from flammable brush, grass, or trees".

* Prohibition of harvest will, in many cases, create unmanageable fuel loads and increase the risk of catastrophic wildfires. This will be compounded by the increase in ignition sources as development, and access to development, encroaches on forest lands. One significant fire could cause such degradation of a watershed that multiple years of runs of anadromous fish would disappear and lead to the possibility of extinction.

In the ERC, Biotic Factors #4, the County contends that the Project will have "no impact on change in diversity of species, or number of species of plants or animals".

* Selective timber harvesting is the only process that can safely be employed to mimic fire's natural ecological effects on vegetative cover reduction and early seral stage initiation (regeneration) of all plant and animal species which occupy the forest. Prohibition of this management tool will lead to a significant decrease in the diversity and number of plant and animal species. Long term effects that can be expected include: Increases in hardwoods, decrease in Douglas fir, lack of early successional habitats and a fragmentation of habitats due to the inevitable increase in rural development.

ENERGY AND NATURAL RESOURCES

In Sections: II (13.10.312—Uses in Agricultural Districts), III (13.10.322-Residential Uses) and (13.10.342- Uses in Industrial Districts), VI (13.10.342(b)- Industrial Uses Chart), VII (13.10.352(b)- PR Uses Chart), VIII (13.10.362(b)- Public and Community Facilities Uses), IX (13.10.372(b)- TP Uses Chart), XI (13.10.382- Uses in the Special Use "SU" District), and XII (13.10.695- Locational Criteria for Timber Harvesting) the Project completely eliminates all harvest of timber from a variety of locations/zones by stating that "timber harvesting is not an allowed use" or that timber harvest is "subject to" restrictive criteria. In Section X, Chapter 13.10 of the County Code is amended to add Section 13.10.378 (Timber Harvest Related Helicopter Operations), items a-d attempt to restrict helicopter operations.

In the ERC, Energy and Natural Resources #1, the County contends that the Project will have "no impact on timber resources".

* The Project will have a significant adverse impact on the timber resources of the county by removing some of them from any possibility of production. This is true whether accomplished by zoning designation, residential buffering or for supposed riparian protection. The County's resource designation, albeit inadequate, clearly

makes recognition of the fact that the forest landscape is limited to particular areas within the County. The fact that the County has identified and mapped this resource indicates that they recognize the inherent significance of the resource. The Projects failure to update the Timber Resource map will insure that valuable timber resource areas are excluded from harvest. To emphatically state that the proposed ordinance will have no impact on the timber resource is in direct conflict with the County's current General Plan. The assumption that their actions will lead all timberland owners prohibited from logging to rezone to TPZ is seriously flawed. Many owners do not have the monetary resources available to fund the rezoning application and the County required timber management plan. Furthermore, there is no guarantee that all applicants will be allowed to rezone by the County. Once landowners are denied an ability to harvest, they will turn to the sale and/or development of these properties. The County's initial study is far too narrow in scope and must take into account this scenario when considering such zoning changes. More importantly, from a biological perspective, abolition of selective timber harvest within any portion of the forested landscape will lead to significant negative environmental impacts. (see Biotic Factors, #4)

* The project will have a significant adverse impact on timber resources state wide in that the proposed prohibitions will reduce significantly, the County's ability to provide wood products from within the range of its resources. This most assuredly will lead to the extraction of the resource from areas where timber harvesting is not done with as much environmental care. The County will have no control over where the timber procurement will be relocated. Because the County's actions will likely not alter the demand for forest products, timber harvesting will increase proportionally elsewhere. This will have a decided environmental impact in those areas.

In the ERC, Energy and Natural Resources #2, the County contends that the Project will have "no impact on lands currently utilized for agriculture or designated for agricultural use".

* Direct prohibitions of timber harvest on agriculturally designated lands will have a negative economic impact on agriculture and may cause farmers and ranchers to sell or develop all or portions of their lands or alter their operations in such a way to compensate for their losses that other significant impacts may occur.

In the ERC, Energy and Natural Resources #3, the County contends that the Project will have "no impact or encourage activities which result in the use of large amounts of fuel or energy".

* The proposed ordinances may reduce so significantly the amount of available commercial timber the Santa Cruz Mountains, especially when cumulative removals for park expansion, development and other neighboring county restrictions are taken into account, that the sole remaining sawmill in the area will no longer remain economically viable. Closure of the local mill will significantly increase the out of

county flow of logs to mills in Mendocino County, the Sacramento area and the Southern Sierras, which will result in a significant increase in fuel use for every delivered log load (3-4 times the amount). It will also increase wear and tear on roads and highways.

In the ERC, Energy and Natural Resources #4, the County contends that the Project will have "no impact or a substantial effect on the potential use, extraction, or depletion of a natural resource".

* See those listed in 1, above. Additionally, the proposal limiting helicopter operations will have a substantial negative environmental effect by eliminating one of the most environmentally sound methods of timber harvest over a significant portion of the timbered acreage in county. This clearly will affect both the "potential use and extraction of a natural resource". To assert otherwise is a misrepresentation.

CULTURAL/AESTHETIC FACTORS

In Sections: II (13.10.312—Uses in Agricultural Districts), III (13.10.322-Residential Uses) and (13.10.342- Uses in Industrial Districts), VI (13.10.342(b)- Industrial Uses Chart), VII (13.10.352(b)- PR Uses Chart), VIII (13.10.362(b)- Public and Community Facilities Uses), IX (13.10.372(b)- TP Uses Chart), XI (13.10.382- Uses in the Special Use "SU" District), and XII (13.10.695- Locational Criteria for Timber Harvesting) the Project completely eliminates all harvest of timber from a variety of locations/zones by stating that "timber harvesting is not an allowed use" or that timber harvest is "subject to" restrictive criteria.

In the ERC, Cultural/Aesthetic Factors #5, the County contends that the Project will have "no impact on or interference with established recreational, educational, religious or scientific uses of the area".

* Proposed ordinance changes will prevent religious, recreational camps and Educational centers from being able to harvest timber, and from harvesting some of their most productive timberlands. They will not have funds from such harvests to support camp activities and road maintenance, nor will they have the educational opportunity to teach about plant and animal succession and human responsibility to protect natural resources they must use to support civilization (see attached letters, Salesian Society, S.H. Cowell Foundation, Redwood Christian Park).

SERVICES AND UTILITIES

In Sections: II (13.10.312—Uses in Agricultural Districts), III (13.10.322-Residential Uses) and (13.10.342- Uses in Industrial Districts), VI (13.10.342(b)- Industrial Uses Chart), VII (13.10.352(b)- PR Uses Chart), VIII (13.10.362(b)- Public and Community Facilities Uses), IX (13.10.372(b)- TP Uses Chart), XI (13.10.382- Uses in the Special

Use "SU" District), and XII (13.10.695- Locational Criteria for Timber Harvesting) the Project completely eliminates all harvest of timber from a variety of locations/zones by stating that "timber harvesting is not an allowed use" or that timber harvest is "subject to" restrictive criteria.

In the ERC, Services and Utilities # 3 a-f, the County contends that the Project will have "no impact on a need for expanded governmental services".

* Policies, which will result in expanded development into the forest, will require expansion of most public services. The largest expansions will be required in fire protection and the maintenance of public roads to service residences on a year round basis. Additionally, technical restrictions such as riparian no-cut zones and residential buffers will require increased monitoring by public agencies with concurrent agency cost increases.

In the ERC, Services and Utilities #5, the County contends that the Project will have "no impact or result in inadequate access for fire protection".

* The elimination of logging as a permitted use will lead to a deterioration of adequate fire protection. Roads used for logging will no longer be regularly maintained and kept open for emergency fire access. Private roads, previously used by logging trucks, will in most instances, not have the benefit of periodic equipment on site and financial contributions brought about by logging for maintenance and improvements. The County's assertion that their ordinance will improve access assumes that there will be ample funds available to rural landowners for the mandated improvements. Without the ability to harvest timber, where will these funds come from?

TRAFFIC AND TRANSPORTATION

In Sections: II (13.10.312—Uses in Agricultural Districts), III (13.10.322-Residential Uses) and (13.10.342- Uses in Industrial Districts), VI (13.10.342(b)- Industrial Uses Chart), VII (13.10.352(b)- PR Uses Chart), VIII (13.10.362(b)- Public and Community Facilities Uses), IX (13.10.372(b)- TP Uses Chart), XI (13.10.382- Uses in the Special Use "SU" District), and XII (13.10.695- Locational Criteria for Timber Harvesting) the Project completely eliminates all harvest of timber from a variety of locations/zones by stating that "timber harvesting is not an allowed use" or that timber harvest is "subject to" restrictive criteria.

In the ERC, Traffic and Transportation #1, the County contends that the Project will have "no impact on or result in an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system".

* As development of the forested lands increases it will place great pressure on substandard, publicly maintained roads in the mountains. It can be expected that

traffic loads will exceed the capacity of the mountain road systems. This is already evidenced by the daily use of Highway 9 and Bear Creek Road in the San Lorenzo Valley. This increased development will necessitate significant alteration of the County infrastructure. This expansion will have serious environmental impacts.

In the ERC, Traffic and Transportation #4 , the County contends that the Project will have "no impact on or result in alterations to present patters of circulation or movements of people and/or goods.

* See item "Energy and Natural Resources # 3, above

LAND USE/HOUSING

In Sections: II (13.10.312—Uses in Agricultural Districts), III (13.10.322-Residential Uses) and (13.10.342- Uses in Industrial Districts), VI (13.10.342(b)- Industrial Uses Chart), VII (13.10.352(b)- PR Uses Chart), VIII (13.10.362(b)- Public and Community Facilities Uses), IX (13.10.372(b)- TP Uses Chart), XI (13.10.382- Uses in the Special Use "SU" District), and XII (13.10.695- Locational Criteria for Timber Harvesting) the Project completely eliminates all harvest of timber from a variety of locations/zones by stating that "timber harvesting is not an allowed use" or that timber harvest is "subject to" restrictive criteria.

In the ERC, Land Use/Housing #3 , the County contends that the Project will have "no impact on or result in a substantial alteration of the present or planned land use of an area."

* It can be expected that substantial alterations of planned land use will occur as the County's policies result in irreversible development of prime timberland. As development spreads outward, continued conflicts over timber harvest not addressed by the proposed ordinance, will result in further erosion of the timber base. This in turn will force many timberland owners to turn to development.

In the ERC, Land Use/Housing #5 , the County contends that the Project will have "no impact on or result in land use not in conformance with the character of the surrounding neighborhood.

* Clearly, residential housing and all that comes with it, is not in conformance with the character of a fully functioning forested setting.

HAZARDS

In Sections: II (13.10.312—Uses in Agricultural Districts), III (13.10.322-Residential Uses) and (13.10.342- Uses in Industrial Districts), VI (13.10.342(b)- Industrial Uses Chart), VII (13.10.352(b)- PR Uses Chart), VIII (13.10.362(b)- Public and Community Facilities Uses), IX (13.10.372(b)- TP Uses Chart), XI (13.10.382- Uses in the Special Use "SU" District), and XII (13.10.695- Locational Criteria for Timber Harvesting) the

Project completely eliminates all harvest of timber from a variety of locations/zones by stating that "timber harvesting is not an allowed use" or that timber harvest is "subject to" restrictive criteria.

In the ERC, Hazards #6, the County contends that the Project will have "no impact on or create a potential substantial fire hazard.

* See Biotic Factors #3 and Services and Utilities #5

GENERAL PLANS AND PLANNING POLICY

In Section II, (13.10.312—Uses in Agricultural Districts), the Project completely eliminates all harvest of timber from the "A, CA and RA "zones by stating that "timber harvesting is not an allowed use". In Section X, Chapter 13.10 of the County Code is amended to add Section 13.10.378 (Timber Harvest Related Helicopter Operations). items b, c, and d. attempt to regulate how operations of helicopters will occur.

In the ERC, General Plans and Planning Policy #2, the County contends that the Project will have "no impact nor conflict with any local, state or federal ordinances."

* County actions have already violated state CEQA procedures (see letter by Jeffrey Redding, AICP).

* The Project as reviewed is clearly in conflict with existing state law regarding county authority to regulate timber harvesting. The reviewed language regarding the use of helicopters attempts to regulate the conduct of such operations by limiting the timing and amounts of helicopter operations that can occur. The Federal Aviation Administration is the government agency which controls all aspects of air transportation. The County proposal clearly infringes on the jurisdictional authority of this agency. The Environmental Coordinator falsely stated that the proposal would not be in conflict with state law and this was circulated to all affected agencies. This clearly calls for re-circulation of the document for review.

* The project is in conflict with State Food and Agricultural Code 1997, Sections 22, Article 8.5 (Cannella Environmental Farming Act of 1995, Section 564) which states that: "Agricultural activities means those activities that generate products as specified in section 5004." Section 5004 states "' product' includes any horticultural, viticultural, aquacultural, forestry, dairy, livestock, poultry, bee, or farm product." The project also is in conflict with Section 58554 which states " 'agricultural commodities' means the products of California's farms and ranches and items processed from these products, and includes forest products..."

Michael E. Jani 10/22/98
MICHAEL E. JANI

MICHAEL E. JANI

Oct. 21, 1998

Occupation: Chief Forester

Education: B.S. Forestry, 1974, UC Berkeley with honors
Member: Xi Sigma Pi, Graduate Leadership Santa Cruz, 1993

Licences and Certifications: Registered Professional Forester, State of California #1856, Certified Soil Erosion and Sedimentation Control Specialist #126, Certified by the State of California to do Archaeological Surveys, Certified by the California Department of Fish and Game to do Marbled Murrelett surveys.

Memberships and Affiliations: Member: Senator Bruce McPherson's Agricultural Advisory Committee, Member: California Forestry Association, Legislative Committee, Member: California Licensed Forester's Association, President, Santa Cruz County Farm Bureau, 1995-96, Vice President, 1993-94. Current Chairman, Forestry Advisory Committee, California Farm Bureau, Member: Land Use Advisory Committee, CFBF, 1995-96, Member: Santa Cruz County Timber Advisory Committee, Santa Cruz County Grand Jury 1982-83, Santa Cruz County Brd. of Supervisor appointee: Local Coastal Plan Review, 1979

Professional Experience: 23 years and currently employed as chief forester for Big Creek Lumber Co., Davenport, Ca.

SANTA CRUZ COUNTY MUST PREPARE AN ENVIRONMENTAL IMPACT
REPORT BECAUSE THIS PROPOSAL WILL CAUSE SIGNIFICANT
ENVIRONMENTAL EFFECTS

The following will show that Santa Cruz County failed to adequately analyze the environmental effects of this proposal. This led to inappropriate and misleading responses in the Initial Study's Environmental Checklist. A Negative Declaration on the part of planning staff cannot be substantiated by any competent substantial evidence.

PROJECT DESCRIPTION

General Plan/Local Coastal Program amendment to policy 5.13.5 to add Timber Harvesting as a principal permitted use on Commercial Agricultural zoned land and to policy 5.14.1 to add Timber Harvesting as an allowed use on Non-Commercial Agricultural zoned land; and ordinance amendments to the county code sections 13.10.1.170(d)-zoning implementation, 13.10.312(b)-agricultural zoning use chart, 13.10.382- special use zoning uses chart, 16.20.180-private road standards and 16.30.050-riparian corridor exemptions, and adding county code sections 13.10.386-general plan consistency criteria for Timber Harvesting in the special use district.

PROJECT EFFECTS

GEOLOGIC FACTORS

In Section V (13.10.386 Timber Harvesting in the Special Use "SU" Zone District, item a-3) the County proposes that " areas within recent and/or active landslides, as defined by County Code Section 16.10.040 are excluded from harvest"

In the Environmental Review Checklist (ERC, hereafter), Geologic Hazards #1, the County contends that this portion of the Project will have "no impact" on "landslides, mudslides or other slope instability".

* Prohibition of timber harvesting on active landslides can and will cause further landsliding, mud flows and slope instabilities by eliminating the ability to remove trees from active slide areas. It is a common practice, often suggested by geologists from State Division of Mines during harvest plan review, to remove trees from unstable areas in order to decrease surface weight and to reduce the negative torsional effects that partially uprooted trees have on active slides. (see attached letter, Mark Foxx, Engineering Geologist) This portion of the Project will cause significant environmental impact.

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* Failure to remove tipped and unstable trees from active landslides often accelerates further sliding and increases instability. This will increase both short

and long term soil erosion in these affected areas. This portion of the Project will cause significant environmental impact unless very specific mitigation measures are provided.

HYDROLOGIC FACTORS

In Section 5.14.1 (Uses allowed on Non-Commercial Agricultural(A) Zoned Lands), Section II- Section 13.10.312(b)- (Agricultural Use Chart), Section IV- Section 13.10.382 a.3, (Uses in the Special Use "SU" District, Section V- Section 13.10.386a-c (Timber harvesting in the Special Use "SU" Zone District) and by the exclusion of Timber Harvest as a permitted use in the RA zones, the Project eliminates all harvest of timber from some areas and proposes various limitations on timber harvest on others. This project would require "Timber Resource" designation before harvest would be allowed on certain zones. The existing "Timber Resource" map, does not accurately portray the timber resources in the county and underestimates the extent of the resource.

In the ERC, Hydrologic Factors #2 the County contends that the Project will have "no impact on private or public water supply".

* When landowners are faced with the prospect of a prohibition of timber harvest on their property, there is a high likelihood that they will turn to some type of development of the parcel so as not to be entirely excluded from some form of reasonable use. In the initial study, this possibility is never discussed yet it is such a potential likelihood, that the failure to analyze the potential impacts is both inadvisable and misleading. Public and private water supplies will be threatened by increased development in the watersheds.

* Prohibitions of timber harvest will cause an increase of forest biomass which will lead to much higher water uptakes and a decrease in ground water supplies. (Water in Environmental Planning, Thomas Dunne and Luna Leopold, 1978, studies on Waddell Creek, Robert Briggs).

* Many publicly and privately held water companies rely on funds generated through timber harvest, possibly from lands zoned "SU", for improvements and maintenance of their infrastructure for delivery of their water supply. The Project may result in significant reductions in revenues to these water purveyors which may result in an inability to insure an ample water supply. For example, the City of Santa Cruz annually harvests timber from its watershed lands. These are bisected by many streams. The proposed riparian buffers will significantly reduce the volume of timber available for harvest within these forested areas.

In the ERC, Hydrologic Factors #4, the County contends that the Project will have "no impact on increased siltation rates".

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* See #2 above, also, increased residential development in the watersheds will cause significant reductions in groundwater recharge rates due to residential consumption. This has been documented in the Soquel aquifer and the Santa Margarita (Scotts Valley) aquifer.

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* Access roads, housepad construction and increased impervious surfaces associated with residential development will significantly alter drainage patterns as well as the rates and amounts of surface runoff.

In the ERC, Hydrologic Factors #10, the County contends that the Project will have "no impact on cumulative saltwater intrusion".

* Residential buildout in forestland will require increased water use. This will only be accomplished by wells and surface uptakes. This will lead to significant cumulative saltwater intrusion for which there is no current successful mitigation.

BIOTIC FACTORS

In Section 5.14.1 (Uses allowed on Non-Commercial Agricultural(A) Zoned Lands), Section II- Section 13.10.312(b)- (Agricultural Use Chart), Section IV- Section 13.10.382 a.3, (Uses in the Special Use "SU" District, Section V- Section 13.10.386a-c (Timber harvesting in the Special Use "SU" Zone District) and by the exclusion of Timber Harvest as a permitted use in the RA zones, the Project eliminates all harvest of timber from some areas and proposes various limitations on timber harvest on others. This project would require "Timber Resource" designation before harvest would be allowed on certain zones. The existing "Timber Resource" map, does not accurately portray the timber resources in the county and underestimates the extent of the resource.

In the ERC, Biotic Factors #1, the County contends that the Project will have "no impact on known habitat of any unique, rare or endangered plants or animals".

*The proposed prohibition on harvesting trees in the riparian zones as defined by the County will have a significant negative impact on endangered aquatic species which will not be offset by supposed reductions from other impacts. All fish species referenced by the County require the presence and instream inputs of large woody material. Fire, which at one time acted to thin naturally occurring redwood stands, is no longer a feasible management tool given the risk to existing human development in the forest. Now, selective timber harvest is the only known method of increasing tree growth while reducing tree numbers to allow for development of these larger trees in second growth redwood stands. Selective harvesting is the only feasible method which could provide this woody material within a reasonable time frame.

In the ERC, Biotic Factors #2, the County contends that the Project will have "no impact on unique or fragile biotic communities".

* The naturally occurring Monterey Pine stands located on parcels zoned SU, RA and A are infested with Pitch Canker. Many of these trees are dead and/or dying. Commercial salvage of these trees reduces the risk of further infestations and catastrophic fire. These stands are considered a unique biotic community by the County. Prohibitions on harvest of these trees in these locations will have a significant negative environmental effect on this plant community. The lack of timber harvesting in these areas is already impeding the ability to critically research solutions and impacts of this disease. Indeed, given the overcrowded and decadent nature of these stands, mechanical manipulation (logging) of these stands is the only known method of restoring them to a healthy, natural state. This has been scientifically replicated many times over the past two decades throughout California in areas of high visitor use such as Yosemite National Park.

In the ERC, Biotic Factors #3, the County contends that the Project will have "no impact on fire hazard from flammable brush, grass, or trees".

* Prohibition of harvest will, in many cases, create unmanageable fuel loads and increase the risk of catastrophic wildfires. This will be compounded by the increase in ignition sources as development, and access to development, encroaches on forest lands. One significant fire could cause such degradation of a watershed that multiple years of runs of anadromous fish would disappear and lead to the possibility of extinction.

In the ERC, Biotic Factors #4, the County contends that the Project will have "no impact on change in diversity of species, or number of species of plants or animals".

* Selective timber harvesting is the only process that can safely be employed to mimic fire's natural ecological effects on vegetative cover reduction and early seral stage initiation (regeneration) of all plant and animal species which occupy the forest. Prohibition of this management tool will lead to a significant decrease in the diversity and number of plant and animal species. Long term effects that can be expected include: Increases in hardwoods, decrease in Douglas fir, lack of early successional habitats and a fragmentation of habitats due to the inevitable increase in rural development.

ENERGY AND NATURAL RESOURCES

In Section 5.14.1 (Uses allowed on Non-Commercial Agricultural(A) Zoned Lands), Section II- Section 13.10.312(b)- (Agricultural Use Chart), , Section IV- Section 13.10.382 a.3, (Uses in the Special Use" SU" District, Section V- Section 13.10.386a-c (Timber harvesting in the Special Use "SU" Zone District) and by the exclusion of Timber Harvest as a permitted use in the RA zones, the Project eliminates all harvest of timber from some areas and proposes various limitations on timber harvest on others. This project would require "Timber Resource" designation before harvest would be allowed on certain zones. The existing "Timber Resource" map, does not accurately portray the timber resources in the county and underestimates the extent of the resource. In Section III, Charter 13.10 of the County Code is amended to add Section 13.10.378 (Timber Harvest Related Helicopter Operations). This portion of Project restricts helicopter operations for the harvest of timber.

In the ERC, Energy and Natural Resources #1, the County contends that the Project will have "no impact on timber resources".

* The Project will have a significant adverse impact on the timber resources of the county by removing some of them from any possibility of production. This is true whether accomplished by zoning designation, residential buffering or for supposed riparian protection. The County's resource designation, albeit inadequate, clearly makes recognition of the fact that the forest landscape is limited to particular areas

within the County. The fact that the County has identified and mapped this resource indicates that they recognize the inherent significance of the resource. The Projects failure to update the Timber Resource map will insure that valuable timber resource areas are excluded from harvest. To emphatically state that the proposed ordinance will have no impact on the timber resource is in direct conflict with the County's current General Plan. The assumption that their actions will lead all timberland owners prohibited from logging to rezone to TPZ is seriously flawed. Many owners do not have the monetary resources available to fund the rezoning application and the County required timber management plan. Furthermore, there is no guarantee that all applicants will be allowed to rezone by the County. Once landowners are denied an ability to harvest, they will turn to the sale and/or development of these properties. The County's initial study is far too narrow in scope and must take into account this scenario when considering such zoning changes. More importantly, from a biological perspective, abolition of selective timber harvest within any portion of the forested landscape will lead to significant negative environmental impacts. (see Biotic Factors, #4)

* The project will have a significant adverse impact on timber resources state wide in that the proposed prohibitions will reduce significantly, the County's ability to provide wood products from within the range of its resources. This most assuredly will lead to the extraction of the resource from areas where timber harvesting is not done with as much environmental care. The County will have no control over where the timber procurement will be relocated. Because the County's actions will likely not alter the demand for forest products, timber harvesting will increase proportionally elsewhere. This will have a decided environmental impact in those areas.

In the ERC, Energy and Natural Resources #2, the County contends that the Project will have "less than significant impact on lands currently utilized for agriculture or designated for agricultural use".

* Direct prohibitions or arbitrary limitations of timber harvest on agriculturally designated lands will have a negative economic impact on agriculture and may cause farmers and ranchers to sell or develop all or portions of their lands or alter their operations in such a way to compensate for their losses that other significant impacts may occur.

In the ERC, Energy and Natural Resources #3, the County contends that the Project will have "no impact or encourage activities which result in the use of large amounts of fuel or energy".

* The proposed ordinances may reduce so significantly the amount of available commercial timber the Santa Cruz Mountains, especially when cumulative removals for park expansion, development and other neighboring county restrictions are taken into account, that the sole remaining sawmill in the area will no longer remain economically viable. Closure of the local mill will significantly increase the out of

county flow of logs to mills in Mendocino County, the Sacramento area and the Southern Sierras, which will result in a significant increase in fuel use for every delivered log load (3-4 times the amount). It will also increase wear and tear on roads and highways.

In the ERC, Energy and Natural Resources #4, the County contends that the Project will have "no impact or a substantial effect on the potential use, extraction, or depletion of a natural resource".

* See those listed in 1, above. Additionally, the proposal limiting helicopter operations will have a substantial negative environmental effect by eliminating one of the most environmentally sound methods of timber harvest over a significant portion of the timbered acreage in county. This clearly will affect both the "potential use and extraction of a natural resource". To assert otherwise is a misrepresentation.

CULTURAL/AESTHETIC FACTORS

In Section 5.14.1 (Uses allowed on Non-Commercial Agricultural(A) Zoned Lands), Section II- Section 13.10.312(b)- (Agricultural Use Chart), , Section IV- Section 13.10.382 a.3, (Uses in the Special Use "SU" District, Section V- Section 13.10.386a-c (Timber harvesting in the Special Use "SU" Zone District) and by the exclusion of Timber Harvest as a permitted use in the RA zones, the Project eliminates all harvest of timber from some areas and proposes various limitations on timber harvest on others. This project would require "Timber Resource" designation before harvest would be allowed on certain zones. The existing "Timber Resource" map, does not accurately portray the timber resources in the county and underestimates the extent of the resource.

In the ERC, Cultural/Aesthetic Factors #5, the County contends that the Project will have "no impact on or interference with established recreational, educational, religious or scientific uses of the area".

* Proposed ordinance changes will prevent religious, recreational camps and Educational centers from being able to harvest timber, and from harvesting some of their most productive timberlands. They will not have funds from such harvests to support camp activities and road maintenance, nor will they have the educational opportunity to teach about plant and animal succession and human responsibility to protect natural resources they must use to support civilization (see attached letters, Salesian Society, S.H. Cowell Foundation, Redwood Christian Park).

SERVICES AND UTILITIES

In Section 5.14.1 (Uses allowed on Non-Commercial Agricultural(A) Zoned Lands), Section II- Section 13.10.312(b)- (Agricultural Use Chart), , Section IV- Section 13.10.382 a.3, (Uses in the Special Use "SU" District, Section V- Section 13.10.386a-c (Timber harvesting in the Special Use "SU" Zone District) and by the exclusion of

Timber Harvest as a permitted use in the RA zones, the Project eliminates all harvest of timber from some areas and proposes various limitations on timber harvest on others. This project would require "Timber Resource" designation before harvest would be allowed on certain zones. The existing "Timber Resource" map, does not accurately portray the timber resources in the county and underestimates the extent of the resource.

In the ERC, Services and Utilities # 3 a-f, the County contends that the Project will have "no impact on a need for expanded governmental services".

* Policies, which will result in expanded development into the forest, will require expansion of most public services. The largest expansions will be required in fire protection and the maintenance of public roads to service residences on a year round basis. Additionally, technical restrictions such as riparian no-cut zones and residential buffers will require increased monitoring by public agencies with concurrent agency cost increases.

In the ERC, Services and Utilities #5, the County contends that the Project will have "no impact or result in inadequate access for fire protection".

* The elimination of logging as a permitted use will lead to a deterioration of adequate fire protection. Roads used for logging will no longer be regularly maintained and kept open for emergency fire access. Private roads, previously used by logging trucks, will in most instances, not have the benefit of periodic equipment on site and financial contributions brought about by logging for maintenance and improvements. The County's assertion that their ordinance will improve access assumes that there will be ample funds available to rural landowners for the mandated improvements. Without the ability to harvest timber, where will these funds come from?

TRAFFIC AND TRANSPORTATION

In Section 5.14.1 (Uses allowed on Non-Commercial Agricultural(A) Zoned Lands), Section II- Section 13.10.312(b)- (Agricultural Use Chart), , Section IV- Section 13.10.382 a.3, (Uses in the Special Use "SU" District, Section V- Section 13.10.386a-c (Timber harvesting in the Special Use "SU" Zone District) and by the exclusion of Timber Harvest as a permitted use in the RA zones, the Project eliminates all harvest of timber from some areas and proposes various limitations on timber harvest on others. This project would require "Timber Resource" designation before harvest would be allowed on certain zones. The existing "Timber Resource" map, does not accurately portray the timber resources in the county and underestimates the extent of the resource.

In the ERC, Traffic and Transportation #1, the County contends that the Project will have "no impact on or result in an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system".

* As development of the forested lands increases it will place great pressure on substandard, publicly maintained roads in the mountains. It can be expected that traffic loads will exceed the capacity of the mountain road systems. This is already evidenced by the daily use of Highway 9 and Bear Creek Road in the San Lorenzo Valley. This increased development will necessitate significant alteration of the County infrastructure. This expansion will have serious environmental impacts.

In the ERC, Traffic and Transportation #4, the County contends that the Project will have "no impact on or result in alterations to present patters of circulation or movements of people and/or goods.

* See item "Energy and Natural Resources # 3, above

LAND USE/HOUSING

In Section 5.14.1 (Uses allowed on Non-Commercial Agricultural(A) Zoned Lands), Section II- Section 13.10.312(b)- (Agricultural Use Chart), , Section IV- Section 13.10.382 a.3, (Uses in the Special Use "SU" District, Section V- Section 13.10.386a-c (Timber harvesting in the Special Use "SU" Zone District) and by the exclusion of Timber Harvest as a permitted use in the RA zones, the Project eliminates all harvest of timber from some areas and proposes various limitations on timber harvest on others. This project would require "Timber Resource" designation before harvest would be allowed on certain zones. The existing "Timber Resource" map, does not accurately portray the timber resources in the county and underestimates the extent of the resource.

In the ERC, Land Use/Housing #3, the County contends that the Project will have "no impact on or result in a substantial alteration of the present or planned land use of an area."

* It can be expected that substantial alterations of planned land use will occur as the County's policies result in irreversible development of prime timberland. As development spreads outward, continued conflicts over timber harvest not addressed by the proposed ordinance, will result in further erosion of the timber base. This in turn will force many timberland owners to turn to development.

In the ERC, Land Use/Housing #5, the County contends that the Project will have "less than significant impact on or result in land use not in conformance with the character of the surrounding neighborhood.

* Clearly, residential housing and all that comes with it, is not in conformance with the character of a fully functioning forested setting.

HAZARDS

In Section 5.14.1 (Uses allowed on Non-Commercial Agricultural(A) Zoned Lands),

Section II- Section 13.10.312(b)- (Agricultural Use Chart), , Section IV- Section 13.10.382 a.3, (Uses in the Special Use "SU" District, Section V- Section 13.10.386a-c (Timber harvesting in the Special Use "SU" Zone District) and by the exclusion of Timber Harvest as a permitted use in the RA zones, the Project eliminates all harvest of timber from some areas and proposes various limitations on timber harvest on others. This project would require "Timber Resource" designation before harvest would be allowed on certain zones. The existing "Timber Resource" map, does not accurately portray the timber resources in the county and underestimates the extent of the resource.

In the ERC, Hazards #6, the County contends that the Project will have "no impact on or create a potential substantial fire hazard.

* See Biotic Factors #3 and Services and Utilities #5

GENERAL PLANS AND PLANNING POLICY

In Section 5.14.1 (Uses allowed on Non-Commercial Agricultural(A) Zoned Lands), Section II- Section 13.10.312(b)- (Agricultural Use Chart), the Project limits harvest on the "A" zone and by exclusion as a permitted use, completely eliminates all harvest of timber from the RA "zone.. In Section X, Chapter 13.10 of the County Code is amended to add Section 13.10.378 (Timber Harvest Related Helicopter Operations), items b, c, and d. attempt to regulate how operations of helicopters will occur.

In the ERC, General Plans and Planning Policy #2, the County contends that the Project will have "no impact nor conflict with any local, state or federal ordinances."

* County actions have already violated state CEQA procedures (see letter by Jeffrey Redding, AICP).

* The Project as reviewed is clearly in conflict with existing state law regarding county authority to regulate timber harvesting. The reviewed language regarding the use of helicopters attempts to regulate the conduct of such operations by limiting the timing and amounts of helicopter operations that can occur. The Federal Aviation Administration is the government agency which controls all aspects of air transportation. The County proposal clearly infringes on the jurisdictional authority of this agency. The Environmental Coordinator falsely stated that the proposal would not be in conflict with state law and this was circulated to all affected agencies. This clearly calls for re-circulation of the document for review.

* The project is in conflict with State Food and Agricultural Code 1997, Sections 22, Article 8.5 (Cannella Environmental Farming Act of 1995, Section 564) which states that: "Agricultural activities means those activities that generate products as specified in section 5004." Section 5004 states "' product' includes any horticultural, viticultural, aquacultural, forestry, dairy, livestock, poultry, bee, or farm product." The project also is in conflict with Section 58554 which states " 'agricultural

commodities' means the products of California's farms and ranches and items processed from these products, and includes forest products..."

Michael E. Jani 10/22/98

MICHAEL E. JANI

MICHAEL E. JANI

Oct. 21, 1998

Occupation: Chief Forester

Education: B.S. Forestry, 1974, UC Berkeley with honors
Member: Xi Sigma Pi, Graduate Leadership Santa Cruz, 1993

Licences and Certifications: Registered Professional Forester, State of California #1856, Certified Soil Erosion and Sedimentation Control Specialist #126, Certified by the State of California to do Archaeological Surveys, Certified by the California Department of Fish and Game to do Marbled Murrelett surveys.

Memberships and Affiliations: Member: Senator Bruce McPherson's Agricultural Advisory Committee, Member: California Forestry Association, Legislative Committee, Member: California Licensed Forester's Association, President, Santa Cruz County Farm Bureau, 1995-96, Vice President, 1993-94. Current Chairman, Forestry Advisory Committee, California Farm Bureau, Member: Land Use Advisory Committee, CFBF, 1995-96, Member: Santa Cruz County Timber Advisory Committee, Santa Cruz County Grand Jury 1982-83, Santa Cruz County Bd. of Supervisor appointee: Local Coastal Plan Review, 1979

Professional Experience: 23 years and currently employed as chief forester for Big Creek Lumber Co., Davenport, Ca.

Redwood Empire

A DIVISION OF PACIFIC STATES INDUSTRIES, INC.

P.O. BOX 156 • 31401 McCRAY ROAD • CLOVERDALE, CA 95425
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Mardi Wormhoudt, Chair
Board of Supervisors
700 Ocean Street
Santa Cruz, CA 95060

23 November 1998

Dear Ms Wormhoudt and Members of the Board:

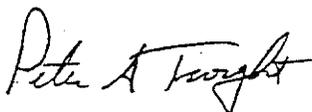
This letter is being submitted to you on behalf of Roger and Michelle Burch to again express opposition and objection to the County's proposed General Plan and Ordinances. As land managers for Mr. and Mrs. Burch, we have participated in the entire process the County of Santa Cruz has precipitated to change timber harvesting regulations and zoning restrictions. There are several of your ordinance rules and zoning restrictions which may very well take between 15 and 30 percent of the value of their various properties. The proposed riparian restrictions alone on one of their TPZ properties will take an estimated 25% of the value of the next harvest or over \$500,000 from one harvest alone. Non-TPZ properties will suffer more dramatic losses.

The proposed General Plan Amendments and Ordinances which restrict logging on slopes over 70% and on active (within the last 10,000 years) landslides have never been adequately demonstrated to be necessary to protect public health, safety, and general welfare. The proposed General Plan amendments and Ordinances which create residential buffer zones and restrict harvesting in stream side riparian areas usurp State regulations. The proposed restrictions have not been shown either necessary or effective to protect against a threat to public health, safety, and general welfare.

There are substantial errors in some of the photos, descriptions and testimony being used to justify your rules and zoning. The photos presented to the Board of Forestry have not been verified as to their location, or what they actually portray. Many of them could have been taken anywhere since even expert RPFs who know the timber harvest plans well cannot verify them. Many of the photos indicate only that large storms cause many human and natural structures to fail.

Although you have made major commitments to approving the general Plan Amendments and their supporting Ordinances restricting landowners rights to use their property, you should carefully consider the accuracy of the information supporting the restrictions, the necessity for the restrictions, and the effects of the restrictions on the future of the County, its environment, and its budgets. Such consideration should require you to delay action for further investigations, and/or reject the proposed changes outright.

Sincerely yours,



Peter A Twight, RPF for Roger & Michelle Burch



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23 November 1998
Mardi Wormhoudt, Chair
Board of Supervisors
700 Ocean Street
Santa Cruz, CA 95060

Re: County Forest Practice Rule/ Zoning Justification Photos

Dear Ms Wormhoudt and Members of the Board:

There are substantial errors in some of the photos and descriptions being used to justify your rules and zoning. The photos presented to the Board of Forestry have not been verified as to their location, or what they actually portray. Many of them could have been taken anywhere since even expert RPFs who know their timber harvest plans cannot verify them. These photos show 3 things:

1. That streams are protected from surface erosion, and the amount of the residual stand retained show there is no need for a no-cut riparian corridor. There is no scientific evidence that a denser canopy is needed for water temperatures for fish or any other reason.¹

2. The photos show the need for long term erosion control maintenance and that the County Erosion Control Ordinance is not enforced. The erosion portrayed would not have happened on a property being managed for timber production. It is typical of the "abandoned" properties your zoning and rules will create.

3. Many of the photos indicate only that large storms cause many human and natural structures to fail. Streamside riparian zones typically store logs and debris until a really large storm series, such as occurred last winter, mobilizes them and carries them to a new resting place². I am truly surprised to see such pictures representing a justification for new riparian rules when at least one of your County Staff knows they show a common natural watershed process. The only way such log jams could be prevented is to log streamside zones and remove all logs, stumps and debris from them. Actually spending the County Stream Clearance Tax money on cutting all logs in riparian areas would help bridges, but would be bad for fish and wildlife.

The following photographs are actually from Corralitos Creek this month³ and should indicate to

¹ The canopy on the Gamecock THP measures above the standard requested by Dave Hope of your Staff. In addition see: CDF Biologist Brad Valentine, August 8, 1996, Letter to T Osipowich, & Peter H Caferata in Watercourse Temperature evaluation Guide, 1990, CDF, page 4; DF&G Watershed Academy 1996, Bechta et al, 1987. Stream Temperatures and Aquatic Habitat: Fisheries and Forestry Interactions; Gaylon Lee, SWRCB PILOT MONITORING PROGRAM SUMMARY . . . January 1997, page 42.

² State Watershed Academy # 2, May 5-9 1997, DF & G

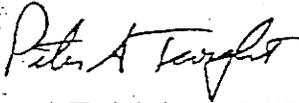
³ The three photos in Corralitos Creek that were presented to the Board of Forestry are false or misrepresentations

23 November 1998 Board of Supervisors

you that you are deceiving yourselves as to the causes of landslides, and the value of legislating against logging on landslides.. These photographs show three things:

1. Some landslides are excellent timberland that have no unnatural impacts to the environment from activities on them, therefore restrictions on logging are an unjustified taking of property;
2. Some landslides should be logged and have been logged to protect residential housing. This and number 1 above show the folly of your Rule against logging on landslides that are or have been active within the last 10,000 years
3. The residential housing your zoning and rules will encourage are the real sources of environmental impacts on Corralitos Creek.

Sincerely yours,

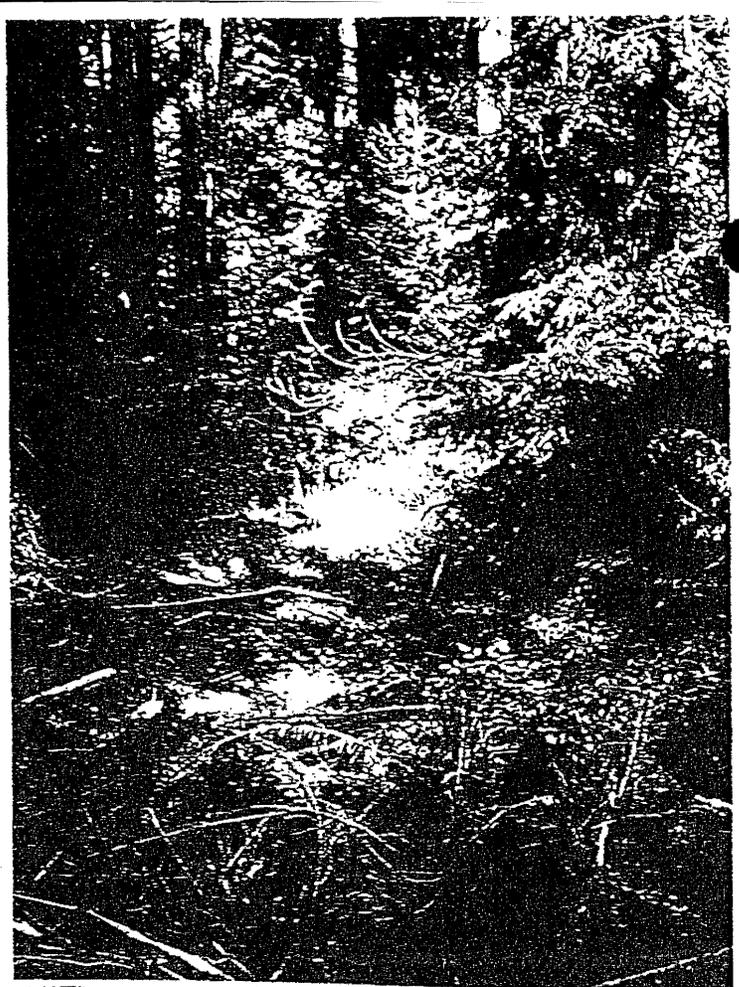


Peter A Twight RPF #2555

of fact.



This slide area of about 20 acres is creeping a few millimeters per year. This makes it "active." However it is so big and deep that nothing will "trigger" activity. It is not a good place for a house, but is an excellent place to grow timber as shown. It has been harvested twice since the original clearcut.

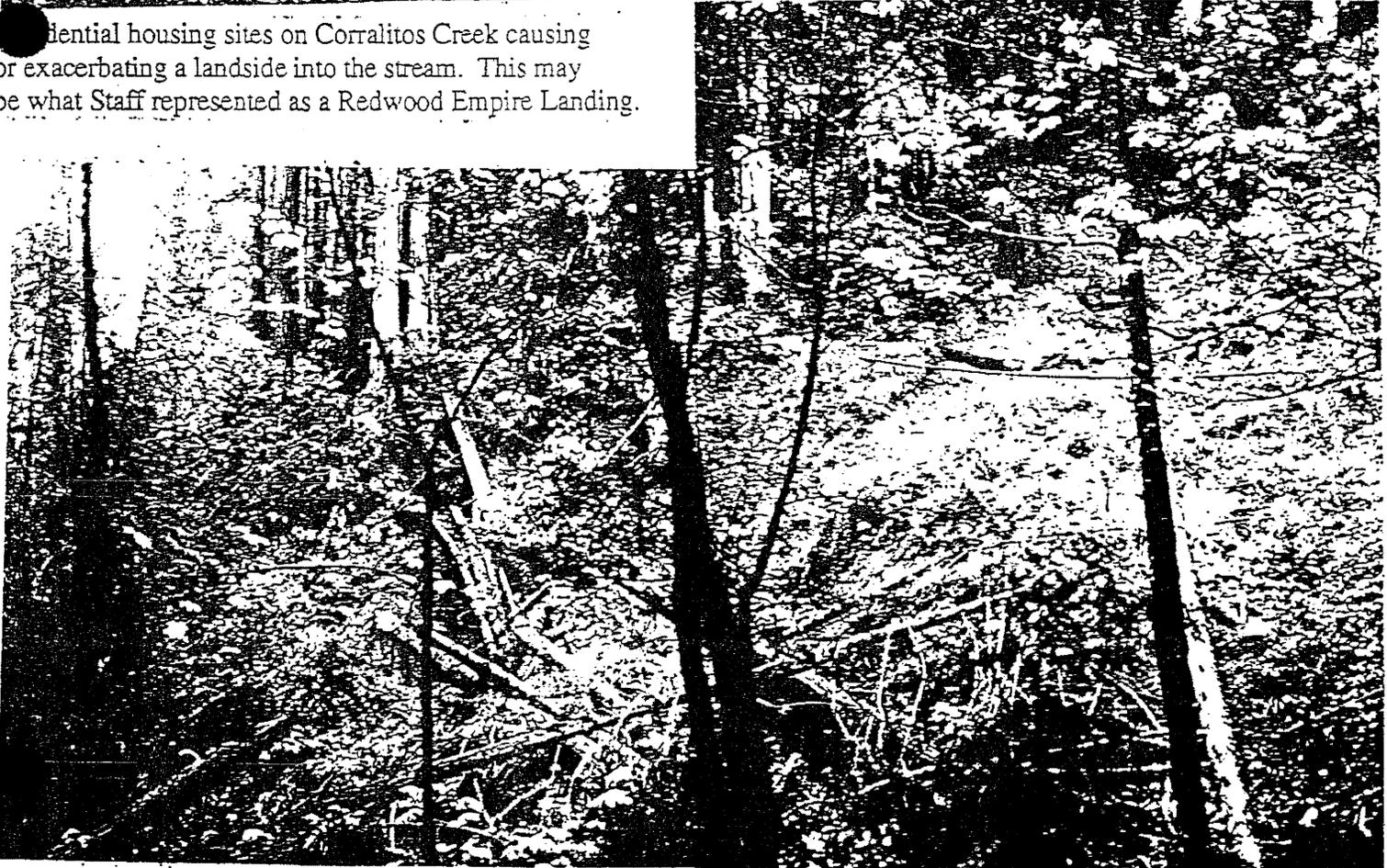


Dried up sag pond above Toe of slide below. The slide is creeping slowly into the stream which is undercutting it, allowing it to continue creeping. If the stream were not present, the slide might stop. Activity on the slide surface has no effect according to geologists.





Residential housing sites on Corralitos Creek causing
or exacerbating a landside into the stream. This may
be what Staff represented as a Redwood Empire Landing.



Landslide into Corralitos Creek near a residential parcel.
Note pipeline through the slide.

Photo on the left shows a large slide into Corralitos Creek. There has been no logging in its vicinity, but there are several houses, one just above the slide. Is it a septic problem? Road or roof drainage?



The photos on the right are below residences. The lower picture is of a slide that was logged in the mid 1980's to remove weight and leverage from the slide to slow or stop its movement. The lower part of the slide, next to the road, has moved again.

CALIFORNIA FORESTRY ASSOCIATION

December 2, 1998



BOARD OF SUPERVISORS
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www.forestbooth.org

RE: Board of Supervisors Consideration to Adopt Riparian Buffer Zones

Dear Supervisors:

The California Forestry Association (CFA) consists of companies, forest landowners and natural resource professionals committed to environmentally sound policies, the sustainable use of renewable resources and responsible forestry. Our membership includes forest management companies and registered professional foresters who do business in Santa Cruz county, as well as persons who own land in the county.

It is our understanding that the Santa Cruz County Board of Supervisors is considering a proposal by Supervisor Almquest to adopt a county ordinance creating "riparian buffer zones" for Timber Productivity Zone (TPZ) lands throughout the county. The California Forestry Association (CFA) strongly opposes any such effort by the Board of Supervisors.

We believe that any such action constitutes regulation of timber management operations. The Forest Practice Act of 1973 and the Timberland Productivity Act of 1982 clearly establish that such regulatory authority rests solely with the State of California through the Board of Forestry and the California Department of Forestry and Fire Protection. Any effort by the county to regulate timber management operations is pre-empted by the State. See our comments submitted to the Board of Supervisors dated November 23, 1998.

If the Board of Supervisors is determined to pursue such an ill-advised course of action, it is obligated under the Administrative Procedures Act (APA) to provide adequate notification and an opportunity to comment on the proposed action. We believe that an adoption of Supervisor Almquest's proposal through a blanket "consent vote" is a denial of due process in violation of the APA and the Constitution of the State of California.

We strongly encourage the Board to reconsider any action to unilaterally establish riparian buffer zones. If you have any questions on this matter, please feel free to give me a call at 916/444-6592.

Sincerely,


Mark S. Rentz
Vice President of Environmental
and Legal Affairs

MSR/ca

cc: Bud McCrary, Big Creek Lumber Company
Central Coast Forestry Association

EXHIBIT **J** , Page **2** of **11**

** TOTAL PAGE.002 **

CALIFORNIA FORESTRY ASSOCIATION

November 23, 1998



BOARD OF SUPERVISORS
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www.foresthealth.org

Re: Board of Supervisors Public Hearing to Consider Amendments to the
California Forest Practice Rules

Dear Supervisors:

The California Forestry Association (CFA) submits the following comments to the Board of Supervisors ("Supervisors") on the behalf of our members. CFA consists of companies, forest landowners and natural resource professionals committed to environmentally sound policies, the sustainable use of renewable resources and responsible forestry. Our membership includes forest management companies and registered professional foresters (RPFs) who do business in Santa Cruz county, as well as persons who own land in the county.

CFA recognizes the increasing complexities that counties like Santa Cruz are facing as the expansion of residential development into the forested countryside continues to accelerate. As we approach the 21st Century the rural counties and the Board of Forestry (BOF) will increasingly be challenged with the responsibility to balance the needs of expanding urban populations while ensuring "forest resource management calculated to serve the public's need for timber and forest resources." *Z'berg Nejedly Forest Practice Act of 1973* ("Forest Practice Act"). See Public Resources Code (PRC) § 4512(c).

CFA staff has attended every public hearing held by the BOF on the County's rulemaking proposals. We have also provided detailed comments on the proposals. A copy of our comments is enclosed for your review. We continue to oppose the operational provisions of the County's rulemaking proposal which the BOF declined to enact at its November meeting in Sacramento.

As the Board is aware, Santa Cruz county currently has some of the most restrictive forest practice regulations in the State. In addition to the state-wide FPRs, registered professional foresters (RPFs), licensed timber operators (LTOs) and forest landowners in Santa Cruz county are regulated by the Southern Sub-District Forest Practice Rules. And if there is any doubt as to the adequacy of environmental protections, it should be noted that these same parties are further constrained by the terms of the "Coho Salmon Biological Opinion and 2090 Agreement for Timber Harvest Plans South of San Francisco Bay." This agreement was entered into by the Directors of the California Department of Fish and Game and the Department of Forestry and Fire Protection in early 1996.

We believe that any attempt by the County to incorporate the failed operational provisions under the auspices of the County's existing zoning authority would be a violation State law.

The Forest Practice Act was enacted in 1973 to regulate forest management activities on private lands throughout the State. See PRC §§ 4511 et seq. The purpose of the Forest Practice Act is "to create and maintain an effective and comprehensive system of regulation and use of all timberlands..." *Id.* at § 4513. The Timberland Productivity Act was enacted in 1982 to further the legislative intent of the Forest Practice Act.

Government Code §§ 11340 et seq. authorizes state agencies and boards such as the Board of Forestry to adopt rules and regulations. PRC § 4516.5(a) provides, in part, that "[i]ndividual counties may recommend that the board [of forestry] adopt additional rules and regulations for the content of timber harvesting plans and the conduct of operations to take into account local needs." Emphasis added. Section 4516.5(b) authorizes the Board of Forestry to approve or deny such county proposals.

Regulating "timber operations" is solely within the discretion of the Board of Forestry. See Big Creek Lumber Company v. County of San Mateo, "Public Resources Code section 4516.5 expressly preempt[s] local attempts to regulate the conduct of timber operations." 31 Cal. App. 4th 418, 420-421. Emphasis added. PRC § 4527 defines "timber operations" to mean "the cutting or removal of both timber or other solid wood forest products,... including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, beds for falling of trees, fire hazard abatement, and site preparation..." Emphasis added.

The operational proposals rejected by the Board of Forestry, and now being considered by the Board of Supervisors, clearly fall within the statutory definition of "timber operations." And it is just as clear that the State legislature intended, and the courts have concurred, that the Board of Forestry have sole authority for the passage of regulations affecting timber operations in the State of California. Once the Board of Forestry rejected the County's rulemaking proposals regarding timber operations the County is legally precluded from passing any similar rules as part of a zoning effort.

In conclusion, we believe that provisions which regulate how and when helicopter operations are to be conducted, what are the appropriate silvicultural (harvesting) prescriptions, and how roads associated with timber operations are to be maintained are certainly examples of "timber operations" that are beyond the County's authority to impose upon private forest landowners in Santa Cruz county. We are confident that the courts would strike down any such effort by the Santa Cruz County Board of Supervisors. We encourage the Board of Supervisors to strongly consider the possible legal implications associated with any effort to circumvent the statutory authority of the Board of Forestry.

If you have any questions regarding this matter please feel free to contact me at 916/444-6592.

Sincerely,



Mark S. Rentz, esq.

Vice President, Environmental
And Legal Affairs

enclosures (2)

cc: Bud McCreary, Big Creek Lumber Company
Central Coast Forest Association
Chris Rowney, Board of Forestry
Richard Wilson, California Department of Forestry and Fire Protection

CALIFORNIA FORESTRY ASSOCIATION

November 2, 1998



Mr. Robert Kerstiens
Chair, Board of Forestry
1416 Ninth Street, Room 1506-14
Sacramento, California 95814

RE: Santa Cruz County Proposal to Amend the Forest Practice Rules

Dear Mr. Kerstiens:

The California Forestry Association (CFA) submits the following comments to the Board of Forestry ("Board") on the behalf of our members. Members include professional foresters, forest landowners and producers of wood products and biomass energy who are directly affected by changes to the Forest Practice Rules (FPRs). Our membership includes companies and registered professional foresters (RPFs) that do business in Santa Cruz county as well as persons who own land in the county.

As we stated in our previous comments dated August 28, 1998 (copy attached), CFA recognizes the challenges facing counties such as Santa Cruz in dealing with the accelerated expansion of residential development in the countryside. CFA staff has attended every public hearing held by the Board on the County's proposal, as well as several meetings of local concerned citizens in Santa Cruz county. The challenges inherent with the rapid population growth in a historically rural county such as Santa Cruz county are occurring throughout the state. As we approach the 21st Century the Board of Forestry will increasingly be challenged with the responsibility to provide a balance between forest ecosystems and an expanding urban population while ensuring "prudent and responsible forest resource management calculated to serve the public's need for timber and forest products". *Z'berg Nejedley Forest Practice Act of 1973* ("Forest Practice Act"). See Public Resources Code (PRC) § 4512(c).

We have had an opportunity to review the most recently revised proposal submitted by the County of Santa Cruz and, for the most part have come to the same conclusions. We believe that, for the most part, the County's proposal:

- (1) inadvertently promotes converting vital forestlands to urban and residential development, consequently undermining the integrity of the Central Coastal Redwood Forest Ecosystem;
- (2) discourages rather than encourage the enhancement of timberlands as set forth in PRC § 4513(a);
- (3) severely limits forest landowners' abilities to manage their forest lands in an environmentally and economically reasonable manner;

and

- (4) some of the proposals, namely the no harvest zones, may in fact constitute a taking of private property for public benefit without the payment of just compensation in violation of the Forest Practice Act (See PRC §4512(d)), the California Constitution and the United States Constitution.

The following issues constitute the major concerns, but not all the concerns, CFA members have with the proposed rulemaking package submitted by Santa Cruz County.

1. The County of Santa Cruz has failed to establish necessity for most of the operational proposals.

Public Resource Code (PRC) § 4516.5(b)(2) provides that the Board shall adopt additional rules and regulations proposed by a county if the Board finds that the proposal(s) are "necessary to protect the needs and conditions of the county recommending them." Emphasis added. The mere fact that the County of Santa Cruz has come before Board with a set of proposals does not, *de facto*, establish necessity. The Board must find that the current Forest Practices Rules (FPRs) and enforcement procedures are inadequate to protect the "needs and conditions of the county."

As the Board is aware, Santa Cruz county currently has some of the most restrictive timber forestry restrictions in the State. In addition to the state-wide FPRs, registered professional foresters (RPFs), licensed timber operators (LTOs) and forest landowners in Santa Cruz county are regulated by Southern Sub-District Forest Practice Rules and specific county FPRs. And if there is any doubt as to the adequacy of environmental protections, it should be noted that these same parties are further constrained by the terms of the "Coho Salmon Biological Opinion and 2090 Agreement for Timber Harvest Plans South of San Francisco Bay" entered into by the Directors of the California Department of Fish and Game (CDF&G) and the Department of Forestry and Fire Protection (CDF) in early 1996.

Throughout the public hearings, CFA staff and other interested parties have continuously requested that the Board's Forest Practice Committee require the County to provide adequate documentation establishing the necessity or justification for the additional operational restrictions proposed by the County. To the best of our knowledge the County has failed to present such documentation. This documentation should include an analysis of the economic effects of the proposals on landowners, operators and the County.

For the record, CFA was informed by our members in Santa Cruz county that last week the County submitted to the Board documentation "justifying" the proposed rulemaking. In all fairness to open public participation, we believe that this documentation should be noticed by the Board and an adequate opportunity (at least 30 days) be given for public review and comment.

2. Proposed Amendments to 14 CCR 926.3: Plan Submittal and Notice of Intent

CFA realizes that often requests for additional public notification is often a concern best dealt with at the local level. In all likelihood the proposals for additional notification are in response to the County's increasing concern over the expansion of urban and residential development into rural forest lands throughout the county. It truly may be in the best interests of maintaining good neighbor relationships to provide additional notification about proposed forestry operations.

The question remains as to whether the County has adequately considered the additional costs associated with proposed requirements under 14 CCR 926.3. The proposed amendments include requiring the timber harvest plan (THP) submitter to individually notify: (1) all property owners within 300 feet of the proposed planning area; (2) all property owners and residents (if different from property owners) within 3000 feet of any helicopter operations; (3) all members of all private road associations with regards to roads to be utilized in the forestry operations; and (4) all community water systems downstream from any location within which any operation is proposed. Furthermore, the county proposes that the plan submitter post a notice in "conspicuous locations". If the plan involves helicopter operations a notice must be posted "every half mile on all public roads within a 2 mile radius of the proposed area of operations." Remember, this is a Notice of Intent with regards to a proposed plan, and NOT a safety notice prior to commencement of operations.

This is in addition to the current rules which require a plan submitter to publish a "Notice of Intent in a newspaper of general circulation in the area where the project is proposed concurrent with the submission of the plan to the Director." Id. PRC § 926.3(d). We believe that the proposed notification requirements are excessive. With regards to the posting in conspicuous locations we query as to whether the submitter will be responsible for continually monitoring the postings and replacing signs that have been damaged or removed. Furthermore, will CDF have additional enforcement responsibilities to ensure that the proposed posting rules are complied with?

It may be in the best interests of all affected parties for the County to revisit its proposed Notice of Intent requirements and consider a more reasonable, balanced approach that shares notification responsibilities and costs between the County and the plan submitter.

3. Proposed Amendments to 926.7: Review Team Field Review

We question the appropriateness or necessity for designating a neighborhood representative to attend scheduled THP preharvest inspections, Review Team field inspections and scheduled meetings. 14 CCR 1037.3, "Agency and Public Review" provides that the CDF Director "shall invite written comments [from the public] and will consider these comments." Also see PRC §§ 4582.6 and 4582.7. Currently, a plan submitter has the discretion to bring any interested party onto the land to get an on-the-ground review of the proposed THP. In that this proposal allows the landowner to deny admittance to the designated neighborhood representative, we believe that this portion of the proposal is merely redundant.

If the Board decides to move ahead with the County's proposal to designate a neighborhood representative there are three issues that need to be resolved as part of the amendments to § 926.7:

- (1) The Board must identify a set of qualifications applicable to possible neighborhood representative. This should include a working knowledge of technical forestry, silvicultural and timber harvesting practices, as well as the Forest Practice Rules.
- (2) The Board must make it explicitly clear that the landowner will bear no responsibility (i.e. liability) for any injury sustained by the representative while participating in THP preharvest or field inspections. It is the business of the State or County as to whether either is willing to assume any such responsibility.
- (3) The language amending § 926.7 must expressly state that the decision of the plan submitter to deny access to the designated neighborhood representative will have no consequence on the decision to accept, reject or modify the THP. Furthermore, given the potential prejudice such a decision may have with regards to any possible administrative appeals or legal action, we believe that the decision to deny access should be excluded from the administrative file for the THP.

4. Proposed Amendments to 926.13: Performance Bonding

Any damage to a private road allegedly resulting from log hauling operations is a civil matter best handled between person responsible for log hauling and owner of the private road. We query whether CDF wants to assume the additional responsibility for monitoring private roads and determining who are the responsible parties and apportioning liability for damages to private roads.

5. Proposed Amendments to 926.15: Road Construction

Existing language under 14 CCR 923.1(b), "Planning for Roads and Landings", and 923.2(b) and © already address the County's concerns with regards to road construction on steep slopes. We believe that the proposed amendments will create havoc for many road construction projects, and in many cases may cause unnecessary adverse environmental impacts. For example, section (a)(2) of the proposed amendments would require the operator to excavate all the cut material, remove it from the road site and then bring it back for recontouring purposes as part of the road abandonment requirements. The additional transport and placement of soil may increase the likelihood of sediment transport into watercourses. The proposed alternative in section (a)(2) return of all side-cast materials to the roadbed may also increase the potential for sediment transport in situations where a stable roadbed already exists. Foresters and transportation engineers should have the flexibility to design and maintain roads in a manner that environmentally responsible as well as economically viable.

We oppose the blanket road surfacing requirements proposed under the amendments to § 926.15(a)(5). The proponents have failed to demonstrate the necessity for such surfacing requirements for all permanent logging roads throughout the County. Furthermore, we do not believe the County has fully addressed all the potential problems associated with determining "ratable costs" not attributable to the plan submitter. For example, how will the County assure that the costs associated the portion not attributable to the plan submitter (i.e. associated with "other road users") will be collected in a timely manner? Or will the collection be the responsibility of the plan submitter? If so, what authority will the submitter have to collect a "road-use fee"? These questions were raised before the Forest Practice Committee but have yet to be addressed in the proposed amendments.

6. Proposal to Adopt a New Section, 14 CCR 926.25: Special Harvesting Methods

CFA opposes the proposed cutting prescriptions set forth under the new section, 14 CCR 926.25. There is no biological, silvicultural or logical justification for applying different silvicultural prescriptions to Non-Timber Production Zone (TPZ) lands and TPZ lands. While general silvicultural guidelines may be beneficial, the proposed county-wide cutting standards are indefensible. Such a proposal runs completely counter to the basic premise of the Forest Practice Rules – i.e. forest management activities should be designed by a registered professional forester taking into account professional judgment and site-specific conditions. See 14 CCR 897, "Implementation of the [Forest Practice] Act".

The main defense for these proposals was presented by a proponent last month before the Forest Practice Committee. The proponent developed a computer "model" which he alleged demonstrated the appropriateness of these cutting standards. To the best of our knowledge this individual is neither a licensed professional forester or even educated in forest management or silvicultural applications. The person did admit that his model had no scientific peer review. It would be completely inappropriate, and would undermine the Board's credibility, to accept these standards as forest practice rules absent scientifically-credible justification.

7. Proposal to Adopt a New Section, 14 CCR 926.28, Helicopter Operations

Today, more foresters, hydrologists, geomorphologists, and fisheries biologists, are encouraging helicopter logging as an environmentally-sensitive alternative to conventional timber harvesting systems, where the conditions warrant additional environmental protections. We are astounded with extensive constraints that the County proposes to apply to helicopter logging. It would appear that the County wants to discourage the use of helicopter logging in Santa Cruz county. We recognize the need to be sensitive to needs of adjacent residences, and understand that some restrictions operating hours and weekend/holiday flights may be warranted. But restricting the number of days that a helicopter can be used in a calendar year or a during a five year period, will force landowners to use other harvesting methods when in fact helicopter logging may be the

most desirable method given the environmental characteristics of the planning area. We strongly encourage the Board to reject the proposed restrictions on the number of operating days in a calendar year or five year period. The environmental benefits often may outweigh the inconvenience to residents over a short duration.

8. Proposal to Adopt a New Section, 14 CCR 926.24, residential Buffer Zones

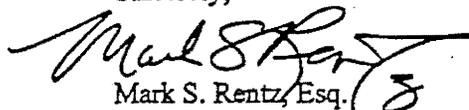
We believe that the County has failed to provide any legal justification for the 300 foot "no cut" residential buffer zone. The proponents have failed to establish any threat to the health and safety of adjacent landowners. For many landowners this buffer may impose added expenses that would preclude responsible forest management and eliminate all economically viable use of their property with the possible exception of conversion for development purposes. The consequence of such an outcome would be further loss of the forest ecosystem. It is also quite possible that a forest landowner could have a legitimate private property "takings" claim against the State if the Board were to adopt this proposal.

This concludes our comments on this proposed rulemaking package. As we stated in our August 28, 1998 comments (copy attached) we encourage the Board to defer any action on the silvicultural and operational aspects of the County's proposed rulemaking until the Board has conducted an on-the-ground assessment of the effectiveness of the current FPRs. Furthermore, we believe it is imperative that the Board considers the full effect additional rulemaking may have on the forest ecosystems in Santa Cruz County. Additional layers of regulations will make it economically prohibitive for some landowners to manage their lands to achieve their personal goals. A likely scenario is a continued increase in conversion of forest lands to more valuable residential and urban development as the San Francisco Bay area continues to migrate south. This is a negative environmental impact we would all agree is undesirable.

If the Board feels that additional notification requirements may improve relations between forest landowners, foresters and operators on the one hand, and the general citizenry on the other hand, we could support amendments to the Santa Cruz County Forest Practice Rules, consistent with our comments.

If you have any questions regarding this matter please give me a call at 916/444-6592.

Sincerely,


Mark S. Rentz, Esq.
Vice President, Environmental
and Legal Affairs

attachment (1)

cc: Mike Jani, Big Creek Lumber Company
Central Coast Forest Association

CALIFORNIA FORESTRY ASSOCIATION

August 28, 1998

Robert Kerstiens
Chairman, Board of Forestry
1416 Ninth Street
Sacramento, CA. 95814



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SUITE 350
SACRAMENTO
CALIFORNIA
95814
PHONE 916 441 6392
FAX 916 441 0170
E-MAIL cfa@com.com
www.foresthealth.org

RE: Santa Cruz County Proposal to Amend the Forest Practice Rules

Dear Chairman Kerstiens:

Enclosed are the comments of the California Forestry Association (CFA) regarding the Santa Cruz County Board of Supervisors' proposal to amend the Forest Practice Rules (FPRs) as submitted to the Board of Forestry (BOF) last month.

CFA encourages the BOF to defer any action on the County's proposal until the BOF has had an opportunity to thoroughly review the proposal in light of the proposed county ordinances and the BOF has conducted an on-the-ground assessment of the current forest practices in Santa Cruz county.

CFA recognizes that many counties such as Santa Cruz are facing major challenges in dealing with the accelerated expansion of residential development into the rural countryside. Unfortunately, we do not believe that this proposal represents a well thought-out approach that balances the residential needs with the need to protect the integrity of forest ecosystems, while assuring forest landowners have an opportunity to manage their lands in an environmentally and economically reasonable manner.

As the BOF is aware, Santa Cruz county currently has some of the most restrictive timber forestry regulations in the state. In addition to the California Forest Practice Rules, forest landowners, foresters and timber operators in Santa Cruz are subject to the Southern Sub-District Forest Practice Rules, as well as specific county rules and additional restrictions under the current 2090 Agreement for the protection of coho salmon in Santa Cruz county. We believe that the County of Santa Cruz has failed to demonstrate the necessity for additional rules and regulatory burdens.

The timber harvest planning process, as set forth under the Forest Practice Rules, is based on professional judgement and performance in the field. This process is designed to take into account the varying physical conditions found within the forested landscapes and ownerships throughout the state. Some of the greatest geological and geographical variation takes place in Santa Cruz county. A "one-size-fits-all" approach as envisioned by the Board of Supervisors could spell environmental catastrophe under certain circumstances. For example, the proposed limits on helicopter logging operations may make many such operations economically and physically impractical although they may be environmentally desirable.

CFA encourages the Board of Forestry to take its time when reviewing the County's amendment proposals. The action taken by the BOF with regards to the Santa Cruz Board of Supervisors' proposal may set the precedence for actions taken by other counties. The BOF may want

to conduct its own investigation, including a field trip to review, first hand, forestry operations in Santa Cruz County. We believe that an opportunity to discuss forestry practices on-the-ground with professional foresters may provide greater insight than merely relying on information provided by County Planning Department staff.

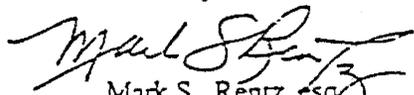
Finally, it is our understanding, from Supervisor Almquest's presentation to the Board last month, and from follow-up discussions with our members in Santa Cruz county, the County's proposal is basically an "all-or-nothing" proposal. In other words, if the Board of Forestry fails to totally acquiesce to the Supervisors' demands the Supervisors will do an "end-around" and pass county ordinances. In fact, it is quite possible that the Board of Supervisors will pass county ordinances regardless what action the BOF takes.

We encourage the Board to resist such "strong-arm" tactics. As you are aware from the advice previously provided by your legal counsel at Board of Forestry meetings, counties have limited authority with regards to regulating timber operations. The California Court of Appeals for the First District clearly ruled in the case of the Big Creek Lumber Company v. County of San Mateo, 31 Cal.App.4th 418, that "Public Resources Code section 4516.5 expressly preempt[s] local attempts to regulate the conduct of timber operations." *Id.* at 420-21. Emphasis added. The BOF and the California Department of Forestry and Fire Protection (CDF) have authority over the conduct of forestry operations within the State of California. We believe that many of the amendments proposed by County of Santa Cruz are nothing more than thinly-veiled attempts to regulate forestry operations under the guise of their zoning authority. Such actions are beyond the County's authority. Absent any action by the BOF, any attempt by the County to regulate forestry operations are likely be struck down by the courts.

In conclusion, we encourage the Board of Forestry to defer taking any action on the proposed amendments until the County has provided the Board with its final zoning ordinance proposals. This information is essential to the BOF making a fully informed decision. Furthermore, we encourage the Board to closely scrutinize each one of the County's proposed amendments, especially in light of all the current regulatory constraints on forestry operations in Santa Cruz county, and determine whether the County has established adequate necessity for the proposed changes.

Finally, we strongly encourage the Board of Forestry to visit Santa Cruz county before making any decision on the County's proposal, to determine, first-hand, whether additional regulations are warranted. We believe that you will find that the professional foresters in Santa Cruz county are practicing some of the most environmentally sound forestry in the State.

Sincerely,



Mark S. Rentz, esq.
Vice President for Environmental
and Legal Affairs

cc: Mike Jani, Big Creek Lumber Company
Central Coast Forest Association



J.E. GREIG, Inc.

732

CONSULTING FORESTER

P.O. Box 90190

Henderson, NV 89009-0190

(702) 564-9867 • Fax (702) 564-9876

December 9, 1998

Santa Cruz County Board of Supervisors
Courtthouse
701 Ocean St.
Santa Cruz, CA 95060

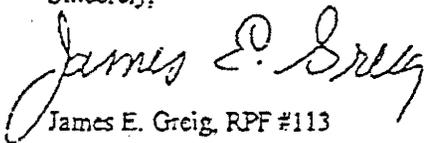
Board Of Supervisors:

Please do not enact the proposed ordinance prohibiting timber harvesting in riparian buffer zones, as described in your agenda Item #070 of November 24, 1998.

This elimination of timber harvesting is not necessary and has not been justified by any means. These streamside areas are well protected under existing State Forest Practice Rules, as administered by the California Department of Forestry.

This action will actually take from County landowners productive forest land, without any compensation or justifiable public need. In the case of the T.P.Z. lands, timber harvesting is the only financially viable land use. To take the most productive forest zone from the landowner can jeopardize his lands financial viability.

Sincerely,



James E. Greig, RPF #113

JEG/mlg
cc:D. Ley

EXHIBIT K, Page 1 of 1

Central Coast Forest Association

DEC 10 1998
CLERK OF THE BOARD
COUNTY OF SANTA CRUZ

December 8, 1998

County of Santa Cruz Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060

Dear Members of the Board:

Santa Cruz County forest landowners have spent more than a year witnessing county government pursue onerous and unjustified restrictions of legal land use and property rights. During this time we have heard anti-logging zealots spew nonsense about "Sacred Forests", listened to wild and hysterical accusations surrounding the perceived impacts of selective timber harvesting and seen untold thousands of taxpayer dollars wasted as public servants conduct what is, in reality, a modern day witch hunt.

Today's consideration of a county zoning ordinance which establishes locational criteria for timber harvesting within riparian corridors is no exception. The Central Coast Forest Association opposes this ordinance for the following reasons:

1) Any activity within a legal timber harvest falls solely under the jurisdiction of the State of California and is defined by the State Forest Practice Rules. Operations in and around riparian corridors, including any restrictions, are clearly the purview of state law.

2) Restriction of timber harvesting activities within riparian corridors is an issue of timber harvesting operations, not an issue of location. The exclusion of specific harvesting activities within a riparian corridor could drastically alter the operation of harvesting on other portions of a particular Timber Harvest Plan (THP). Furthermore, denial of all access to riparian corridors could landlock significant portions of a forested parcel, thus affecting harvesting operations elsewhere in the THP. This potential isolation of lands which otherwise would be legally harvestable constitutes the taking of property without just compensation.

3) This ordinance is a new project. State law and California Environmental Quality Act (CEQA) require a separate public noticing and review period. Neither the required noticing or review requirements have been met.

4) There have been serious and legitimate concerns raised regarding the potential environmental impacts of this ordinance. State law and CEQA demand that an Environmental Impact Report (EIR) be provided for this project.

5) In lieu of an EIR, a Negative Declaration with proper public review and public noticing must be provided on new projects. This has not been done.

6) A serious independent statistical survey by Robert O. Briggs concerning forest growth and ground water uptake, which has significant implications on this ordinance, appears to have been intentionally misrepresented by county staff in ongoing efforts to avoid the requirement of an EIR. C.C.F.A. demands that the County of Santa Cruz Board of Supervisors and the County Planning Director conduct an investigation to determine the cause of this misrepresentation of critical documents.

7) Significant regulations currently exist which restrict timber harvesting operations within riparian corridors in Santa Cruz County. These regulations are part of the State Forest Practice Rules. Additionally, county streams in which coho salmon could be potentially be affected are subject to further restrictions related to timber harvesting. There are no known scientific studies that indicate these existing regulations are insufficient to protect the integrity of riparian resources.

The timber harvesting issue has gone on for more than a year. During this time, your board has not collectively visited a single timber harvesting location. You have consistently relied on hearsay, faulty staff assessments and the ranting of individuals and groups who publicly say they support the right to harvest timber but privately do everything in their power to abolish this activity completely in this county.

C.C.F.A. urges your board to step back and approach these issues from a logical and scientific perspective rather than continuing to allow emotion to drive your actions. We urge you to reject this ordinance.

Sincerely,

Lisa Rudnick
Interim Executive Director

C.C.F.A. P.O. Box 1670, Capitola, CA 95010 (831) 469-6016

RECEIVED

Law Offices of
DENNIS J. KEHOE

Law Corporation

311 Bonita Drive
Aptos, California 95003
(831) 662-8444 FAX (831) 662-0227

February 11, 1999

HAND DELIVERED

RECEIVED

FEB 11 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA COASTAL COMMISSION
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Application of Santa Cruz, County, No. 3-98, Proposed Major Amendment to the Santa Cruz County LCP and Implementing Ordinances.

Dear Coastal Commissioners:

Pursuant to my correspondence to you dated February 5, 1999, enclosed herewith are the following documents:

1. The large map entitled "Timber Resources, North Coast Planning Area, Santa Cruz County". Please note that the "red" designated areas constitute significant timberlands within the Coastal Zone that are not designated on the out-of-date County Timber Resource Map and not zoned TP. These areas, excluding lands owned by the State of California, encompass over one-third (1/3) of the existing timber resources within the Coastal Zone in the North Coast Area, alone. In addition, there are areas zoned SU (Special Use) which, historically, have been timbered that are designated Timber Resources on the County Map. Nevertheless, pursuant to the Santa Cruz County Application No. 3-98, all of the above timber resources will be eliminated. The photo reduced copy of the foregoing map was previously transmitted to you in my February 5, 1999, letter to you. (The large maps are included only with this original letter.)

2. The large map entitled "Timber Resources, Bonny Doon Planning Area, Santa Cruz County". Enclosed also are photo reduced copies of the larger map. As can be seen, excluding public holdings, at least 25 percent of timber resources are not designated on the out-of-date County Timber Resource and are not zoned TP, all of which are within the Coastal Zone. The areas in "red" designate timberland resources based on more recent data than the out-of-date Timber Resources Map of Santa Cruz County. In addition, there are timber resources designated on the out-of-date Timber Resources Map on properties zoned other than TP, such as SU (Special Use), which, historically, have been timbered. Nevertheless, Application No. 3-98 of the County of Santa Cruz will eliminate all timbering from both categories. Further, over 25% percent lands in the Bonny Doon area will be eliminated for purpose of timbering as a result of the County Application No. 3-98.

3. As just one example of a single parcel not zoned TP and not designated on the out-of-date County Timber Resource Map, enclosed is an aerial photo dated 6-22-94, of APN 086-291-05 located in the North Coast Planning Area within the Coastal Zone. Application No. 3-98 eliminates all timber harvesting from this parcel. The parcel is zoned SU (Special se); contains approximately 1,160 acres with over 823 acres of timberland; and has approximately 15-20 million board feet of timber. This timberland is eliminated from timber resource harvesting by Application No. 3-98.

SCC 3-98

4. Enclosed is a chart listing some of the holdings of my clients in the Coastal Zone containing very significant timber resources, all of which are eliminated for timber harvesting by Application No. 3-98.

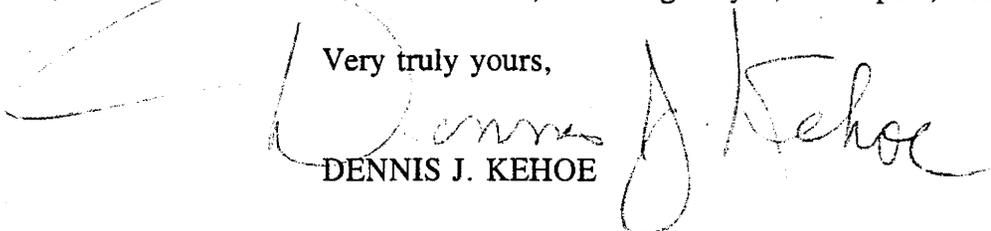
As a result logging at the turn of the century, the Santa Cruz mountains are now primarily stands of young growth redwood. Most of these forest lands are currently being managed for growth and productivity. These forest management practices have created vibrant forests which provide vital fish and wildlife habitat, recreation, aesthetics, forest products, and open space.

These forests will continue to flourish and provide such activities when using the current forest practice rules. Growth, productivity, and wildlife habitat in these forests can be maintained in perpetuity using existing forest management practices. If unreasonable and restrictive rules and ordinances, such as those in Application No. 3-98, are imposed on local forest landowners, they will be forced to consider the only available alternative land use, residential development. Application No. 3-98 significantly undercuts "the long-term productivity of soils and timberlands." Public Resources Code §30243 Moreover, Application No. 3-98 does not "substantially" advance "legitimate State interests." Nollan v. California Coastal Commission (1987) 97 L.Ed. 677, 687-688; Pardee Construction Company v. California Coastal Commission (1975) 75 Cal.App.3d 471, 479

Application 3-98 is in violation of State laws including the California Coastal Act as well as the federal and state constitutional rights of my clients to equal protection; just compensation; and due process, both procedural and substantive. The application must be denied.

Please place the undersigned at the above address on your mailing list for all notices, public notices, and staff reports concerning Application No. 3-98. Please do likewise for my clients, Big Creek Lumber Company and Bud McCrary. Their mailing address is BIG CREEK LUMBER COMPANY, ATTENTION: BUD McCRARY, 3464 Highway 1, Davenport, CA 95017.

Very truly yours,


DENNIS J. KEHOE

DJK:jlc

Enclosures

c: California Coastal Commission, Attn: Peter Douglas, Executive Director
Board of Supervisors of Santa Cruz County
Rick Hyman, Coastal Planner, California Coastal Commission, (Hand Delivered)
Office of Attorney General, Attn: John Davidson, Deputy Attorney General
State Board of Forestry
California Department of Forestry and Fire Protection

SOME OF THE AFFECTED
BIG CREEK LUMBER PARCELS-NON TPZ
INSIDE COASTAL ZONE
Forested But Without County Timber Resource Designation

<u>APN</u>	<u>ZONING</u>	<u>TOTAL ACRES</u>
057-081-28	SU	170
057-081-15	SU	106
057-111-14	SU	221
057-111-16	SU	160
057-121-02	A	81
057-121-21	A	15
057-121-25	CA	118
057-121-26	A	14.5
057-141-02	A	21
057-251-07	A	40
057-171-09	SU	20

SOME OF THE AFFECTED BIG CREEK LUMBER PARCELS-NON TPZ
INSIDE COASTAL ZONE
Forested But Without County Timber Resource Designation

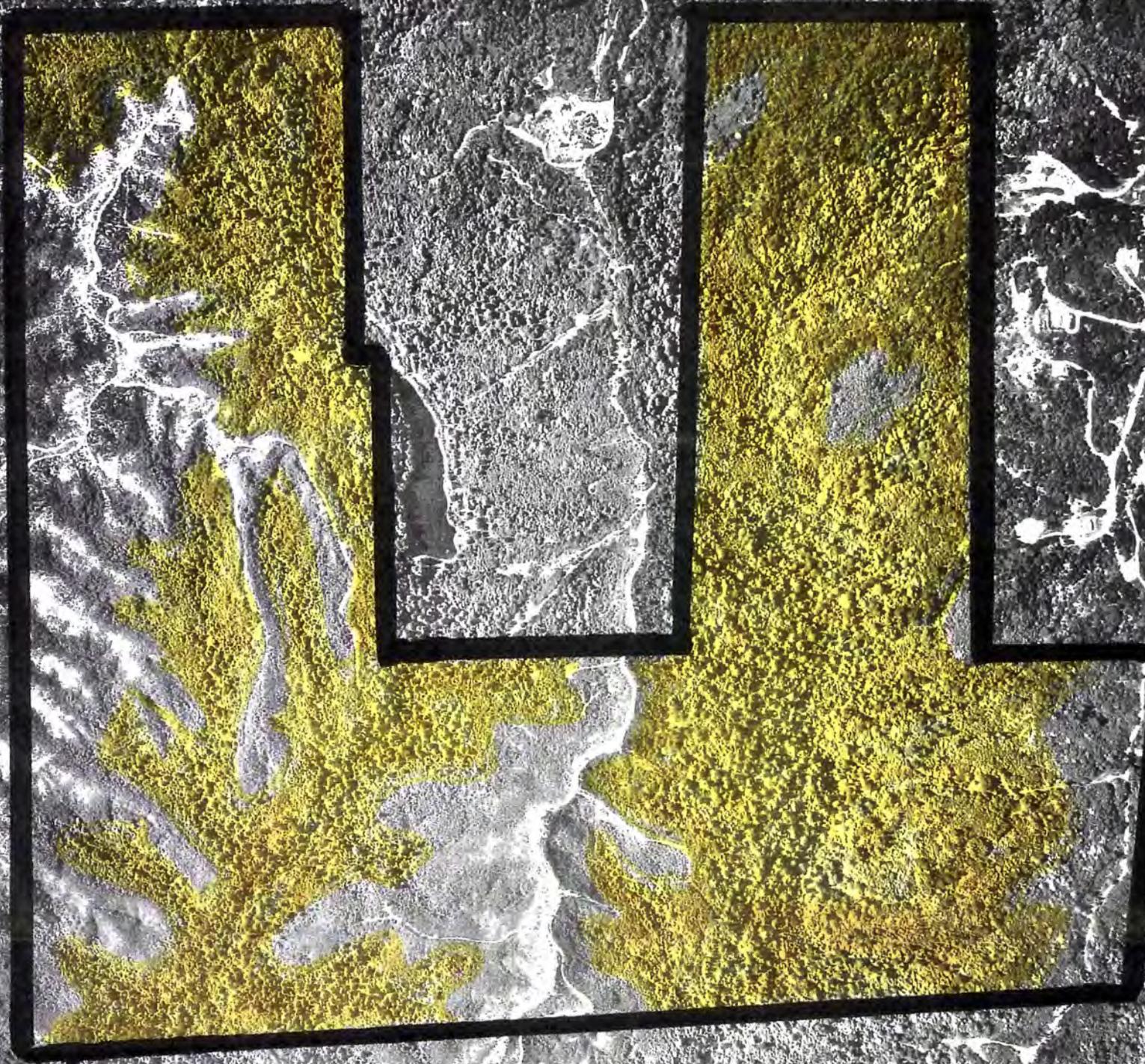
06-22-94

1:15,840

BIG CREEK LUMBER

ATII 4124 303.98

7 8



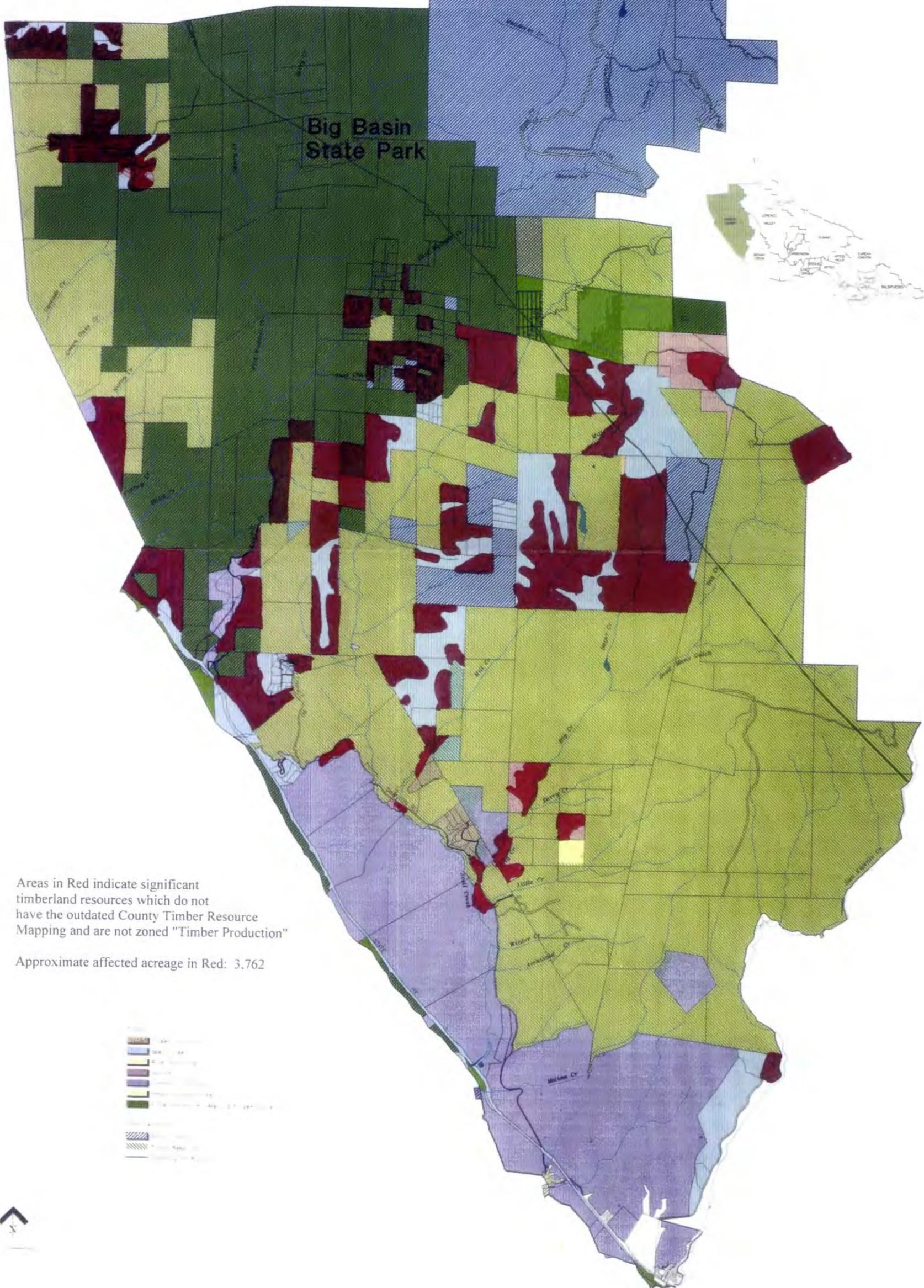
(Santa Cruz County Parcel:	APN No. 086-291-05
Current Zoning Designation:	Special Use (SU)
Total Approximate Acreage:	1,160
Approximate Acreage in Coastal Zone:	1,144
Approximate Acreage Heavily Forested Timberland:	823
<i>The outdated County "Timber Resource Mapping" does not designate any "Timber Resource" on this parcel.)</i>	

Timber Resources

With Affected Zoning

NORTH COAST Planning Area
COUNTY OF SANTA CRUZ, CA.

Application No. 3-98



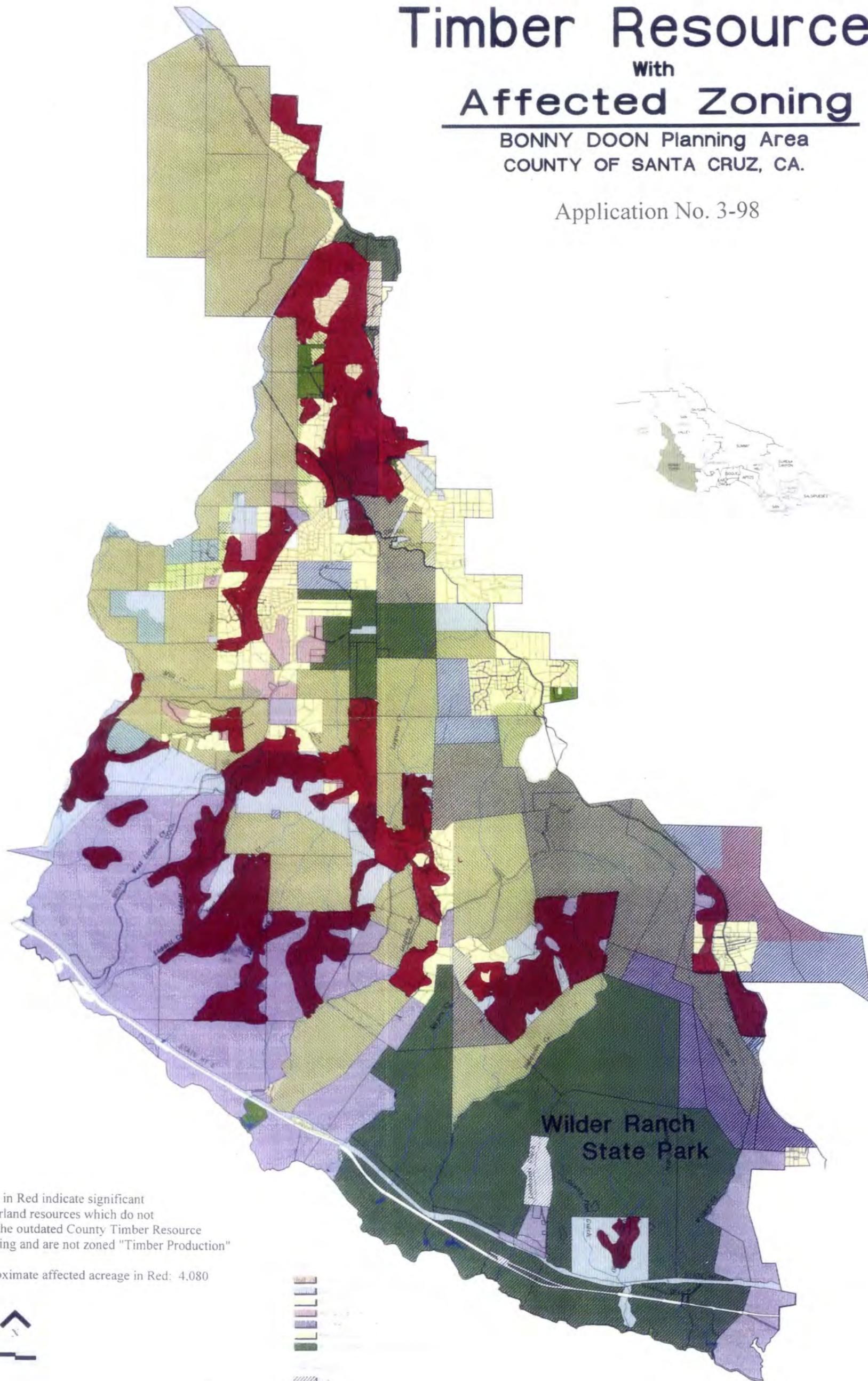
Timber Resources

With

Affected Zoning

BONNY DOON Planning Area
 COUNTY OF SANTA CRUZ, CA.

Application No. 3-98



Areas in Red indicate significant timberland resources which do not have the outdated County Timber Resource Mapping and are not zoned "Timber Production"

Approximate affected acreage in Red: 4,080



**SANTA CRUZ COUNTY: LOCAL
COASTAL PROGRAM MAJOR
AMENDMENT NO. 3-98**

TIMBER HARVEST

**CORRESPONDENCE RECEIVED
FOR MARCH 11, 1999 HEARING**



Th 3c

March 10, 1999

RECEIVED

From: Janet (Favorito) Laidlaw
14788 Bear Creek Rd.
Boulder Creek, CA 95006

MAR 11 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

To: California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: LCP No. 3-98

Dear members of the California Coastal Commission:

I am very concerned about the decisions being made regarding logging in California, specifically in Santa Cruz County. Some of the most important areas of concern to me are the threat to property rights, the threat of a devastating forest fire, the threat from political officials and activists and the threat to the redwood forest from neglect. I thank you for the opportunity to voice my concerns.

My parents purchased 50 acres in Boulder Creek three decades ago. We were under the impression that the purchase included the trees and our right to care for them. We have dreamed of someday building a house on that land so our family could enjoy living amongst the beauty that brought us there. Our timber broker has set up a timber harvest plan that would allow us to work with most of our neighbors to each chip in together to fix our road system and put in a new engineered bridge, to replace the red tagged old cement slab crossing. It would also give us an opportunity to clear out most of the fuel load lying on the forest floor and make our property more valuable. We thought this was a "win, win, situation", until we found out that the Santa Cruz County Board of Supervisors were planning ways of usurping our rights and the rights of all the forest landowners. They did not even inform us of what they were up to and tried to hold closed door sessions whenever possible. I must add that Supervisor Symmons chastised them at one public meeting for this kind of behavior. He was the most vocal board member who acknowledged that their actions are an attempt to violate our property rights. Former Supervisor Belgard also understood what the other members of the board were trying to do and supported our rights. It's interesting to me that the two senior members of the board are the only ones who realized the significance of the other board members actions. I wish to thank both of them for their support.

We have paid our taxes yearly and considered ourselves lucky that our parents had the foresight to plan ahead so that part of our families estate included this precious piece of

land. Now, not only do the supervisors want to restrict our right to log our own property but they have come up with new road standards that must be met for else they will come in and charge us to implement them. If the land owner can't pay for the road work then he will lose his property. For three decades we have worked on the dirt roads leading to our property. I thought we lived in the United States of America and were protected by the Constitution and Bill of Rights. Did I miss a private revolution and take over by the social democrats? I'm ashamed of the politics I've seen at work in our county government.

I was born in 1945 and about a week ago as a part of my birthday celebration I went to see "Saving Private Ryan". It made me so thankful to all of the men and woman who have died defending this republic. If you allow these attempts by our local government officials to take away our rights then you are stomping on their graves with shameless disrespect. Would our fore fathers have tolerated such behavior? If someone told George Washington, Thomas Jefferson, or Benjamin Franklin and the rest of them that they couldn't cut the trees on their property or that if their roads were not kept up to someone else's standards that their property would be taken away, I think they would have laughed at them and run them out of town.

I want to speak also of the great fire danger that presently exists in the Santa Cruz mountains. Experts have said that with the fuel load that presently exists on the forest floor a big fire would get so hot that the redwoods would probably not be able to grow back because of the damage to their root systems. Every summer I fear for all of our lives in the mountain communities. A large number of parents work over in the Santa Clara Valley while their children go to Santa Cruz County Schools. If there ever is a large devastating fire in these mountains it could leave the children isolated from their parents. On August 7, 1997 there was a fire in Los Gatos. Highway 17, the main artery to Santa Cruz and the San Lorenzo Valley was closed forcing everyone to take Highway 9 or other longer routes to get home. It took me one hour to go from Los Gatos to Saratoga, approximately five miles. It took me another hour to get from Saratoga to my home in Boulder Creek were my son was waiting for me. That is when I realized the potential danger that existed. Please allow us this opportunity to clean up the forest floor and thin our redwoods to lessen the danger not only to the redwoods but to our families and communities. Frankly, I'm surprised that we aren't being told that we have to take care of this potential danger.

I know that some people don't think we should cut even one single redwood. I know the Sierra Club and other activist groups are trying to shut down the logging industry in California. I know that our Supervisors have taken political contributions from the Sierra Club and I see the adds for activists in our local newspaper and on the job board at our local high school, but that doesn't make them or what they are doing right. Many of the eco-nazi environmental groups are listed as terrorist groups by our government, yet they are revered by some for their actions. I never liked the politics of our former President Ronald Reagon until I recently read on the internet some of his statements on property rights. My favorite quote is "A taking is a taking is a taking".

It bothers me also to see a trend in this country to close down industries that use our natural resources. The closure of the steel mills forces us to rely on other countries for steel. If the logging mills are closed in this country I fear that we will become dependent on other countries for milled lumber, another building block for our society. With the close of these industries goes the knowledge of the men who formerly would have passed down their knowledge to the next generation and thus continued our heritage.

My father wrote me a letter in 1988, putting me in charge of getting information on logging our property. He hoped to be able to recover some of the investment of owning our land and hoped to build a house on our property some day. Now, we have another reason for logging eight of our fifty acres. On December 26, 1995 my mother suffered a brainstem stroke that left her with a paralyzed body but a fully active mind. It's called "Locked in Syndrome". We had to fight her HMO and some of our siblings for her right to live. With help we were able to establish a method of communication where by she was able to communicate to her lawyer that she indeed wanted to live and be allowed to return to her home to live out her life. Her HMO and some of my siblings were very anxious to allow her to die but I'm glad to be able to tell you that she is alive and glad to be alive. When I talk to her about the possibility of going up to see her redwoods she lights up like a little child. She was the one who secretly saved by fathers overtime money, while raising seven children, so that when my father fell in love with that land he had a down payment to purchase it with. She loves California and called it "God's country". I feel that by using most of the money we would get from the logging to pay for her medical care she would reap some of the benefit for the years of sacrifice she made. Our parents always told us never to sell that property but to keep it in the family forever. The ties I feel for that land are very, very strong.

I ask you to take into consideration the effect that any new restrictions on logging will make to my family and all of the landowners in this state. Even though I've never been a political person my parents taught me, by example, to stand up for my rights.

I ask you to consider before you take away any more of our rights, that we will be using the money from the logging to lower the fire danger, improve our roads and bridges and care for our mother while improving the forest and being good stewards to the land we love.





TH 4c

March 8, 1999

RE: MAJOR AMENDMENT NO. 3-98

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Coastal Commission Members:

Big Creek Lumber Company would like this letter to be made part of the public and administrative record regarding Santa Cruz County Local Coastal Program Major Amendment No. 3-98 set for public hearing and Coastal Commission action on March 11, 1999.

Big Creek Lumber Company opposes this Major Amendment because it is scientifically unfounded, imposes severe land use restrictions for which no need has been established, lacks state mandated environmental review, attempts to preempt state control of timber operations and is illegal for numerous reasons, including violation of this company's constitutional rights. Your staff report contains a number of our concerns and objections to this proposal, which are included as Exhibit H. This entire proposal has been created absent a single scientific study conducted within the Santa Cruz Mountains which substantiates or justifies any of the elements of the proposal. Your Commission simply does not have the necessary environmental information to make a decision on this Major Amendment other than to deny it.

There are in excess of **7,500 acres** of viable and legally recognizable timberlands within the Coastal Zone just in the North Coast and Bonny Doon planning areas of Santa Cruz County which are not recognized on the outdated and inaccurate County Timber Resource Designation. Additionally, there are significant viable timberlands which are recognized as Timber Resource but will be excluded from any kind of forest management by this Major Amendment. Your staff report indicates on page 25 that approximately 200 acres inside the Coastal Zone have the County Timber Resource Designation and are not zoned Timber Production (TP). Using the county's **own maps** this figure calculates to **681 acres**. The same section of your staff report makes reference to maps and data submitted by our company. The staff report states that "Big Creek Lumber has submitted a map showing over 1,000 acres in the Coastal Zone of timber land in the Rural Residential, Special Use, Commercial Agriculture, or Agriculture zone districts" which are not mapped (by the county) as timber resource lands. The maps and data we submitted showed in excess of **7,500 acres**. We are deeply concerned about the inaccuracy of this staff report. These data calculations are simple and straightforward. Clearly, your Commission should not make a ruling on the Major Amendment until you

have time to ascertain the cause of these miscalculations and determine the accuracy of the rest of the staff report.

Your staff report cites County data on page 25 which states; "21% of timber harvests countywide (both in and out of the Coastal Zone) took place in the Special Use, Commercial Agriculture or Agriculture zones; zones where timber harvesting would no longer be permitted." Although not specifically stated, these data appear to cite figures based on timber harvest acreage. The selective use of acreage gives the illusion that few timber landowners will be affected by the proposed timber harvest restrictions. Using calculations based on known zoning designations, we estimate that 68% of the parcels involved in timber harvesting in Santa Cruz County from 1992 to 1997 were not zoned TP. County records indicate that 80% of county landowners who conducted timber harvests during this same time period had non-TP parcels within their harvest boundaries (see attachment 1). Furthermore, both small and large timber landowners will be equally severely impacted by these proposals. Rezoning into TP for such landowners is already financially unfeasible. As stated elsewhere in this letter and as you will no doubt hear in public testimony, the county will systematically deny such rezoning to many county forest landowners.

The California Coastal Act specifically mandates that the State, including the California Coastal Commission protects the long-term productivity of timberlands. This State mandate is not optional with the Coastal Commission or the county. The staff recommendation before you places the Coastal Commission in legal jeopardy and is contrary to the State Forest Production Act. The staff recommendation eliminates the productivity of legal and viable timberlands rather than protecting that productivity as the law demands. This is evidenced by the proposed new language in Section 5.12.9: "it is not appropriate to zone timberland for timber production if it is recreational, environmentally sensitive, visible from rural scenic roads (pursuant to Policy 5.10.11), or susceptible to hazards that may be exacerbated by logging." Policy section 5.10.11 refers to "**Development** (emphasis added) visible from scenic roads". Timber Harvesting is categorically excluded from development by California Coastal Act, PRC Code Section 30106.

Excluding timber harvesting as an "Agricultural Activity" in the County general Plan is in conflict with State Law. Food and Agriculture Code Section 22 states: "...the production of trees shall be considered a branch of the agricultural industry of the State..."

Both County and Coastal Commission staff reports seem to suggest that any landowner can simply apply for rezoning into TP. However, this rezoning is legally impossible for many county landowners. **Any rezoning must be consistent with the County General Plan/LUP; Government Code, Section 65.860.** The previously mentioned 7,500 acres of viable timberlands are **not** zoned TP, are **not** designated as timber resource in the General Plan and do **not** show on the outdated and inaccurate County Timber Resource Map. Therefore, it would be legally (and practically) **impossible to rezone**, as this rezoning would be inconsistent and in conflict with the existing General Plan.

Your Commission needs to understand that rezoning is **not** a guaranteed process. Rather, it is a discretionary permit process with absolutely no guarantee of approval. The County has repeatedly pointed out that they have reduced the application fee (non-refundable) to rezone into TP. However, they fail to point out that a Timber Management Plan is required with each application. The cost of such a plan (also non-refundable) can vary from \$5,000.00 to in excess of \$30,000.00 and still provides no guarantee of approval. This requirement effectively excludes timber harvesting for small parcel landowners through financial barriers.

Any rezoning application will be subject to the restrictions inherent in this Major Amendment. This includes the prohibition of timber harvesting on any active or recent landslides. The County defines a recent landslide as one that has occurred within the **last 10,000 years**. Using this criteria, it is possible that every acre in the entire County falls under this definition. Not only would timber harvesting be denied in such areas, rezoning of these areas into TP would also have to be denied.

There is absolutely no scientific evidence that selective harvesting poses any danger with respect to recent landslides. There is significant data which demonstrates that reasonable timber harvesting on or around landslides can alleviate potential problems associated with the landslide.

There are current indications that the County intends to use the rezoning process as a secondary mechanism to permanently deny timber harvesting on parcels it has predetermined should not be harvested. In a recent rezoning hearing before the Planning Commission, a rezoning application was returned to Planning Department staff despite staff's recommendation that the rezoning be approved. The Planning Commission's rationale for rejection was arbitrary, capricious and had no scientific relevance or data to substantiate the rejection. Rezoning is a hollow, perceived remedy which intentionally puts many forest landowners in a catch 22 dilemma and will cost them untold thousands of dollars in a futile effort to protect their property and property value.

Under the guise of addressing "locational" criteria, this Major Amendment actually seeks to regulate "Timber Harvest Operations". Timber Harvest Operations are the sole purview of the State through the State Board of Forestry and their administrative agency, the California Department of Forestry and Fire Protection. This staff report recommends what would constitute an illegal preemption of State authority. Through the State Forest Practice Rules, the boundaries of legal timber harvests as well as the complete conduct within those boundaries is solely regulated by State Law. Neither the County nor the Coastal Commission have any authority to determine or regulate the boundary of a particular timber harvest. The creation of residential buffers and riparian timber harvest restrictions as well as geological restrictions clearly establishes the boundaries of timber harvesting as well as severely alters the operations within these boundaries.

On page 12 your staff report correctly states " 'Timber Operations' means the cutting or removal or both of timber or other solid wood forest products, including Christmas Trees,

from timberlands for commercial purposes". The report goes on to describe many other aspects of Timber Operations. The denial of timber cutting and other operational restraints clearly regulates Timber Operations by definition. Not only do the County and the Coastal Commission **not** have the authority to create timber harvest boundaries, those boundaries (i.e., residential buffers, etc.) clearly regulate and restrict the cutting of trees as well as all other operational criteria associated with timber harvesting. The cutting of trees as well as all other aspects of Timber Harvest Operations are clearly defined and regulated within the State Forest Practice Rules. Again, such regulation by either the County or the Coastal Commission is preempted by the State Board of Forestry.

The most immediate and blatant legal shortcoming of this entire Major Amendment is the issuance by the county and the recommendation in the staff report of a Negative Declaration. The issuance of a Negative Declaration defies logic, morality, common sense and is in complete violation of California Environmental Quality Act (CEQA) law.

In recent conversations, Big Creek Lumber has discovered that neither County staff nor Coastal Commission staff have the necessary licensing, certification and registration by the State of California to evaluate or produce a Negative Declaration on this Major Amendment.

In essence, a Negative Declaration is a written **guarantee** by the proposing agency that there are **no** potential negative environmental impacts which may result from this proposal. It is incredible, to say the least, that a proposal that affects tens of thousands of county acres could be summarily assigned a Negative Declaration. Furthermore, there is significant and compelling written evidence in the public record which indicates that there are serious potential environmental impacts associated with this proposal. What makes this point all the more serious is that the education and professional experience of the authors who have raised these environmental concerns far exceeds the experience of the individuals who created and signed the Negative Declaration. CEQA and State Law demand that an Environmental Impact Report be created even if there is a disagreement among qualified experts that adverse environmental impacts may occur. Again, there are no qualified County or Coastal Commission personnel with the appropriate State credentials or experience to evaluate this proposal. Significant documents have been submitted by highly respected resource professionals and outside academicians which convey extreme concerns regarding endangered species, potential fire hazards, as well as watershed and riparian corridor issues.

The staff report, (in concurring with the issuance of a Negative Declaration,) suggests on page 35 that "If there were a case where logging was deemed an environmental benefit, then there are options, including; ...rezoning, ...applying for a permit, (or as) a last resort, would be to seek a further amendment to the local coastal program to allow the specific circumstance." When (not if) a catastrophic firestorm occurs as a result of either excessive forest fuel buildup or from the encroachment of residential development into forest lands (which would have remained in timber production,) neither rezoning, permits or an amendment to the local coastal program would save anyone. This State has already experienced the negative environmental impacts of residential development and lack of

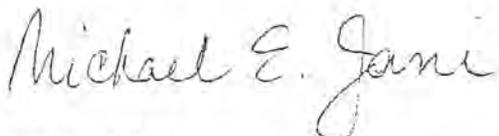
resource management during the Malibu and Oakland Foothills disasters. This Negative Declaration would simply be another object going up in smoke and ashes.

The creation and issuance of a Negative Declaration (particularly by unqualified staff) on this project sets a dangerous precedent for both the Coastal Commission and the citizens of this State. If this proposal is allowed to go forward without the legally required Environmental Impact Report, counties up and down the State will simply resort to Negative Declarations every time they create a controversial project or wish to take shortcuts. It is ironic and hypocritical that Santa Cruz County routinely demands Environmental Impact Reports from permit applicants for projects which are dwarfed by the proposal before you. **It is inconceivable that a project which has documented potentially adverse environmental consequences on well in excess of 100,000 acres in Santa Cruz County** could be summarily dismissed through the application of a Negative Declaration.

The underlying misconception behind the entire effort to severely restrict and ultimately eliminate timber harvesting in Santa Cruz County relies on the assumption that leaving the forest untouched is the best solution to forest issues. This might be true if we were dealing with pristine, old-growth forest ecosystems. The truth is, every single acre of forest land that is affected by the proposal before you has already been indelibly altered by the hand of man. This has been accomplished either by development or the act of clearcutting at the turn of the century. Developed lands would only be returned to forest land by the demolition of all structures. Absent the presence of fire, the remaining existing forest lands can only be returned to conditions which approximate pristine conditions through the careful and scientific use of forest management. There is overwhelming scientific evidence that substantiates this claim.

Responsible forest management produces, protects and enhances the health and viability of forest lands. We have over fifty years of practical and scientific experience which demonstrates this fact. The proposal before you is completely contrary to any known forest management theory. We ask that you protect yourselves and the citizens of this county by demanding that the legally required Environmental Impact Report be created for this Major Amendment. Because of the numerous problems associated with the proposal we feel that your Commission has no alternative but to deny the Major Amendment.

Sincerely,



Michael E. Jani
RPF No. 1856
CPECS No. 126

ATTACHMENT 1

SCR PLANS ASSOCIATED with S Cruz Co Zoning Categories

PDF Plan	Yr	num	County	APN	ASSESSEE NAME	STREET ADDRESS	CITY	STAT	ZIP CODE	ZONING	ONING	ONIN	TIMBER
HP	1-	97-339	SCR	106-301-05	FISCHER MARLENE A	P O BOX 1238	FREEDOM	CA	95019	RA			N
HP	1-	97-339	SCR	106-301-06	R COOK ENTERPRISES INC ETAL	408 7TH ST SU 8	EUREKA	CA	95501	RA			N
HP	1-	97-331	SCR	107-071-02	TELFORD INC	408 7TH ST STE R	EUREKA	CA	95501	RA	SU		P
HP	1-	97-331	SCR										
HP	1-	97-331	SCR										
HP	1-	97-321	SCR	095-121-19	SMITH WALLACE A JR & JANE D H/	570 SUGAR LOAF RD	SCOTT'S VALLEY	CA	95066	TP			P
HP	1-	97-321	SCR	095-241-04	WEBBER MARY I TRUSTEE ETAL	151 PEYTON ST	SANTA CRUZ	CA	95060	SU			P
HP	1-	97-321	SCR	095-271-01	MOORES WILLIAM M & TONA E H/W	3880 SLEEPY HOLLOW DR	SANTA ROSA	CA	95404	SU			P
HP	1-	97-306	SCR										
HP	1-	97-306	SCR										
HP	1-	97-306	SCR										
HP	1-	97-256	SCR	089-101-84	BURCH ROGER A & MICHELLE H/W C	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP			Y
HP	1-	97-256	SCR	089-101-85	BURCH ROGER A & MICHELLE H/W C	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP			Y
HP	1-	97-256	SCR	089-101-87	SANTA CRUZ THE CITY OF	809 CENTER ST RM 101	SANTA CRUZ	CA	95060	TP			Y
HP	1-	97-256	SCR	089-491-09	BURCH ROGER A & MICHELLE H/W C	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP			Y
HP	1-	97-254	SCR	089-011-41	BURCH ROGER A & MICHELE H/W CP	2 W SANTA CLARA ST 9TH FLOOR	SAN JOSE	CA	95113	SU			Y
HP	1-	97-254	SCR	089-011-43	BURCH ROGER A & MICHELE H/W CP	2 W SANTA CLARA ST 9TH FLOOR	SAN JOSE	CA	95113	SU			Y
HP	1-	97-242	SCR	037-161-47	LEOPOLD GARY BRUCE U/M	3427 PORTER GULCH RD	APTOS	CA	95003	RA			N
HP	1-	97-236	SCR	087-231-25	PACHECO KRISTINE TRUSTEES ETAL	18350 KINGS CREEK RD	BOULDER CREEK	CA	95006	RA	SU		Y
HP	1-	97-210	SCR	063-121-06	BIGHAM MICHAEL F & SUZANNAH FO	750 FOREST AVENUE	PALO ALTO	CA	94301	TP			Y
HP	1-	97-132	SCR	087-021-24	LIVSON PAUL D M/M S/S	2780 GLORIETTA CIRCLE	SANTA CLARA	CA	95051	SU			Y
HP	1-	97-124	SCR	093-051-32	SANTA CRUZ CITY OF	809 CENTER ST RM 106	SANTA CRUZ	CA	95060	TP			Y
HP	1-	97-124	SCR	093-051-47	SANTA CRUZ CITY OF	809 CENTER ST RM 106	SANTA CRUZ	CA	95060	TP			P
HP	1-	97-124	SCR	093-051-49	SANTA CRUZ CITY OF	809 CENTER ST RM 106	SANTA CRUZ	CA	95060	TP			Y
HP	1-	97-124	SCR	093-051-48	SANTA CRUZ CITY OF	809 CENTER ST RM 106	SANTA CRUZ	CA	95060	SU	TP		Y
HP	1-	97-124	SCR	074-012-07	SANTA CRUZ CITY OF	809 CENTER ST RM #106	SANTA CRUZ	CA	95060	PR	RA		N
HP	1-	97-124	SCR	074-041-05	SANTA CRUZ CITY OF	809 CENTER ST RM 106	SANTA CRUZ	CA	95060	PR	RA		N
HP	1-	97-124	SCR	093-011-56	SANTA CRUZ CITY OF	809 CENTER ST RM 106	SANTA CRUZ	CA	95060	PR			N
HP	1-	97-122	SCR	104-171-17	JOST DONALD J CO-TRUSTEES ETAL	9633 RIO VISTA AVE	REEDLEY	CA	93654	RA			Y
HP	1-	97-122	SCR	040-331-13	BLODGETT ROBERT G & EVELYN L H	P O BOX 264	CAPITOLA	CA	95010	RA			Y
HP	1-	97-122	SCR	040-331-16	BLODGETT ROBERT	P O BOX 264	CAPITOLA	CA	95010	RA			P
HP	1-	97-122	SCR	040-331-17	BLODGETT ROBERT	P O BOX 264	CAPITOLA	CA	95010	RA			Y
HP	1-	97-122	SCR	040-331-08	BLODGETT ROBERT G M/M S/S	1 IRONWOOD LN	SOQUEL	CA	95073	RA			Y
HP	1-	97-122	SCR	040-341-05	BLODGETT ROBERT G M/M S/S	1 IRONWOOD LN	SOQUEL	CA	95073	RA			P
HP	1-	97-122	SCR	040-341-06	BLODGETT ROBERT	P O BOX 264	CAPITOLA	CA	95010	RA			P
HP	1-	97-122	SCR	040-341-07	BLODGETT ROBERT	P O BOX 264	CAPITOLA	CA	95010	RA			P
HP	1-	97-103	SCR	079-011-22	HULSE CRAIG M S/S	P O BOX 66921	SCOTT'S VALLEY	CA	95067	TP			Y
HP	1-	97-103	SCR	079-011-02	LINCOLN TRUST COMPANY CUSTODIA	P O BOX 5831	DENVER	CO	80217	SU			N
HP	1-	97-103	SCR	079-201-03	SEROPAN J MILTON JR	3770 FILLMORE	SAN FRANCISCO	CA	94123	SU			N
HP	1-	97-103	SCR	079-201-06	SEROPAN J MILTON JR	3770 FILLMORE	SAN FRANCISCO	CA	94123	SU			N

SCR PLANS ASSOCIATED with Santa Cruz Co Zoning Categories

GHP	1-97-081	SCR	062-201-12	CONLEY GEOFFREY B & SHARON L H	1017 SMITH GRADE	SANTA CRUZ	CA	95060	RA			N
GHP	1-97-057	SCR	085-121-01	EEL RIVER SAWMILLS INC	1053 NORTHWESTERN AVE	FORTUNA	CA	95540	SU			P
GHP	1-97-057	SCR	085-121-08	EEL RIVER SAWMILLS INC	1053 NORTHWESTERN AVE	FORTUNA	CA	95540	SU			P
GHP	1-97-049	SCR	089-061-07	LAWTON JEFFREY L & PATTI FERGU	21864 BEAR CREEK RD	LOS GATOS	CA	95030	TP			Y
GHP	1-97-049	SCR	091-021-20	STOKES GREGORY K & PAMELA S H/	21428 BEAR CREEK RD	LOS GATOS	CA	95030	TP			Y
GHP	1-97-049	SCR	091-021-15	BYINGTON CLYDE D & MARY C TRUS	1628 MARIANI DR	SUNNYVALE	CA	94087	SU			P
GHP	1-97-049	SCR	091-021-14	BYINGTON CLYDE D & MARY C TRUS	1628 MARIANI DR	SUNNYVALE	CA	94087	RA	SU		P
GHP	1-97-045	SCR	089-041-92	HOYT IRVING G	3215 CHENEY CREEK RD	GRANTS PASS	OR	97527	TP			Y
GHP	1-97-045	SCR	089-061-23	LOCATELLI ROBERT E & TERRY K H	P O BOX 73	BEN LOMOND	CA	95005	TP			Y
GHP	1-97-045	SCR	089-381-19	HOYT IRVING G U/M	3215 CHENEY CREEK RD	GRANTS PASS	OR	97527	TP			Y
GHP	1-97-045	SCR	089-041-43	STEWART GORDON JR TRUSTEE	833 OREGON AVE	PALO ALTO	CA	94303	SU			N
GHP	1-97-045	SCR	089-041-85	KEELING LEIGHTON H	18373 BEAR CREEK RD	BOULDER CREEK	CA	95006	SU			P
GHP	1-97-043	SCR	103-011-08	POHL ELLEN I U/W ETAL TC	1003 LAUREL GLEN RD	SOQUEL	CA	95073	SU			P
GHP	1-97-042	SCR	087-052-05	GABBERT RONALD B & JACQUELINE	28372 BIG BASIN WAY	BOULDER CREEK	CA	95006	SU			Y
VTMP	1-97-027	SCR	091-092-02	MOORE MARTIN ERIC & CATHERINE	10020 CREEKWOOD DR	FELTON	CA	95018	TP			Y
GHP	1-97-027	SCR	110-111-05	D & D RANCH	99 ALMADEN BLVD STE 565	SAN JOSE	CA	95113	CA			N
VTMP	1-97-020	SCR	099-011-09	BURTON CHARLES E & JANE M TRUS	717 OLSON RD	SOQUEL	CA	95073	TP			P
VTMP	1-97-020	SCR	099-061-05	BURTON CHARLES E & JANE M TRUS	717 OLSON RD	SOQUEL	CA	95073	RA			P
VTMP	1-97-020	SCR	099-061-01	BURTON CHARLES E & JANE M TRUS	717 OLSON RD	SOQUEL	CA	95073	??			Y
GHP	1-97-014	SCR										
GHP	1-97-011	SCR	087-052-02	BAREILLES PAUL A U/M	P O BOX 6610	EUREKA	CA	95502	SU			P
GHP	1-97-005	SCR	105-511-08	BERNARDAS					SU			N
GHP	1-97-005	SCR	105-511-09	COMPOSTI					SU			N
GHP	1-97-005	SCR	105-511-10	FARRELL					SU			N
GHP	1-96-570	SCR	109-071-10	CULBERTSON ROBERT B III & SAMA	201-2 SUNSET BEACH RD	WATSONVILLE	CA	95076	A	SU		N
GHP	1-96-556	SCR										
GHP	1-96-551	SCR	089-231-02	THEILMAN RACHEL E	P O BOX 761	BEN LOMOND	CA	95005	TP			Y
GHP	1-96-550	SCR	089-231-04	ROBERTS DAVID P & SUSAN E H/W	1050 LAUREL AVE	FELTON	CA	95018	SU			P
GHP	1-96-550	SCR	089-231-05	WERTKIN STEWART	P O BOX 985	BEN LOMOND	CA	95005	SU			P
GHP	1-96-550	SCR	089-231-13	WERTKIN STEWART	P O BOX 985	BEN LOMOND	CA	95005	RA			Y
GHP	1-96-542	SCR	083-251-72	MAUPIN THEODORE L TRUSTEE ETAL	7424 HEIDI CT	FAIR OAKS	CA	95628	TP			P
GHP	1-96-542	SCR	083-251-73	MAUPIN THEODORE L TRUSTEE ETAL	7424 HEIDI CT	FAIR OAKS	CA	95628	TP			Y
GHP	1-96-542	SCR	083-251-74	MAUPIN THEODORE L TRUSTEE ETAL	7424 HEIDI CT	FAIR OAKS	CA	95628	TP			Y
GHP	1-96-542	SCR	083-251-75	MAUPIN THEODORE L TRUSTEE ETAL	7424 HEIDI CT	FAIR OAKS	CA	95628	TP			Y
GHP	1-96-518	SCR	089-071-54	VARKONYI JANOS J & VIRGINIA	HC 67 BOX 70	OCONTO	NE	68860	SU			P
GHP	1-96-518	SCR	089-071-58	VARKONYI JANOS J & VIRGINIA	HC 67 BOX 70	OCONTO	NE	68860	SU			P
GHP	1-96-518	SCR	089-491-02	MOSKO JOSEPH ANDREW & FRANCES	121 WHALEBONE GULCH RD	BOULDER CREEK	CA	95006	SU			P
GHP	1-96-518	SCR	089-491-03	DAVIS CHARLES E M/M S/S	P O BOX 2288	LOS GATOS	CA	95031	SU			P
GHP	1-96-518	SCR	089-491-04	MEYER STEPHEN V & KARIN E H/W	135 WHALEBONE GULCH RD	BOULDER CREEK	CA	95006	SU			P
GHP	1-96-518	SCR	089-361-01	MOSKO ROBERT J S/M	615 WHALEBONE GULCH	BOULDER CREEK	CA	95006	SU			P
GHP	1-96-518	SCR	089-361-12	GROGGER BENJAMIN F & EVELYN M	5392 ROMFORD DR	SAN JOSE	CA	95124	SU			P

SCR PLANS ASSOCIATED with Cruz Co Zoning Categories

THP	1-	96	-518	SCR	089-361-14	EVANOFF KATHLEEN E	5392 ROMFORD DR	SAN JOSE	CA	95124	SU			N
THP	1-	96	-518	SCR	089-361-15	EVANOFF RICHARD B & BETTY J TR	5392 ROMFORD DR	SAN JOSE	CA	95124	SU			P
THP	1-	96	-518	SCR	089-361-16	EVANOFF RICHARD B & BETTY J TR	5392 ROMFORD DR	SAN JOSE	CA	95124	SU			P
THP	1-	96	-518	SCR	089-071-57	NICHTER JAMES M	P O BOX 874	CAMPBELL	CA	95009	RA			P
THP	1-	96	-518	SCR	089-361-02	MOSKO JOSEPH A & FRANCES C JT	121 WHALEBONE GULCH RD	BOULDER CREEK	CA	95006	RA			P
THP	1-	96	-518	SCR	089-361-03	MOSKO MICHAEL & ELFRIEDE TRUST	615 WHALEBONE GULCH	BOULDER CREEK	CA	95006	RA			P
THP	1-	96	-518	SCR	089-361-05	EVANOFF RICHARD B & BETTY J TR	5392 ROMFORD DR	SAN JOSE	CA	95124	RA			Y
THP	1-	96	-518	SCR	089-361-07	MOSKO MICHAEL & ELFRIEDE TRUST	615 WHALEBONE GULCH	BOULDER CREEK	CA	95006	RA			Y
THP	1-	96	-518	SCR	089-361-10	EVANOFF RICHARD B & BETTY J TR	5392 ROMFORD DR	SAN JOSE	CA	95124	RA			Y
THP	1-	96	-518	SCR	089-361-11	MOSKO MICHAEL & ELFRIEDE TRUST	615 WHALEBONE GULCH	BOULDER CREEK	CA	95006	RA			Y
THP	1-	96	-429	SCR	099-181-05	CHY COMPANY THE	2555 3RD ST SU 200	SACRAMENTO	CA	95818	TP			P
THP	1-	96	-429	SCR	099-251-01	CHY COMPANY THE	2555 THIRD ST SU 200	SACRAMENTO	CA	95818	M-3	SU		P
THP	1-	96	-429	SCR	099-171-03	CHY COMPANY THE	2555 3RD ST SU 200	SACRAMENTO	CA	95818	M-3			N
THP	1-	96	-397	SCR	105-401-02	EEL RIVER SAWMILLS INC	1053 NORTHWESTERN AVE	FORTUNA	CA	95540	TP			Y
THP	1-	96	-397	SCR	105-401-08	LEVAN DORIS B U/W ETAL JT	2057 ISABELLE AV	SAN MATEO	CA	94002	TP			Y
THP	1-	96	-397	SCR	105-401-09	SEATH STEVEN & JUDY H/W JT	170 VERDE DR	SANTA CRUZ	CA	95060	TP			Y
THP	1-	96	-388	CR/SMO										
THP	1-	96	-388	(SCR)										
THP	1-	96	-388	(SMO)										
THP	1-	96	-369	SCR	089-011-03	COOK RANDALL M TRUSTEE ETAL	408 7TH ST	EUREKA	CA	95501	TP			Y
THP	1-	96	-354	SCR										
THP	1-	96	-354	SCR										
THP	1-	96	-354	SCR										
THP	1-	96	-316	SCR	082-241-43	R COOK ENTERPRISES INC ETAL	408 7TH ST SU 8	EUREKA	CA	95501	TP			Y
THP	1-	96	-316	SCR	082-241-71	TULL ROSEMARY J TRUSTEE	2210 W CLIFF DR	SANTA CRUZ	CA	95060	SU			N
THP	1-	96	-316	SCR	082-241-73	TULL ROSEMARY J TRUSTEE	2210 W CLIFF DR	SANTA CRUZ	CA	95060	SU			P
THP	1-	96	-315	SCR	098-151-03	MASON PHILIP G & MARJORIE E	14830 STETSON RD	LOS GATOS	CA	95030	SU			Y
THP	1-	96	-315	SCR	098-151-11	MASON PHILIP G AND MARJORIE E	14830 STETSON RD	LOS GATOS	CA	95030	SU			Y
THP	1-	96	-314	SCR										
THP	1-	96	-312	SCR	103-241-07	HUBBACK PETER B U/M	3381 ALLRED LANE	SOQUEL	CA	95073	SU			P
THP	1-	96	-312	SCR	103-241-05	HAVEN INVESTMENT CORP	3373 ALLRED LN	SOQUEL	CA	95073	RA	SU		P
THP	1-	96	-312	SCR	103-231-11	HAVEN INVESTMENT CORP	3373 ALLRED LN	SOQUEL	CA	95073	RA			P
THP	1-	96	-312	SCR	103-241-06	HAVEN INVESTMENT CORP	3373 ALLRED LN	SOQUEL	CA	95073	RA			P
THP	1-	96	-297	SCR	087-231-27	RIVERO PATRICIA J TRUSTEE ETAL	P O BOX 521	BOULDER CREEK	CA	95006	TP			Y
THP	1-	96	-297	SCR	087-231-27	RIVERO PATRICIA J TRUSTEE ETAL	P O BOX 521	BOULDER CREEK	CA	95006	TP			Y
THP	1-	96	-297	SCR	087-321-06	LANOIE PAUL A SR & CHARLENE S	17700 HWY 9	BOULDER CREEK	CA	95006	SU			Y
THP	1-	96	-297	SCR	087-321-05	LANOIE PAUL A SR & CHARLENE S	17700 HWY 9	BOULDER CREEK	CA	95006	SU			Y
THP	1-	96	-297	SCR	087-321-04	LANOIE PAUL A SR & CHARLENE S	17700 HWY 9	BOULDER CREEK	CA	95006	SU			Y
THP	1-	96	-297	SCR	087-321-03	LANOIE PAUL A SR & CHARLENE S	17700 HWY 9	BOULDER CREEK	CA	95006	SU			P
THP	1-	96	-281	SCR	076-181-27	CONNER MATTHEW W & ALYSSA K H/	1275 RIDGE RD	BEN LOMOND	CA	95005	SU			P
THP	1-	96	-275	SCR	106-121-41	BURCH ROGER A & MICHELE H/W CP	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP			Y

SCR PLANS ASSOCIATED with Cruz Co Zoning Categories

Parcel ID	Assessor's Parcel Number	Owner Name	Address	City	State	Zip	Zoning	Other Zoning	Other Zoning	Other Zoning	Other Zoning
GHP 1-96-239	SCR	Assessors parcel number unknown									
GHP 1-96-239	SCR	Assessors parcel number unknown									
GHP 1-96-239	SCR	Assessors parcel number unknown									
GHP 1-96-228	SCR	089-011-39	KRUPOCKI PETER J & EXIE A	P O BOX 38	MT VIEW	CA	94042	SU			Y
GHP 1-96-212	SCR	040-101-60	HETZER ARTHUR MALCOLM JR TRUST	P O BOX 1569	APTOS	CA	95001	RA	RA-L	SU	P
GHP 1-96-212	SCR	040-101-09	HETZER ARTHUR MALCOLM JR TRUST	3121 MULBERRY DR	SOQUEL	CA	95073	R-1-15			N
GHP 1-96-182	SCR	106-151-08	CARPENTER PETER R U/M ETAL	1710 EUREKA CANYON	WATSONVILLE	CA	95076	TP			Y
GHP 1-96-170	SCR	078-171-48	GERBER MARY S TRUSTEE	2634 SAKLAN INDIAN DR. #1	WALNUT CREEK	CA	94595	TP			Y
GHP 1-96-169	SCR	100-101-01	CULVER DAVID R & MARIA A HW J	2975 JARVIS ROAD	SANTA CRUZ	CA	95065	A			P
GHP 1-96-149	SCR										
GHP 1-96-145	SCR	078-111-04	CONLEY WILLIAM H U/M ETAL	240 B 8TH AVE	SANTA CRUZ	CA	95062	SU			Y
GHP 1-96-145	SCR	078-121-22	CONLEY WILLIAM HUGHES U/M ETAL	240 B 8TH AVE	SANTA CRUZ	CA	95062	RA			P
THP 1-96-145	SCR	078-121-24	TOJO YUJI S/M	875 FANNING GRADE	BEN LOMOND	CA	95005	RA			P
THP 1-96-145	SCR	078-121-20	CONLEY WILLIAM HUGHES U/M ETAL	240 B 8TH AVE	SANTA CRUZ	CA	95062	R-1-1A			N
THP 1-96-144	SCR	080-121-03	REDTREE PROPERTIES L P	P O BOX 1041	SANTA CRUZ	CA	95061	TP			Y
GHP 1-96-144	SCR	080-121-07	REDTREE PROPERTIES L P	P O BOX 1041	SANTA CRUZ	CA	95061	TP			Y
GHP 1-96-144	SCR	080-131-26	REDTREE PROPERTIES L P	P O BOX 1041	SANTA CRUZ	CA	95061	RA			P
GHP 1-96-133	SCR	087-261-46	GRIM JON R & TERRI RAMEY HW J	28283 BIG BASIN WAY	BOULDER CREEK	CA	95006	SU			Y
GHP 1-96-133	SCR	087-261-48	GRIM JON R HW JT ETAL	28283 BIG BASIN WAY	BOULDER CREEK	CA	95006	SU			Y
GHP 1-96-133	SCR	087-261-34	GRIM JON R HW ETAL JT	28283 BIG BASIN WY	BOULDER CREEK	CA	95006	RA			P
GHP 1-96-113	SCR	093-141-06	UHTE JOHN CARL & BONITA L HW	25324 MTN CHARLIE RD	LOS GATOS	CA	95030	SU			Y
GHP 1-96-113	SCR	093-141-42	KOPPALA GREGORY J U/M ETAL	408 7TH ST SU 8	EUREKA	CA	95501	RA	SU		P
THP 1-96-112	SCR	095-181-15	NELSON KEVIN & HOLLY HW JT	P O BOX 986	SOQUEL	CA	95073	TP			Y
THP 1-96-112	SCR	097-201-05	AALFS CHARLES D & REBECCA HW	P O BOX 2159	ARCATA	CA	95521	SU			P
THP 1-96-103	SCR	063-011-26	OSTERBERG WILLIAM M/M	P O,BOX 992	SANTA CRUZ	CA	95061	TP			Y
THP 1-96-103	SCR	063-011-33	MC CRAY VADEN & GRACE TRUSTEES	1853 BRANCIFORTE DR	SANTA CRUZ	CA	95065	RA	SU		P
THP 1-96-74	SCR	106-171-02	CARROLL DAVID C & DIANE C HW	4600 TROUT GULCH RD	APTOS	CA	95003	TP			Y
THP 1-96-74	SCR	106-471-13	CARROLL DAVID C & DIANE C HW	4600 TROUT GULCH RD	APTOS	CA	95003	TP			Y
THP 1-96-74	SCR	107-551-01	PODRATZ RICHARD G & CHRISTINE	1208 E LAKE GENEVA RD	ALEXANDRIA	MN	56308	TP			Y
THP 1-96-74	SCR	107-021-33	PODRATZ RICHARD G & CHRISTINE	1208 E LAKE GENEVA RD	ALEXANDRIA	MN	56308	SU			Y
THP 1-96-53	SCR	087-171-02	THOMPSON GEORGE A & ANITA K TR	421 ADOBE PL	PALO ALTO	CA	94306	SU			Y
THP 1-96-53	SCR	087-161-49	THOMPSON GEORGE A & ANITA K	421 ADOBE PLACE	PALO ALTO	CA	94306	RA			Y
THP 1-96-49	SCR	085-222-14	DURLER EDWARD J & SHARON M HW	15490 TWO BAR RD	BOULDER CREEK	CA	95006	SU			P
GHP 1-96-49	SCR	085-222-15	DURLER EDWARD J & SHARON M JT	15490 TWO BAR RD	BOULDER CREEK	CA	95006	SU			N
THP 1-96-39	SCR	058-011-10	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP 1-96-39	SCR	063-031-02	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP 1-96-39	SCR	063-071-01	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP 1-96-39	SCR	058-022-04	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	SU			N
THP 1-96-31	SCR	103-011-09	LA ROSA ROBERT U/M	1000 LAUREL GLEN RD	SOQUEL	CA	95073	RA	TP		Y
NTMP 1-96-018	SCR	092-011-04	ELAM HARVEY T S/M ETAL	1400 SUN MOUNTAIN RD	FELTON	CA	95018				Y
THP 1-96-4	SCR	087-053-51						SU			Y

SCR PLANS ASSOCIATED with Santa Cruz Co Zoning Categories

GHP	1-95-199	SCR	093-272-28	GARCIA EDWARD U/M	23050 OLD LOGGING RD	LOS GATOS	CA	95030	SU			P
GHP	1-95-199	SCR	093-011-35	NELSON THOMAS A & CAROLYN A H/	935 FOOTHILL DR	WINDSOR	CA	95492	SU			P
GHP	1-95-199	SCR	093-011-41	KENNEDY BRUCE B M/M	25300 HUTCHINSON RD	LOS GATOS	CA	95030	SU			N
GHP	1-95-199	SCR	093-011-42	KENNEDY DIANE C M/W ETAL	25300 HUTCHINSON RD	LOS GATOS	CA	95030	SU			P
GHP	1-95-199	SCR	093-011-43	KENNEDY BRUCE B TRUSTEE	25300 HUTCHINSON RD	LOS GATOS	CA	95030	SU			P
GHP	1-95-199	SCR	093-011-44	KENNEDY BRUCE B TRUSTEE ETAL	25300 HUTCHINSON RD	LOS GATOS	CA	95030	SU			P
GHP	1-95-199	SCR	093-282-06	HESS TOM M/M	P O BOX 63	RANCHO SANTA FE	CA	92067	RA			N
GHP	1-95-199	SCR	093-282-75	KENNEDY BRUCE B & DIANE C TRUS	25300 HUTCHINSON RD	LOS GATOS	CA	95030	RA			N
GHP	1-95-199	SCR	091-161-33									
GHP	1-95-178	SCR	074-012-07	SANTA CRUZ CITY OF	809 CENTER ST RM #106	SANTA CRUZ	CA	95060	PR	RA		N
GHP	1-95-178	SCR										
GHP	1-95-178	SCR										
GHP	1-95-176	SCR	097-161-02	WILLHEIM JOHN S/M	P O BOX 5074	SHERMAN OAKS	CA	91413	TP			Y
GHP	1-95-175	SCR	096-101-01	SHORE MARTIN D & MARIE K JT	23000 S C HWY	LOS GATOS	CA	95030	SU			P
GHP	1-95-175	SCR	095-011-01	MATHIAS CONDE & SYLVIA H/W JT	P O BOX 668	HEALDSBURG	CA	95448	RA			P
GHP	1-95-175	SCR	095-012-06	TAAJE EIVIND F & BEVERLEE J H/	22970 SANTA CRUZ HWY	LOS GATOS	CA	95033	RA			P
GHP	1-95-175	SCR	095-012-07	SHORE MARTIN D & MARIE K JT	23000 SANTA CRUZ HWY	LOS GATOS	CA	95030	RA			P
GHP	1-95-142	SCR	097-241-02	SOQUEL CREEK WATER DISTRICT	P O BOX 158	SOQUEL	CA	95073	TP			P
GHP	1-95-142	SCR	097-222-07	SOQUEL CREEK WATER DISTRICT	P O BOX 158	SOQUEL	CA	95073	RA			P
GHP	1-95-116	SCR	090-081-01	LONG DONALD A & ANNE P H/W JT	P O BOX 728	BEN LOMOND	CA	95005	TP			Y
GHP	1-95-112	SCR	095-011-14	CIRAULO ANGELINA M TRUSTEE ETA	1435 LAUREL GLEN RD	SOQUEL	CA	95073	SU			N
GHP	1-95-104	SCR	105-411-03	FIELDS DONALD GENE & KATHRYN B	P O BOX 526	SOQUEL	CA	95073	SU			Y
THP	1-95-103	SCR	067-261-58	CRESS JONATHAN ETAL JT	145 BAYONA DR	SANTA CRUZ	CA	95060	SU			N
THP	1-95-102	SCR										
THP	1-95-102	SCR										
THP	1-95-102	SCR										
THP	1-95-102	SCR										
THP	1-95-102	SCR										
THP	1-95-052	SCR	086-151-17	MOORES WILLIAM M & TONA E H/W	3880 SLEEPY HOLLOW DR	SANTA ROSA	CA	95404	SU			P
THP	1-95-039	SCR										
THP	1-95-033	SCR	103-091-03	CURY DAVID D U/M	200 7TH AVE	SANTA CRUZ	CA	95062	TP			Y
THP	1-95-027	SCR	097-241-03	MC GREW RODRICK ELLIOT & ROSAL	2008 SAN YSIDRO DR	BEVERLY HILLS	CA	90210	SU			N
THP	1-95-027	SCR	100-021-31	BLANCHETTE TAHRA SINGH U/M ETA	P O BOX 1467	SOQUEL	CA	95073	SU			N
THP	1-95-027	SCR	100-021-32	BLANCHETTE TAHRA SINGH U/M ETA	P O BOX 1467	SOQUEL	CA	95073	SU			N
THP	1-95-027	SCR	100-021-33	BLANCHETTE TAHRA SINGH U/M ETA	P O BOX 1467	SOQUEL	CA	95073	SU			N
THP	1-95-027	SCR	100-021-34	BLANCHETTE TAHRA SINGH U/M ETA	P O BOX 1467	SOQUEL	CA	95073	SU			N
THP	1-95-024	SCR	089-051-10	BUSHNELL ERIC M/M S/S	P O BOX 146	BOULDER CREEK	CA	95006	TP			Y
THP	1-95-004	SCR										
THP	1-95-003	SCR	107-021-10	MICHAUD GEORGE K & MICHELLE E	P O BOX 1117	APTOS	CA	95001	RA			N
NTMP	1-95-001	SCR	087-021-11	FIELDHOUSE TERRY TRUST THE	1149 S 6TH STLD WY	SAN JOSE	CA	95112	TP			Y
THP	1-94-602	SCR	091-171-08	BRINKMAN DANIEL & DIANE H/W JT	21048 BEAR CREEK RD	LOS GATOS	CA	95030	TP			Y

Assessors parcel number unknown

SCR PLANS ASSOCIATED with Santa Cruz Co Zoning Categories

THP	1-94-602	SCR	091-171-09	TEALL DWIGHT E TRUSTEE	1351 WRIGHT AVE	SUNNYVALE	CA	94087	TP		Y
THP	1-94-601	SCR	080-011-03	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP		Y
THP	1-94-601	SCR	080-011-06	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP		Y
THP	1-94-601	SCR	080-011-35	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP		Y
THP	1-94-601	SCR	080-011-36	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP		Y
THP	1-94-601	SCR	080-011-40	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	SU	TP	P
THP	1-94-589	SCR	109-011-05	NEVINS JOSEPH PAUL H/W ETAL TC	1745 GREEN VALLEY RD	WATSONVILLE	CA	95076	SU		P
THP	1-94-589	SCR	109-011-06	FINCH JOHN PATRICK TRUSTEE	1745 GREEN VALLEY RD	WATSONVILLE	CA	95076	SU		N
THP	1-94-588	SCR	097-231-46	AALFS CHARLES D & REBECCA H/W	P O BOX 96	WILLOW CREEK	CA	95573	TP		Y
THP	1-94-568	SCR									
THP	1-94-566	SCR									
THP	1-94-551	SCR	107-531-01	RANDOLPH JOHN C & CECILY L H/W	1097 PLEASANT VALLEY RD	APTOS	CA	95003	SU		N
THP	1-94-551	SCR	107-531-02	RANDOLPH JOHN C & CECILY L H/W	1097 PLEASANT VALLEY RD	APTOS	CA	95003	SU		P
THP	1-94-551	SCR	107-531-04	RANDOLPH JOHN C & CECILY L H/W	1097 PLEASANT VALLEY RD	APTOS	CA	95003	SU		N
THP	1-94-551	SCR	107-531-12	RANDOLPH JOHN C & CECILY L H/W	1097 PLEASANT VALLEY RD	APTOS	CA	95003	SU		N
THP	1-94-551	SCR	107-531-13	RANDOLPH JOHN C & CECILY L H/W	1097 PLEASANT VALLEY RD	APTOS	CA	95003	SU		N
THP	1-94-551	SCR	107-531-16	RANDOLPH SCOTT C U/M ETAL	1097 PLEASANT VALLEY RD	APTOS	CA	95003	SU		N
THP	1-94-551	SCR	107-531-03	RANDOLPH JOHN C & CECILY L H/W	1097 PLEASANT VALLEY RD	APTOS	CA	95003	RA	SU	N
THP	1-94-526	SCR	091-181-10	BURCH ROGER & MICHELE H/W JT	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP		Y
THP	1-94-514	SCR	106-181-08	LAND TRUST OF SANTA CRUZ COUNT	P O BOX 1287	SANTA CRUZ	CA	95061	SU		P
THP	1-94-514	SCR	107-041-02	LAND TRUST OF SANTA CRUZ COUNT	P O BOX 1287	SANTA CRUZ	CA	95061	SU		P
THP	1-94-514	SCR	107-051-32	LAND TRUST OF SANTA CRUZ COUNT	P O BOX 1287	SANTA CRUZ	CA	95061	SU		Y
THP	1-94-472	SCR	086-021-02	REDTREE PROPERTIES L P	P O BOX 1041	SANTA CRUZ	CA	95061	TP		Y
THP	1-94-472	SCR	086-021-03	REDTREE PROPERTIES L P	P O BOX 1041	SANTA CRUZ	CA	95061	TP		Y
THP	1-94-472	SCR	086-021-04	CALIFORNIA STATE OF	400 R ST STE 5000	SACRAMENTO	CA	95814	SU		Y
THP	1-94-472	SCR	086-031-04	CALIFORNIA STATE OF	1416 9TH ST RM 1147	SACRAMENTO	CA	95814	SU		N
THP	1-94-421	SCR	089-121-77	EEL RIVER SAWMILLS INC	1053 NORTHWESTERN AVE	FORTUNA	CA	95540	SU		P
THP	1-94-421	SCR	089-121-78	EEL RIVER SAWMILLS INC	1053 NORTHWESTERN AVE	FORTUNA	CA	95540	SU		P
THP	1-94-421	SCR	089-121-80	EEL RIVER SAWMILLS INC	1053 NORTHWESTERN AVE	FORTUNA	CA	95540	SU		Y
THP	1-94-421	SCR	089-121-81	EEL RIVER SAWMILLS INC	1053 NORTHWESTERN AVE	FORTUNA	CA	95540	SU		Y
THP	1-94-421	SCR	089-281-30	EEL RIVER SAWMILLS INC	1053 NORTHWESTERN AVE	FORTUNA	CA	95540	RA		P
THP	1-94-421	SCR	089-121-79	EEL RIVER SAWMILLS INC	1053 N WESTERN AVE	FORTUNA	CA	95540	PF		Y
THP	1-94-409	SCR	091-061-30	HUNSINGER GREGORY C U/M	20999 BUSHNELL RD	LOS GATOS	CA	95030	SU		Y
THP	1-94-409	SCR	091-061-31	HUNSINGER GREGORY C	20999 BUSHNELL RD	LOS GATOS	CA	95030	SU		P
THP	1-94-409	SCR	091-131-04	DAVIDSON CARL E & BETTY I	5821 APTOS VIEW RD	APTOS	CA	95003	SU		P
THP	1-94-398	SCR	089-051-21	NIELSEN LEIF BJERREGAARD & MAR	380 RIDGE DR	BOULDER CREEK	CA	95006	SU		P
THP	1-94-392	SCR									
THP	1-94-392	SCR									
THP	1-94-392	SCR									
THP	1-94-391	SCR	096-321-11	MONTGOMERY JOHN J & MAXINE TRU	PO BOX 1-H	LOS GATOS	CA	95031	RA		N
THP	1-94-371	SCR	089-061-23	LOCATELLI ROBERT E & TERRY K H	P O BOX 73	BEN LOMOND	CA	95005	TP		Y

SCR PLANS ASSOCIATED with Cruz Co Zoning Categories

THP	1- 94	-363	SCR	106-151-16	WEBSTER RAYMOND C & MARJORIE R	730 SUGAR PINE RD	SCOTTS VALLEY	CA	95066	SU			P
THP	1- 94	-353	SCR	106-101-13	DIESEL ERIC JOHN U/M	2905 EL CAMINO REAL	PALO ALTO	CA	94306	SU			N
THP	1- 94	-353	SCR	106-101-15	GOLITZIN GEORGE M/M S/S	720 GLENICE ST	PETALUMA	CA	94954	SU			N
THP	1- 94	-353	SCR	106-101-25	DIESEL ERIC S/M	2905 EL CAMINO REAL	PALO ALTO	CA	94306	SU			N
THP	1- 94	-347	SCR	103-161-08	??	??	??			PR			P
THP	1- 94	-347	SCR	103-161-09	WOOD RICHARD W & PAMELA L H/W	8204 GLEN HAVEN RD	SOQUEL	CA	95073	PR			Y
THP	1- 94	-342	SCR										
THP	1- 94	-342	SCR										
THP	1- 94	-342	SCR										
THP	1- 94	-342	SCR										
THP	1- 94	-326	SCR	087-261-28	TERRY MC BRIARTY TRUSTEE	1340 S DEANZA BLVD SU 201	SAN JOSE	CA	95129	SU			Y
THP	1- 94	-326	SCR	087-261-41	LOVETT HUDSON & TANYA H/W JT	28380 BIG BASIN WY	BOULDER CREEK	CA	95006	SU			Y
THP	1- 94	-326	SCR	087-261-23	KAMINAR NEIL & LINDA JT	28380 BIG BASIN HWY	BOULDER CREEK	CA	95006	RA			Y
THP	1- 94	-326	SCR	087-261-27	SCOTT JEFFREY M S/M ETAL	28375 BIG BASIN WY	BOULDER CREEK	CA	95006	RA			Y
THP	1- 94	-312	SCR	105-421-09	BENNETT LISA GAIL SW	932 ALMADEN AVENUE	SUNNYVALE	CA	94086	SU			Y
THP	1- 94	-312	SCR	105-421-24						SU			Y
THP	1- 94	-312	SCR	105-431-05	MARKS VIRGINIA B	P O BOX 1266	APTOS	CA	95003	SU			Y
THP	1- 94	-307	SCR	098-161-06	TEHAMA COUNTY BANK CO-TRUSTEES	P O BOX 944246	SACRAMENTO	CA	94222	TP			Y
THP	1- 94	-299	SCR	105-031-37	ANGUIANO RADEENE M/W	4450 TROUT GULCH RD	APTOS	CA	95003	RA			Y
THP	1- 94	-299	SCR	105-031-31	BROWN RADEENE	4450 TROUT GULCH RD	APTOS	CA	95003	CA			Y
THP	1- 94	-299	SCR	105-031-38	ANGUIANO BENJAMIN E	3763 FERN FLAT RD	APTOS	CA	95003	CA			Y
THP	1- 94	-299	SCR	105-031-39	BROWN RADEENE	3763 FERN FLAT RD	APTOS	CA	95003	CA			Y
THP	1- 94	-298	SCR	106-111-01	WATSONVILLE CITY OF	P O BOX 50000	WATSONVILLE	CA	95077	TP			Y
THP	1- 94	-298	SCR	106-111-02	WATSONVILLE CITY OF	P O BOX 50000	WATSONVILLE	CA	95077	TP			Y
THP	1- 94	-294	SCR	064-362-02	DELLENBACH KENNETH K & MAXINE	P O BOX 584	FELTON	CA	95018	RA			Y
THP	1- 94	-294	SCR	064-362-03	DELLENBACH KENNETH K & MAXINE	P O BOX 584	FELTON	CA	95018	RA			Y
THP	1- 94	-282	SCR	073-121-12	VROLYK NICHOLAS J & JEANNE R T	P O BOX 67187	SCOTTS VALLEY	CA	95067	TP			Y
THP	1- 94	-282	SCR	073-121-13	VROLYK NICHOLAS J & JEANNE R T	P O BOX 67187	SCOTTS VALLEY	CA	95067	TP			Y
THP	1- 94	-282	SCR	073-121-11	VROLYK NICHOLAS J & JEANNE R T	P O BOX 67187	SCOTTS VALLEY	CA	95067	RA	TP		P
THP	1- 94	-280	SCR	089-131-29	MORITZ FRIEDRICH E & MELANIE J	14289 BEAR CREEK RD	BOULDER CREEK	CA	95006	R-1-1AC	SU		N
THP	1- 94	-274	SCR	107-401-12	HEIM MARK & JYNEL H/W CP	147, RIDER RD	WATSONVILLE	CA	95076	SU			P
THP	1- 94	-274	SCR	107-411-01	LEACH ERIC B & JODI LYNN H/W C	141 RIDER RD	WATSONVILLE	CA	95076	RA			N
THP	1- 94	-263	SCR										
THP	1- 94	-263	SCR										
THP	1- 94	-263	SCR										
THP	1- 94	-263	SCR										
THP	1- 94	-263	SCR										
THP	1- 94	-263	SCR										
THP	1- 94	-246	SCR	074-011-31	SANTA CRUZ CITY OF	809 CENTER ST RM 106	SANTA CRUZ	CA	95060	TP			Y

Assessors parcel number unknown

SCR PLANS ASSOCIATED with Sa Cruz Co Zoning Categories

HP	1-94-246	SCR											
HP	1-94-246	SCR											
HP	1-94-246	SCR											
HP	1-94-202	SCR	104-171-02	EEL RIVER SAWMILLS INC	1053 NORTHWESTERN AVE	FORTUNA	CA	95540	SU				Y
HP	1-94-201	SCR	104-171-16	EEL RIVER SAWMILLS INC	1053 NORTHWESTERN AVE	FORTUNA	CA	95540	RA				Y
HP	1-94-184	SCR	106-301-22	DRAKE JERRY W	P O BOX 6345	KETCHUM	ID	83340	SU				P
HP	1-94-182	SCR	089-071-71	DOYLE MICHAEL J & CAROL A HW	1107 PILGER RD	BOULDER CREEK	CA	95006	SU				P
HP	1-94-182	SCR	089-071-73	DOYLE MICHAEL J & CAROL A HW	1107 PILGER RD	BOULDER CREEK	CA	95006	SU				P
HP	1-94-182	SCR	089-071-74	DOYLE MICHAEL J & CAROL A HW	1107 PILGER RD	BOULDER CREEK	CA	95006	SU				P
HP	1-94-173	SCR											
HP	1-94-173	SCR											
HP	1-94-173	SCR											
HP	1-94-160	SCR											
HP	1-94-160	SCR											
HP	1-94-160	SCR											
HP	1-94-160	SCR											
HP	1-94-160	SCR											
HP	1-94-160	SCR											
HP	1-94-160	SCR											
HP	1-94-141	SCR	089-121-72	GUZMAN BRIAN J & RONA LE DOUX	823 N OAK AVE	FILLMORE	CA	93015	TP				Y
HP	1-94-124	SCR	106-471-03	BIG CREEK LUMBER COMPANY	3564 HIGHWAY 1	DAVENPORT	CA	95017	SU				Y
HP	1-94-124	SCR	106-471-05	BIG CREEK LUMBER COMPANY	3564 HIGHWAY 1	DAVENPORT	CA	95017	SU				Y
HP	1-94-124	SCR	106-471-04	BIG CREEK LUMBER COMPANY	3564 HIGHWAY 1	DAVENPORT	CA	95017	SU				Y
HP	1-94-124	SCR	106-471-01	BIG CREEK LUMBER COMPANY	3564 HIGHWAY 1	DAVENPORT	CA	95017	SU				Y
HP	1-94-124	SCR	106-471-02	BIG CREEK LUMBER COMPANY	3564 HIGHWAY 1	DAVENPORT	CA	95017	SU				Y
HP	1-94-124	SCR	106-471-08	BIG CREEK LUMBER COMPANY	3564 HIGHWAY 1	DAVENPORT	CA	95017	SU				Y
HP	1-94-124	SCR	106-471-07	BIG CREEK LUMBER COMPANY	3564 HIGHWAY 1	DAVENPORT	CA	95017	SU				Y
HP	1-94-124	SCR	106-471-09	BIG CREEK LUMBER COMPANY	3564 HIGHWAY 1	DAVENPORT	CA	95017	SU				Y
HP	1-94-124	SCR	106-471-06	BIG CREEK LUMBER COMPANY	3564 HIGHWAY 1	DAVENPORT	CA	95017	SU				Y
HP	1-94-71	SCR	057-121-07	CALIFORNIA POLYTECHNIC STATE U	FOUNDATION ADMIN OFF BL 15	SAN LUIS OBISPO	CA	94307	TP				Y
HP	1-94-71	SCR	057-121-10	SPAFFORD STEVEN ETAL TC	410 ROBERTA AVE	PLEASANT HILLS	CA	94523	TP				Y
HP	1-94-71	SCR	057-121-22	CALIFORNIA POLYTECHNIC STATE U	FOUNDATION ADMIN OFF BL 15	SAN LUIS OBISPO	CA	94307	TP				Y
HP	1-94-66	SCR	106-022-12	BURCH ROGER & MICHELLE HW CP	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP				Y
HP	1-94-66	SCR	106-022-14	BURCH ROGER & MICHELLE HW CP	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP				Y
HP	1-94-66	SCR	106-261-04	BURCH ROGER & MICHELLE HW CP	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP				Y
HP	1-94-66	SCR	106-022-10	BURCH ROGER & MICHELE HW CP	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	SU				N
HP	1-94-66	SCR	106-022-11	BURCH ROGER & MICHELLE HW CP	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	SU				P
HP	1-94-66	SCR	106-251-33	ROBERTS MARGUERITE VALERIA TRU	933 TROY CT	SUNNYVALE	CA	94087	SU				P
HP	1-94-66	SCR	106-251-34	ROBERTS J H	701 FRONT ST STE B	SANTA CRUZ	CA	95060	SU				P
HP	1-94-66	SCR	106-251-35	ROBERTS J H	701 FRONT ST STE B	SANTA CRUZ	CA	95060	SU				N
HP	1-94-66	SCR	106-022-13	BURCH ROGER & MICHELLE HW CP	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	RA				P
HP	1-94-55	SCR	058-011-01	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP				Y

Assessors parcel number unknown

THP	1-94-55	SCR	058-011-10	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP	1-94-55	SCR	058-011-11	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP	1-94-54	SCR	086-051-02	BROWN BRADLEY U/M	18674 HIGHWAY 9	BOULDER CREEK	CA	95006	TP			Y
THP	1-94-48	SCR										
THP	1-94-47	SCR	089-031-90	MC CLEAD DEAN M & BETTY A TRUS	12189 GLEASON DR	MADERA	CA	93638	SU			P
THP	1-94-47	SCR	089-471-11	WASSMAN PAUL W M/M S/S	P O BOX 1570	BOULDER CREEK	CA	95006	SU			N
THP	1-94-23	SCR	089-011-04	PIERCE HIRAM C JR OR ARDEN E C	3498 SOUTH COURT	PALO ALTO	CA	94306	SU			P
THP	1-94-23	SCR	089-011-22	HAJDUK JOE A & CYNTHIA J H/W C	113 RECINO ST	FREMONT	CA	94539	SU			Y
THP	1-94-23	SCR	089-011-32	PIERCE HIRAM C JR & ARDEN E CO	3498 SOUTH COURT	PALO ALTO	CA	94300	SU			Y
THP	1-94-23	SCR	089-011-48	SCHWEICKERT THOMAS R SR M/M S/	512 PRIMROSE RD	BURLINGAME	CA	94010	SU			Y
THP	1-94-23	SCR	089-011-49	SCHWEICKERT THOMAS R SR M/M S/	512 PRIMROSE RD	BURLINGAME	CA	94010	SU			Y
THP	1-94-23	SCR	089-011-65	O NEAL DENNIS G & KATHLEEN S J	431 VALLEY OAK DR	MORGAN HILL	CA	95037	SU			Y
THP	1-94-20	SCR	086-051-01	COWELL S H FOUNDATION	P O,BOX 63700	SAN FRANCISCO	CA	94163	TP			Y
NTMP	1-94-10	SCR										
THP	1-93-461	SCR	110-031-23	D & D RANCH	99 ALMADEN BLVD STE 565	SAN JOSE	CA	95113	SU			N
THP	1-93-461	SCR	110-111-05	D & D RANCH	99 ALMADEN BLVD STE 565	SAN JOSE	CA	95113	CA			N
THP	1-93-461	SCR	110-111-06	D & D RANCH	99 ALMADEN BLVD STE 565	SAN JOSE	CA	95113	CA			N
THP	1-93-366	SCR	106-351-15	CONLEY WILLIAM HUGHES U/M ETAL	240 B 8TH AVE	SANTA CRUZ	CA	95062	RA			P
THP	1-93-358	SCR	079-201-05	HAYES CHARLES E TRUSTEE	P O BOX 181	BEN LOMOND	CA	95005	TP			Y
THP	1-93-346	SCR	095-172-66	WARREN DIANE TRUSTEE	2900 JARVIS RD	SCOTTS VALLEY	CA	95066	SU			N
THP	1-93-346	SCR	095-181-05	WARREN DIANE TRUSTEE	2900 JARVIS RD	SCOTTS VALLEY	CA	95066	SU			P
THP	1-93-346	SCR	095-271-06	DUNLAP DOUGLAS H/W ETAL JT	490 QUAIL RIDGE RD	SCOTTS VALLEY	CA	95066	SU			P
THP	1-93-346	SCR	095-271-12	DE KATER ANNELIES W U/W	480 QUAIL RIDGE RD	SCOTTS VALLEY	CA	95066	SU			P
THP	1-93-346	SCR	095-181-03	CULVER DAVID & MARIA H/W JT	2975 JARVIS RD	SANTA CRUZ	CA	95065	RA	SU	TP	P
THP	1-93-346	SCR	095-221-11	STONE PAUL U/M	250 QUAIL RIDGE RD	SCOTTS VALLEY	CA	95066	RA	SU		P
THP	1-93-346	SCR										
THP	1-93-345	SCR										
THP	1-93-345	SCR										
THP	1-93-342	SCR	097-251-16	LUTHER JIM	7107 OLD SAN JOSE RD	SOQUEL	CA	95073	SU			P
THP	1-93-340	SCR	109-071-09	TARP THOMAS H JR & PATRICIA AN	201 PINE CANYON RD	SALINAS	CA	93908	A			N
THP	1-93-340	SCR	109-081-01	TARP THOMAS H JR & PATRICIA AN	201 PINE CANYON RD	SALINAS	CA	93908	A			N
THP	1-93-340	SCR	109-121-10	SUNER JAMES U/M	121 MIRA FLORES ROAD	SCOTTS VALLEY	CA	95066	A			N
THP	1-93-298	SCR	106-111-03	ELLIOTT ANDREA U/W	PO BOX 148	MT HERMON	CA	95041	SU			N
THP	1-93-296	SCR	107-021-09	BREILING THEODORE JOHN & MARIL	163 BUZZARD LAGOON RD	WATSONVILLE	CA	95076	SU			N
THP	1-93-296	SCR	107-081-11	BEESON RON S/M	1006 IRIS	REDWOOD CITY	CA	94061	SU			N
THP	1-93-296	SCR	107-021-64	NOHRDEN GREGORY C & CYNTHIA R	177 BUZZARD LAGOON RD	WATSONVILLE	CA	95076	RA	SU		N
THP	1-93-296	SCR										
THP	1-93-296	SCR										
THP	1-93-286	SCR										
THP	1-93-279	SCR										
THP	1-93-279	SCR										

THP	1-93	-129	SCR	089-171-02	CHADWICK DUNCAN H M U/M	P O BOX 1498	BOULDER CREEK	CA	95006	SU			P
THP	1-93	-101	SCR	106-231-22	HANUMAN FELLOWSHIP	445 SUMMIT RD	WATSONVILLE	CA	95076	TP			Y
THP	1-93	-101	SCR	106-231-23	HANUMAN FELLOWSHIP	445 SUMMIT RD	WATSONVILLE	CA	95076	TP			Y
THP	1-93	-072	SCR	105-301-02	HAINES DANIEL E	747 RIDER RD	WATSONVILLE	CA	95076	SU			P
THP	1-93	-072	SCR	105-301-03	HAINES WALTON P	711 RIDER RD	WATSONVILLE	CA	95076	SU			P
THP	1-93	-072	SCR	105-301-05	LA FRENTZ DUARD W & KATHLEEN E	747 RIDER RD	WATSONVILLE	CA	95076	A-O			P
THP	1-93	-072	SCR	105-301-06	DE BENEDETTI RONALD & LOIS JT	731 RIDER RD	WATSONVILLE	CA	95076	A-O			P
THP	1-93	-072	SCR	105-301-07	HAINES DANIEL EARL	747 RIDER RD	WATSONVILLE	CA	95076	A-O			Y
THP	1-93	-072	SCR	105-301-08	HAINES WALTON P ETAL	731 RIDER RD	WATSONVILLE	CA	95076	A-O			P
THP	1-93	-058	SCR	062-111-05	SCHMIDT KENNETH & BRENDA H/W J	2785 SMITH GRADE RD	SANTA CRUZ	CA	95060	RA			N
THP	1-93	-38	SCR/SCL										
THP	1-93	-38	SCR/SCL		Assessors parcel number unknown								
THP	1-93	-38	(SCL)										
THP	1-93	-31	SCR	080-011-06	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP	1-93	-31	SCR	080-011-09	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP	1-93	-31	SCR	080-011-10	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP	1-93	-31	SCR	080-011-12	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP	1-93	-31	SCR	080-011-35	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP	1-93	-31	SCR	080-011-40	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	SU	TP		P
THP	1-93	-29	SCR	081-361-08	BURCH ROGER A M/M S/S	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP			Y
THP	1-93	-29	SCR	081-361-03	BURCH ROGER A M/M S/S	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP			Y
THP	1-93	-29	SCR	081-241-08	BURCH ROGER A M/M S/S	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	SU			P
THP	1-92	-423	SCR										
THP	1-92	-390	SCR	073-111-03	CUMMINGS LOIS A TRUSTEES ETAL	1041 LA QUINTA CT	NAPA	CA	94558	TP			Y
THP	1-92	-327	SCR	085-262-01	BIG CREEK LUMBER COMPANY	3564 HIWAY 1	DAVENPORT	CA	95017	PR	SU		P
THP	1-92	-327	SCR										
THP	1-92	-322	SCR	089-011-51	SANCHEZ BYRON & HILDA HW JT	18349 BEAR CREEK RD	BOULDER CREEK	CA	95006	SU			Y
THP	1-92	-322	SCR										
THP	1-92	-315	SCR	106-181-06	KOENIG KARL NICHOLAS H/W ETAL	484 REDWOOD RD	WATSONVILLE	CA	95076	A			P
THP	1-92	-299	SCR	083-251-47	CODIGA CHRISTOPHER M	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-48	CODIGA CLARK W	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-49	CODIGA GRANT M	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-50	CODIGA BARTON G	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-51	CODIGA GRANT M	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-54	CODIGA CHRISTOPHER M	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-55	CODIGA GRANT M	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-56	CODIGA CLARK W	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-57	CODIGA CHRISTOPHER M	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-58	CODIGA BARTON G	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-59	CODIGA GRANT M	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-92	-299	SCR	083-251-60	CODIGA CLARK W	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N

SCR PLANS ASSOCIATED with S& Cruz Co Zoning Categories

THP	1-	92	-299	SCR	083-251-61	CODIGA CLARK W	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-	92	-299	SCR	083-251-62	CODIGA BARTON G	525 HIGH ST	SANTA CRUZ	CA	95060	SU			N
THP	1-	92	-296	SCR	099-141-01	BURCH ROGER A & MICHELE H/W JT	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP			Y
THP	1-	92	-296	SCR	099-151-01	BURCH ROGER A & MICHELE H/W JT	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	TP			P
THP	1-	92	-296	SCR	099-161-08	BURCH ROGER A & MICHELE H/W JT	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	SU			N
THP	1-	92	-296	SCR	099-161-12	BURCH ROGER A & MICHELE H/W JT	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	SU			N
THP	1-	92	-296	SCR	099-131-03	BURCH ROGER A & MICHELE H/W JT	2 W SANTA CLARA ST 9TH FL	SAN JOSE	CA	95113	RA			N
THP	1-	92	-268	SCR	073-201-02	SEICK MARION MILTON & HAZEL LA	699 RYDER RD	SCOTTS VALLEY	CA	95066	TP			Y
THP	1-	92	-268	SCR										
THP	1-	92	-268	SCR										
THP	1-	92	-268	SCR										
THP	1-	92	-268	SCR										
THP	1-	92	-268	SCR										
THP	1-	92	-237	SCR	104-031-26	DILLER ROBERT J & BARBARA J TR	800 LAGUNITA DR	SOQUEL	CA	95073	TP			Y
THP	1-	92	-219	SCR	098-091-17	NIELSEN RONALD & SONJA BRITTA	14650 STETSON RD	LOS GATOS	CA	95030	SU			Y
THP	1-	92	-180	SCR	083-251-12	DEFFINGER THEODORE L TRUSTEE E	13699 SARAHILLS DR	SARATOGA	CA	95070	TP			Y
THP	1-	92	-170	SCR	062-181-10	DE LA ROSA RAUL D M/M S/S	P O BOX 3657	SANTA CRUZ	CA	95063	TP			Y
THP	1-	92	-162	SCR	093-051-07	RUDY GARY ELWYN TRUSTEE	5814 PILAR CT	SAN JOSE	CA	95120	TP			Y
THP	1-	92	-162	SCR	093-051-09	RUDY GARY ELWYN TRUSTEE	5814 PILAR CT	SAN JOSE	CA	95120	TP			Y
THP	1-	92	-162	SCR	093-051-10	RUDY GARY ELWYN TRUSTEE	5814 PILAR CT	SAN JOSE	CA	95120	SU			N
THP	1-	92	-162	SCR										
THP	1-	92	-162	SCR										
THP	1-	92	-162	SCR										
THP	1-	92	-154	SCR	089-011-59	ROWE JIM D & SUSAN L	1011 VIA PALO LINDA	SUISUN	CA	94585	SU			Y
THP	1-	92	-139	SCR	059-021-05	CAMPBELL ASSOCIATES	560 REMILLARD DR	BURLINGAME	CA	94010	TP			Y
THP	1-	92	-139	SCR	062-211-02	CAMPBELL ASSOCIATES	460 REMILLARD DR	BURLINGAME	CA	94010	TP			Y
THP	1-	92	-139	SCR	062-211-30	CAMPBELL ASSOCIATES	560 REMILLARD DR	BURLINGAME	CA	94010	CA-O			N
THP	1-	92	-125	SCR	089-051-31	RUTMAN SERGEI H/W ETAL JT	17100 TWO BAR RD	BOULDER CREEK	CA	95006	SU			P
THP	1-	92	-115	SCR	106-171-12	GATES GREGORY J S/M	900 OLD EVANS RD	CORRALITOS	CA	95076	TP			Y
THP	1-	92	-115	SCR	106-171-13	KOENIG GEORGE & DIANE G F MARV	1060 OLD EVANS RD	WATSONVILLE	CA	95076	TP			Y
THP	1-	92	-115	SCR	106-171-14	KOENIG GEORGE M/M S/S ETAL	1060 OLD EVANS RD	WATSONVILLE	CA	95076	TP			Y
THP	1-	92	-115	SCR	106-171-09	KOENIG GEORGE	1060 OLD EVANS RD	WATSONVILLE	CA	95076	SU			P
THP	1-	92	-104	SCR	087-054-02	HOLMES LESTER T & MILDRED M H/	31 WILLIS RD	SCOTTS VALLEY	CA	95066	TP			Y
THP	1-	92	-102	SCR	092-011-39	MEDINA ALVIN A & MARIE B TRUST	1803 MISSION ST	SANTA CRUZ	CA	95060	TP			Y
THP	1-	92	-93	SCR	091-012-43	CORRIGAN PATRICK T M/M S/S ETA	114 WEBSTER ST	MONTEREY	CA	93940	TP			P
THP	1-	92	-93	SCR	091-012-50	KOERNER MARY S/W	2583 GREENWICH ST	SAN FRANCISCO	CA	94123	TP			Y
THP	1-	92	-93	SCR	091-012-56	SAMPSON PHILIP M OR MAXINE E T	20301 BEAR CREEK RD	LOS GATOS	CA	95030	SU			N
THP	1-	92	-93	SCR	091-012-55	SAMPSON PHILIP M OR MAXINE E T	20301 BEAR CREEK RD	LOS GATOS	CA	95030	RA			P
THP	1-	92	-67	SCR	080-011-06	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP	1-	92	-67	SCR	080-011-35	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y

Assessors parcel number unknown

SCR PLANS ASSOCIATED with Santa Cruz Co Zoning Categories

THP	1-	92	-67	SCR	080-011-36	LONE STAR CEMENT CORP	137 MAPLE ST	DECATUR	GA	30030	TP			Y
THP	1-	92	-56	SCR	099-011-07	JAKI LUISE F	60 ALTA VIST DR	SANTA CRUZ	CA	95060	A			P
THP	1-	92	-41	SCR	106-141-05	HENRI DONALD J & MABEL M TRUST	1560 TINDALL RANCH RD	WATSONVILLE	CA	95076	TP			Y
THP	1-	92	-037	SCR	087-053-11	MUSCATELL STEVE	P O BOX 256	BOULDER CREEK	CA	95006	SU			Y
THP	1-	92	-34	SCR	106-431-01	ESTRADA RICHARD DANIEL	500 MT MADONNA RD	WATSONVILLE	CA	95076	TP			Y
THP	1-	92	-34	SCR	106-441-01	ESTRADA RICHARD DANIEL	500 MT MADONNA RD	WATSONVILLE	CA	95076	TP			Y
THP	1-	92	-34	SCR										
THP	1-	92	-34	SCR										
THP	1-	92	-29	SCR	076-251-24	SANTA CRUZ CITY OF	809 CENTER ST RM 106	SANTA CRUZ	CA	95060	R-1-15	TP		P
THP	1-	92	-29	SCR	090-091-01	SANTA CRUZ CITY OF	809 CENTER ST	SANTA CRUZ	CA	95060	PR			P
NTMP	1-	92	-004	SCR	059-021-05	CAMPBELL ASSOCIATES	560 REMILLARD DR	BURLINGAME	CA	94010	TP			Y
NTMP	1-	92	-004	SCR	062-211-02	CAMPBELL ASSOCIATES	460 REMILLARD DR	BURLINGAME	CA	94010	TP			Y
NTMP	1-	92	-004	SCR	062-211-30	CAMPBELL ASSOCIATES	560 REMILLARD DR	BURLINGAME	CA	94010	CA-O			N





One group of leaning alders collapsed into the stream creating this log jam.



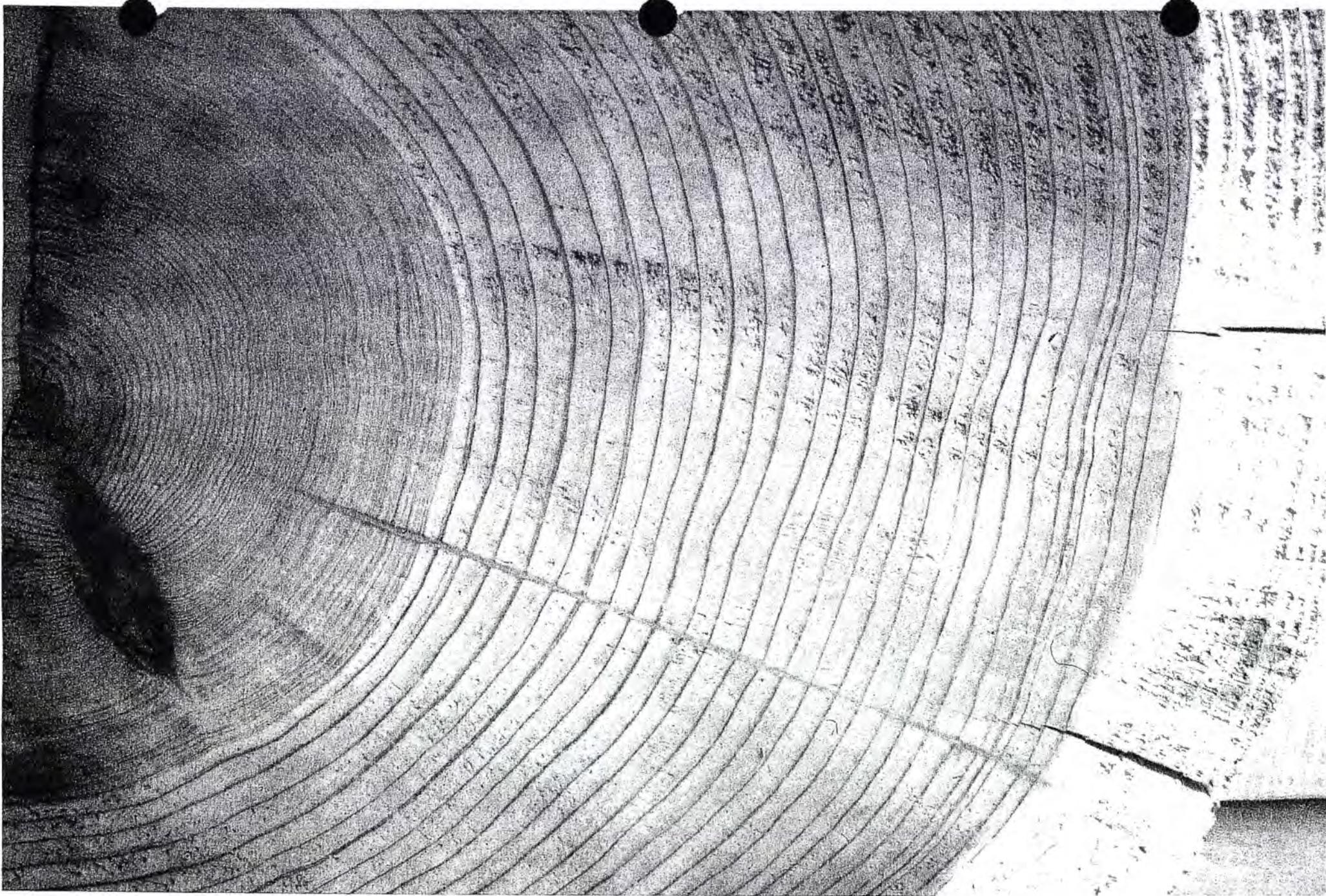
As the stream re-routes around the log jam, significant streambank erosion occurs. These materials then move downstream raising stream gradients resulting in even more streambank erosion.



This wind fallen tree was allowed to remain adjacent to the stream. Water was diverted into the right side of the stream resulting in streambank erosion.



Streambank undercutting of redwood root mass caused trees to collapse, blocking creek and causing significant damage to adjacent county road upslope.



For over 100 years this tree's growth was severely retarded due to overcrowded conditions. Following selective harvesting, growth rate increased immediately.



This stand has been selectively thinned twice in the last 25 years. This type of management provides the only realistic method of re-creating late seral forests from 2nd growth forests in the Santa Cruz Mountains.

TH4C

ROBERT O. BRIGGS

Rancho del Oso

3610 Coast Road, Davenport, California 95017 - Phone (831) 423-6958 - Fax 423-5224 - e-mail, BriggsRO@aol.com

March 10, 1999

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California, 95060

Subject: Need for an environmental impact study before considering proposed timber management actions

Dear Commissioners,

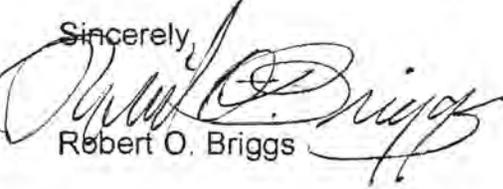
My family has owned timber property in the Waddell watershed of the Santa Cruz Mountains for most of this century, much of it in the coastal zone. We believe that the present quality of the forest and creek attests to our past conscientious, competent care. Now we are concerned about possible negative environmental and economic consequences of the forest management changes proposed by the Santa Cruz County government.

I am an engineer and physicist and for many years I have studied the hydrologic effects of reforestation following the clear-cutting of the last century. Brevity does not permit recounting all the environmental consequences of forest management decisions, but one such phenomenon requires your awareness. In the Santa Cruz mountains, particularly in dry years, forests compete with streams for the limited available dry season stored water supply, thus, there is an inverse correlation between total forest biomass and late summer stream flow. My study shows that if the Waddell forest were to grow unchecked by harvests or fires, Waddell Creek (which has always been perennial) would cease flowing toward the end of the summer with increasing frequency in the next few decades.

I enclose a paper on this subject that is currently in editorial review by the Journal of Forestry. Awareness of this effect does not dictate a particular course of action since that depends on the result desired. However, it is mandatory that forest policy decisions consider this interaction in order to avoid unintended, catastrophic consequences.

The County Staff has denied any significant interaction between forest and stream and has filed a negative declaration which they must know to be bogus since it contradicts the qualified technical opinion of the County Hydrologist, Bruce Leclergue. A responsible, professional environmental impact report as mandated by state law is unequivocally necessary before any action is taken on the proposal now before your commission.

Sincerely,


Robert O. Briggs

Enclosure

**COMPETITION FOR LIMITED DRY SEASON GROUND-STORED WATER
BETWEEN FOREST USE AND STREAM FLOW IN THE WADDELL VALLEY**

By

Robert O. Briggs
Rancho del Oso
Davenport, CA 95017

ABSTRACT

During the late 1800s, logging and fire deforested the 25 square mile Waddell Creek watershed on the central California coast. Subsequently redwood and fir have partially recolonized, resulting in a long-term increase in summertime forest water uptake and consequent reduction of water available to supply the creek during the six month summer dry season. Since the stream has no permanent gauging station, the very gradual summer flow reduction has not been obvious, but comparison of recent discharge measurements with anecdotal reports and the few available hard, historic records from the 1930s is conclusive. Over the next few decades, as the forest demand approaches the limit of the stored water, the historically perennial late summer creek flow will become intermittent with increasing frequency.

This dry season water competition between the forest and late summer stream flow could be significant in future forestry, agriculture and environmental policy planning.

Revised, February 13, 1999

COMPETITION FOR LIMITED DRY SEASON GROUND-STORED WATER BETWEEN FOREST USE AND STREAM FLOW IN THE WADDELL VALLEY

Introduction

Waddell Creek is a perennial, central California, coastal stream. It drains a 25 square mile, forested, mountainous watershed to the Pacific Ocean about 20 miles north of the city of Santa Cruz (37° 5' 49" latitude, 122° 16' 43" longitude). The map in Figure 1 places Waddell Creek in its geographic context.

The precipitation pattern on the central California coast consists of a half-year wet season from about mid October to April or May, followed by a half-year dry season. Mean annual rainfall is 31.9 inches, with a range from 13.6 to inches 60.1 inches during the past six decades. Water is stored in the ground during the rainy season. This ground stored supply feeds the summer creek from numerous springs and is the water source for the forest during the redwood-growing season from May through August. Fog drip can make a contribution to summer water supply on the windward side toward the peak of the first coastal mountains, but the Waddell Valley is shielded from ocean winds by a the coastal range and thus, summer fog in this watershed is quite unusual.

A significant decrease in dry season Waddell Creek discharge noted over the past six decades is not an artifact since only trivial diversion has occurred above the gauging stations. Geologic changes have been considered but no evidence supports this possibility. The single definitive geological event in the Waddell valley in the in the past half century has been the Loma Prieta earthquake (Richter 7.2) of October 17, 1989. This resulted in short-lived transient changes in spring and stream behaviors all of which disappeared in a short time (Briggs, 1994).

The long term changes in the stream behavior over the past half century are almost certainly caused by removal of stored water by the flourishing forest biomass in the watershed. The time sequences

and magnitudes of these two progressions are closely correlated. A similar pattern of long term depletion has been observed in other nearby watersheds in the Santa Cruz Mountains range, but quantitative study of these is difficult due to an extensive, mostly unrecorded history of agricultural diversion from these streams.

This phenomenon is generally overlooked in environmental planning, but it may be significant. For example, federal and state government agencies are concerned with the condition of anadromous fish in Santa Cruz Mountains' streams; however, ecologists report that habitat quality improves almost linearly with summer stream flow up to the level of bank overflow. (Snyder et al., 1995).

This study examines the long-term dry season behavior of Waddell Creek, demonstrates the effect of reforestation on its flow pattern over the past six decades and estimates the magnitude of an anticipated ongoing decrease in its summertime discharge as functions of time and rainfall as the forest continues to grow.

History of the Waddell Watershed and Forest

Prior to European settlement, the Waddell watershed was forested with redwoods, Douglas fir and a scattering of hardwoods such as tan oak and madrone. Local natives periodically set fires to clear the forests and enhance game hunting opportunities and natural fires were frequent. These fires had minor impact on large trees, kept small trees and underbrush at a minimum and deforested marginal growing areas. (Bonnicksen, 1997)

The first major impact by European settlers on the Waddell Valley was the timber harvest activities of William Waddell from 1862 to 1875. Contemporaneous reports and physical archeological evidence indicate that Waddell cut a majority of the merchantable trees in the valley (perhaps 90% of the total biomass) and further impacted the watershed by burning the waste and slash in situ. He left only a few large, isolated redwood trees, some stands of smaller, unmerchantable trees and a few small groves of larger trees in steep, inaccessible canyons. In early September of 1904, following Waddell's harvest, a

major fire destroyed many of the remaining smaller and emerging trees in the watershed. A contemporaneous local newspaper "Santa Cruz Daily Surf" reported that this fire engulfed the coastal slope of the mountain range from Pescadero to Santa Cruz. Following that event, a smaller fire burned the lower Waddell Valley in August of 1910. Since then, for most of this century, logging in the Waddell Basin has been curtailed or practiced on a selective harvest basis with continued regrowth encouraged, and forest fires artificially controlled. The result has been a steady regrowth of the forest throughout the watershed. Professional foresters report that the total forest area in the Waddell Basin is greater than during the pre-Waddell era and estimate that the timber biomass growth rate in this watershed is currently on the order of 3%/year.

The growth rate of the biomass in this forest will, of course, eventually decline but does not yet appear to be approaching the plateau of a mature forest. Unless interrupted, it will continue to increase for many years until it approaches some limiting constraint (Holderman, 1985). Figure 2 compares tree cover of Waddell valley hillsides as they appeared in the early 1930s with a recent view, illustrating changes in forest cover of the watershed.

Discharge Patterns of Waddell Creek

Waddell Creek discharge varies over a huge range: 1) from winter to summer, 2) from year to year as rainfall varies and 3) from decade to decade in a long-term decline. Following a January 3, 1982 rain storm which delivered 10 inches in 24 hours in the lower valley and probably more at higher elevations, Waddell discharge was estimated by the author at 11,000 cubic feet per second (cfs). By contrast, on August 20, 1977, following two years of drought, a discharge of 0.17 cfs was measured using a 9 inch Parshall flume. This is a discharge range of 64,000,000:1.

During the half-year wet season from early autumn till mid spring, the mean rainfall at the lower elevations of the Waddell watershed is currently 31.9 inches and about 1.5 times that amount at the higher

elevations (Rischbieter and Waldron, 1998). During the 6-decade period of this study, the annual total has varied from 13.26 inches in the 1975-76 season to 60.1 inches in 1994-95.

Rain runoff produces heavy, transient winter discharge. Summertime flow, however, is almost totally spring-fed by ground storage from winter rains. During the six-month dry season, the water table drops and stream flow decreases proportionately. From the time of the last rains of the season until the onset of the following rainy season, the summer recession pattern empirically approximates the first order exponential function:

$$Q_2 = Q_1 e^{-(\Delta t)/T} \quad (\text{Equation 1})$$

where: Q_1 = discharge at time 1

Q_2 = discharge at time 2

Δt = elapsed time between Q_2 and Q_1

T = time constant of the system (time required for the dependent variable to reach $1/e$ of an original value)

e = base of the natural log

The fidelity of the summer discharge patterns to the exponential recession model is apparent in figure 3 since the data approximate the straight line of an exponential function plotted in semi-log space.

Early 20th Century Anecdotal Reports of Waddell Creek Character

Anecdotal and engineering descriptions of Waddell Creek in the first half of this century tell of a bountiful late summer flow, even in the driest years. Theodore Hoover, a noted engineer and geologist and owner of the Waddell Valley for the first half of the 20th century studied the valley in 1898. From his 1913 journal (Hoover, 1939) Hoover remarks:

"It has a stream with a minimum September flow of 1800 gallons per minute flowing through its long axis."

Commenting again in 1939, Hoover, wrote:

"The flow of Waddell Creek at the lowest water and driest year ever known is a minimum of 1200 gallons per minute" (Hoover, 1939)

By contrast, in 1967-77, with a season total of 16.23 inches of precipitation, the minimum flow was 0.17 cfs (76.5 gallons per minute) and that was the lowest discharge ever recorded (Briggs, 1991, Briggs, 1994). It was probably lower in 1975-76, the year of the lowest rainfall on record, (13.26 inches) but no discharge data are available for that year. The disparity between the earlier reports of bountiful summer flow and recent much lower measurements suggested that something in the Waddell hydrologic system has changed. Other information contributes to and clarifies this observation.

Discharge Data, 1933 to 1942

Between 1933 and 1942 an extensive study of Waddell Creek anadromous fish by the California State Department of Fish and Game and Stanford University was conducted. The researchers constructed a dam with a fish trap to catch, count and study all fish moving either up or down the stream. The dam included a weir for continuous measurement of creek discharge. (Shapovalov and Taft, 1954) this study provides a rigorous reference for comparison of recent discharge to that of more than half a century ago.

Recent Discharge Data

Since the study covering 1933 to 1942 (Shapovalov and Taft, 1954), Waddell Creek has not had a continuous discharge-recording program and, until 1988, only occasional measurements were recorded. Due to the lack of better information, important decisions concerning water usage, fish habitat etc. have been based on the 1930s Shapovalov and Taft information which we now know is not valid for present conditions.

In 1987, the California State Coastal Conservancy contracted with hydrology consultant Robert Coats of Phillip Williams and Associates to study Waddell Creek in conjunction with the Conservancy's interest in diverting Waddell water for agricultural applications to a nearby watershed. Correlating the fragmentary Waddell data with continuous U. S. Geological Survey records for nearby Pescadero Creek,

Coats constructed a model of Waddell flow in the form of monthly flow duration charts (Coats, 1988). A comparison of Coats' 50th percentile figures with mean monthly summer flow (Shapovalov and Taft, 1954) suggested a significant reduction in discharge over the intervening half-century. The implications of this observation led the author in 1988 to begin a program of recording summer Waddell discharge by open stream survey. With ten years of recent data to compare with the 9 years of 1930's data, the observation of reduced summer discharge is unequivocally demonstrated. Figure 3 compares the mean summer monthly discharge during the 1934-42 period with the mean monthly discharge from 1988 to 1997. The deviation of the data from the exponential line in early fall probably shows the reduced water demands of the trees in the watershed and riparian zone as they become less active toward the end of the growing season. During the 9 year record of flow for the period of the Shapovalov and Taft study, the mean late summer discharge was higher than in all but the wettest 5th percentile of the past 10 years.

Figure 4, displaying the summer discharge pattern for 1995, is especially interesting. Precipitation for that rainfall year was 50.02 inches and the discharge throughout the summer is nearly identical to that of the earlier 9-year mean flow pattern with an average rainfall of 31.9 inches. This suggests that the difference in creek flow for the two periods is equivalent to 18 inches of rainfall. That is, in 1994-95 it took 50 inches of rainfall to produce the same summertime stream discharge as caused by 31.9 inches during the 1930s. Information on redwood forest for direct comparison to Waddell Valley is not available but the figure is similar to that reported for the Oregon Cascades (Dunn and Leopold, 1978). The Cascades are forested predominantly in douglas fir with some western pine and other species (Cobb and Dobell, et al 1961). The early growth pattern of these trees is similar to that of redwoods but firs reach maturity and consequently a condition of stable water uptake earlier in their lives than do redwoods.

Competition Between Trees and Streams

The explanation for the summer flow depletion that seems to fit the Waddell Valley observations is that of increased summer water use by the growing forest. Trees remove remarkably large amounts of water from the soil and during the dry season this water is not available to supply the stream (DeCoster and Herrington, 1988). The following is a quote from the DeCoster and Herrington report.

"A medium sized tree (40-50 feet tall) will take 10,000 gallons (83,000 pounds) of water from the soil in a growing season."

The report further states:

"A tree uses 55 pounds of water to make 100 pounds of cellulose, the main constituent of wood, but it evaporates more than 90,000 pounds of water in the process."

This report also cites a study done by the Baltimore City Watershed wherein young pine trees were planted on a bare watershed and the annual surface water yield was reduced by 283,000 gallons per acre per year, (which is equivalent to 13.3 inches of perception per year).

Dunn and Leopold (1978) also discuss the competition between trees and streams in the book Water in Environmental Planning. This source states:

"Over hundreds of square kilometers of the eastern United States, farm abandonment and re-colonization of the land by pines, spruce, or cedar have been occurring throughout this century. There is reason to believe that this vegetation change has reduced streamflow by important amounts, and that it will continue to do so at a time when water supplies for some eastern cities are becoming critically short. Regrowth of conifers on the 1027 square kilometer Sacandaga River catchment in the Adirondack Mountains, for example, caused increases in interception and evapotranspiration losses. The increase in the loss of water has risen to over 200 million cubic meters per year by 1950. This amount of water is large enough to supply more than one million people."

This is equivalent to 7.4 inches of rainwater per year.

(Larcher, 1975) shows the amounts of water and the percentage of the total annual precipitation consumed by colonies of various plants in numerous worldwide geographic locations. Trees of a wide variety and under a broad range of growing conditions are shown to use from 43% to 160% of incident annual precipitation.

Although healthy forests are part of a balanced ecology, it must be realized by environmental planners and others that the forests, no longer limited by uncontrolled fires, compete with streams for a limited summer supply of stored water. Water used by the forest is, of course, not available to the streams.

Dunn and Leopold (1978) examined the quantitative effect of forest growth on watershed performance, providing a mathematical basis for prediction of flow depletion as the forest grows. These investigators analyzed several studies and conclude the following:

“The data indicate that increases in stream flow caused by deforestation decline exponentially with time.”

This is expressed by an exponential relationship: (Dunn and Leopold, 1978)

$$Q_2 = Q_1 (1 - r)^N \quad \text{(Equation 2)}$$

- Where:
- Q_1 = discharge at time 1
 - Q_2 = discharge at time 2
 - N = time (years) between Q_2 and Q_1
 - r = annual rate of decrease

Solving equation 2 for r :

$$r = 1 - (Q_2/Q_1)^{1/N} \quad \text{(Equation 3)}$$

To find the annual rate of discharge decrease for the month of September for normal rainfall we can take a numerical example using values from figure 5, for each time period at 30 inches of rainfall

$$Q_1 = 4.25 \text{ cfs}$$

$$Q_2 = 1.5 \text{ cfs}$$

$$N = 55 \text{ years}$$

and solving for r yields a decline rate of 1.9% / year.

Although Hoover's estimates are of limited accuracy and cannot be related to a specific annual rainfall, applying equation 3 to his casual observations from 1913 to 1939 gives a flow depletion rate (r) of 2% per year. This is very close to the 1.9% calculated from the hard data of the 1930s and the 1990s.

Correlation of Summer Discharge With Rainfall

Waddell Creek summer discharge correlates well with the total rainfall of the preceding season; however, there is very little correlation with the distribution of rain throughout the season or with the rainfall of earlier years. Figure 5 plots mean discharge for the months of June, July, August and September for each year of each of the periods for which hard data are available, showing the year as a single point of discharge vs. rainfall. The difference in flow between the two periods for a given rainfall is apparent.

Equation 2 tells that if discharge (Q_1) for a given date of a year with known rainfall is compared with the discharge (Q_2) on the same date of a later year with identical rainfall, the Waddell Creek summer discharge can be predicted by using the r value of 1.9 % per year flow decrease from equation 3 for any given rainfall and any nearby future year. As the forest matures the value of r will asymptotically approach zero but the time scale of that recession is indeterminate with presently available information.

Present Flow Intermittence Threshold

The lowest flow ever recorded in Waddell Creek, 0.17 cfs, occurred in August of 1977 with total previous season precipitation of 16 inches (Briggs, 1989). Observation of 1977 creek behavior, as the flow diminished, disclosed that a discharge of less than 0.2 cfs causes intermittent flow at various stations along the creek. Thus, for the purpose of predicting creek intermittence, a discharge of 0.2 cfs is the

critical threshold. Extending the best-fit line for recent September discharge to intersect the 0.2 cfs level demonstrates that, with rainfall of less than 15 inches, flow intermittence may currently be expected.

Future Trend of Intermittent Flow

The Waddell forest growth rate has not yet begun to approach its upper asymptote. Over the next few years it is reasonable to estimate the summertime stream discharge vs. rainfall assuming that the rate of decrease (r) remains constant. Figure 6 represents this approximation of future August discharge. It shows that around the year 2014, August creek intermittence will occur with 20 inches of rain, and as time progresses, the rainfall threshold for intermittent flow will continue to rise.

Rainfall exceedence curves (McCrary and Briggs, 1997) establish the probability at 5% for 15 inches and 18% for 20 inches of annual precipitation. Knowing the probability of the rainfall level permits placing a probability on intermittent flow for a future date. Thus, for the current intermittence threshold of 15 inches, the probability is approximately 5% and in the year 2016 when the threshold for intermittence is 20 inches of rainfall, the probability of intermittent flow increases to 18%.

Conclusion

Waddell Creek late summer discharge has significantly diminished over the past half century due to reforestation of the watershed. Following a very unproductive rainy season, the creek flow ceases toward late summer and the rainfall threshold of this effect will advance with time as the forest continues to grow and expand. If the forest biomass increase continues with no limiting events such as major fires or timber harvest, Waddell Creek will increasingly become seasonal. Therefore, it is of great importance that policy makers recognize the competition in some watersheds between forests and streams for limited available

dry season water reserve and realize that the two environmentally attractive goals of maximizing forest growth and maintaining or increasing dry season stream flow may be incompatible.

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hikers, and berry and mushroom pickers. Landings can provide accessible campsites for weekend visitors. Timber harvesting improves forage for wildlife species such as deer and elk and can enhance biodiversity by providing sunlight to shade-intolerant species. In some instances the removal of trees can improve aesthetics by providing viewsheds across the landscape.

We encourage the Commission to reject your staff's proposal to prohibit timber harvesting and associated operations in "Parks, Recreation and Open Space zone districts in the coastal zone. The existing forest Practice Rules and THP process provide adequate assurances that the resources such as recreational amenities will receive adequate protection from environmental degradation.

3. Helicopter logging is an operational activity outside the County's zoning authority.

We concur with your staff's conclusion on page 29 of the Staff Report that "neither the Coastal Commission nor any local cities or counties have permitting authority over commercial timber harvesting operations subject to the Forest Practices Act. The proposed amendment's limitation on helicopter operations is clearly beyond the purview of the County."

The long-term environmental benefits derived from helicopter logging operations often outweighs the temporary inconveniences to nearby residences arising from the noise of helicopters.

We encourage the Commission to reject the County's proposal to restrict the use of helicopter logging operations.

4. The County has failed to justify the need for the proposed changes to the road design criteria.

We disagree with the Staff report conclusion on page 34 that the proposed modification to the County's existing design standards for roads and driveways is "a minor change." The proposal to require oil and screenings for all gradients between 10 and 15 percent is a major increase over the current oil and screening requirement only for those portions of road that are in "high erosion areas." The County proposes requiring six inches of drain rock or rock base for all gradients less than 10 percent. Currently, there is no such requirement. The County offers little quantitative evidence that environmental gains justify either of these major capital investments.

We encourage the Commission to reject the County's proposed changes to the road design criteria.

CFA Comments
March 9, 1999
Page 4

This concludes CFA's comments on the Santa Cruz county proposal to modify the Local Coastal Program. We encourage the Coastal Commission to reject the proposal in its entirety. If you have any questions regarding our comments please feel free to give me a call at 916/444-6592.

Sincerely,



Mark S. Rentz, esq.
Vice President, Environmental
and Legal Affairs

cc: Bud McCrary, Big Creek Lumber Co.
CFA Member Representatives
Lisa Rudnick, CCFA
Dennis Kehoe

William H. Cook
P.O. Box 913
Pescadero, CA 94060

Received at Commission
March 11 1999

March 11, 1999

MAR 11 1999

California Coastal Commission
c/o Carmel Mission Inn
3665 Rio Road
Carmel, CA

From: _____

RE: Agenda Item 4c

Dear Commission Members,

I am the founder and past president of the Natural Heritage Foundation, Inc., a 501(c-3) organization with a primary focus on the protection and conservation of wetlands. The NHF has local, state, national and international projects that include management of the land containing the highest concentration of rare, threatened and endangered plants and animals in the entire continental United States. We own or manage tens of thousands of acres of critical habitat.

I am a coastside resident and I am very familiar with Big Creek Lumber and their activities in the Santa Cruz Mountains. Big Creek is an extremely valuable resource and caretaker in these local watersheds. Their management practices exemplify the kind of sensitive stewardship our environment deserves. I am also familiar with the repeated uninformed attacks by passionate conservationists that Big Creek endures, and with the honesty and integrity with which Big Creek responds to the community.

I urge you to trust and to carefully listen to Big Creek's representatives. It is not a coincidence that the streams on Big Creek's land are the healthiest on the coast. I am very concerned that actions that decrease the financial viability of responsible local operations like Big Creek will have long term negative impacts on our environment, not to mention that we would be unfairly punishing one of our best friends and allies in the protection of our coastal watersheds.

Respectfully,



William H. Cook



Law Offices of
DENNIS J. KEHOE
Law Corporation
311 Bonita Drive
Aptos, California 95003
(831) 662-8444 FAX (831) 662-0227

RECEIVED

MAR 05 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

March 5, 1999

(HAND DELIVERED)

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Santa Cruz County: Local Coastal Program Major Amendment No. 3-98, for Public Hearing and Commission Action at its meeting of March 11, 1999. (Carmel, California)

Dear Coastal Commissioners:

**I.
BACKGROUND.**

Please be advised the undersigned represents Big Creek Lumber Company (Big Creek) and Homer (Bud) T. McCrary, in connection with the above matter. Previously, the undersigned has transmitted correspondence to you concerning this matter in letters dated February 5, 1999; February 11, 1999; October 22, 1998; November 17, 1998; and December 2, 1998, all of which correspondence are in your files and, by this reference hereto, are incorporated herein. My February 5, and 11, 1999, correspondence are attached to your February 25, 1999, staff report except for two (2) large timber resource maps, which are in your Santa Cruz office files but not attached to your staff report. Photo reduced copies are attached but the large, colored maps must be viewed by you at the hearings. These maps were prepared from recent aerial photographs (1994); data from the United States Government, USGS; and County documents subsequent to 1995.

**II.
OVER 7,500 ACRES OF TIMBERLAND IN THE COASTAL ZONE
WILL BE PRECLUDED FROM TIMBER HARVESTING.**

A. North Coast Planning Area Santa Cruz County In the Coastal Zone 4.

There is a large map entitled "Timber Resources, North Coast Planning Area, Santa Cruz County". Please note that the "red" designated areas constitute significant timberlands within the Coastal Zone that are **not** designated on the out-of-date County Timber Resource Map and **not** zoned TP. These areas, excluding lands owned by the State of California, encompass over

one-third (1/3) of the existing timber resources within the Coastal Zone in the North Coast Area, alone. These areas exceed 3,750 acres of timberland. **In addition**, there are areas zoned SU (Special Use) which, historically, have been timbered that **are** designated Timber Resources on the County Map. This exceeds an approximate additional 1,000 acres. Nevertheless, pursuant to the Santa Cruz County Application No. 3-98, and your staff's recommendations, **all** of the above timber resources will be eliminated from timber productivity.

B. Bonny Doon Planning Area, Santa Cruz County in The Coastal Zone.

There is a large map entitled "Timber Resources, Bonny Doon Planning Area, Santa Cruz County". Excluding public holdings, at least 25 percent of timber resources are **not** designated as such on the out-of-date County Timber Resource Map and are **not** zoned TP, all of which are within the Coastal Zone. These areas exceed 4,000 acres of timberlands. **In addition**, there are timber resources designated on the out-of-date Timber Resources Map on properties zoned other than TP, such as SU (Special Use), which, historically, have been timbered. Nevertheless, Application No. 3-98 of the County of Santa Cruz and your staff recommendations will eliminate **all** timbering from both categories.

C. Big Creek.

As just one example of a single parcel **not** zoned TP and **not** designated on the out-of-date County Timber Resource Map, enclosed with my February 11, 1999, letter is an aerial photo dated 6-22-94, of APN 086-291-05 located in the North Coast Planning Area within the Coastal Zone. Application No. 3-98 and your staff recommendations eliminate all timber harvesting from this timberland parcel. This parcel is zoned SU (Special Use); contains approximately 1,160 acres with over 823 acres of timberland; and has approximately 15-20 million board feet of timber. This timberland is eliminated from timber harvesting by Application No. 3-98 and the staff recommendations.

Further, Big Creek, alone, owns approximately 1,000 acres of timberlands in the Coastal Zone **not** designated Timber Resources on the out-dated County maps and **not** zoned TP. Most of this land is zoned SU or A, within which zones the County and the State Board of Forestry have historically permitted timber harvesting. The County Application and your staff recommendation eliminates timber harvesting from my clients' timberland properties.

III.
OBJECTIONS.

Big Creek Lumber Company and Mr. McCrary object to any approval of the Santa Cruz County Application No. 3-98 and, also, they object to the Coastal Commission staff recommendations, modifications, motions, resolutions, and proposed findings, and each of the foregoing. The essence of the position of both the County and your staff is to regulate the conduct of timber operations, a preempted matter under State law; the same violate the mandates of State law including those set forth in the California Coastal Act of 1976; they are a blatant

attempt to eliminate the harvesting of timber, altogether through unreasonable over-regulation with no supporting substantial evidence; the major LCP amendment and implementation which cause lasting significant adverse effects, are not addressed in any credible environmental documents; and County and staff violate the State and Federal Constitutional rights of my clients.

IV.

THE CALIFORNIA COASTAL ACT AND OTHER DECLARED STATE POLICIES REQUIRE THE ENHANCEMENT, INCREASED PRODUCTIVITY, AND PROTECTION OF TIMBER HARVESTING, A DECLARED AGRICULTURAL USE. FURTHER, THE LAND USE PLAN (LUP) AMENDMENTS WITH THE PROPOSED IMPLEMENTATION ARE INCONSISTENT WITH AND CONTRARY TO THE CALIFORNIA COASTAL ACT.

A. Timber Harvesting is a Preferred Agricultural Use and Must Be Permitted Where the Timberlands are Located.

"Inasmuch as the planned productions of trees is distinguishable from the production of other products of the soil **only** in relation to the time elapsing before maturity, the **production of trees** shall be considered a branch of the **agricultural** industry of the State for the purposes of **any** law which provides for the **benefit** or **protection** of the agricultural industry of the State." (emphasis added) Food and Agricultural Code §22

Furthermore, the State Legislature has determined that agriculture is an important natural resource which must be encouraged and enhanced as a matter of State policy. For example, §1 of Statutes 1993, Chapter 812(SB 850) provides, in part, as follows:

"The Legislature hereby finds and declares all of the following: (a) Agriculture is the State's leading industry and is important to the State's economy. (b) **The continued productivity of agricultural lands in California is important in maintaining a healthy agricultural economy.**" (emphasis added) (Statutory Notes, Public Resources Code §21095)

Moreover, the California Coastal Act specifically mandates that the State, including the California Coastal Commission, protect the long-term productivity of timberlands. Such State mandate is not optional with either the staff, the County, and/or the Commission.

"The long-term productivity oftimberlands shall be protected."
Public Resources Code §30243

Your staff, (pg. 25) makes only a passing reference to the State mandate that timber harvesting

is a preferred agricultural use which requires the "protection" of State and local agencies. Nevertheless, State law mandates that timber harvesting is a preferred agricultural use and the long-term productivity of timberlands "shall" be protected. In contravention to this mandate, the essence of both the County application and your staff recommendation is to eliminate timber harvesting on significant sections of timberlands which in the North Coast and Bonny Doon Coastal Zone Planning areas, alone, total over 7,500 acres of timberlands.

Both the County and your staff suggest that you eliminate timber harvesting from all zones except TP, PR (public property generally) and M-3 (mining). The County practice in the past and the practice of the State Board of Forestry has clearly permitted timber harvesting in the RR, (Rural Residential), R-M (Mountain-Rural), A (Agriculture), CA (Commercial Agriculture), RA (Residential Agricultural), SU (Special Use) and TP (Timber Productivity) zones. The current LCP approved County Code §13.10.172(d) (General Plan LCP Consistency) essentially acknowledges timber production in such zones. Now, County and your staff will eliminate any timbering in all zones but TP. (There is reference to allowing timbering in "PR," Parks, Recreation, & Open Space Zone [which is land owned by public agencies] and the "M-3," Mining Zone, [which has very limited application in the entire Santa Cruz County area]).

In addition, the Timber Resource Map in the LUP, based on an out-dated 1975 map of the County of Santa Cruz, omits very significant land masses with timberlands located thereon. Your staff seems to suggest only "200 acres." (Pg. 25) Nevertheless, based on data and recent aerial photographs and more recent County EMIS data, more than 3,750 acres of timberlands are located in the Santa Cruz County North Coast planning area within the Coastal Zone are not zoned TP and not mapped as by the County as timber resources. In addition, more than 4,000 acres of timberlands in Santa Cruz County Bonny Doon planning area within the Coastal Zone are not zoned TP and are not included in the out-dated County Timber Resource Map. Further, as set forth in my letter dated February 11, 1999, with the attached aerial photo, APN 086-291-05 is in the Coastal Zone and zoned SU, (Special Use); is approximately 1,160 acres with over 823 acres of timberland; and has 15-20 million board feet of timber. Thus, in those two planning areas within the Coastal Zone, alone, more than 7,500 acres of prime timberland will be specifically precluded from timber harvesting contrary to the agricultural preference mandated by State law and the requirement that such timberland "productivity" be "protected." Public Resources Code §30243

In addition, the staff is recommending that the implementing County Ordinance previously approved by the Coastal Commission in 1994, County Code §13.10.170(d) (copy attached) be severely restricted. In the County's current zoning code, timber harvesting shall be permitted in several County zone districts including but not limited to the TP zone. Also, the TP zone is consistent with many of the current County Zones Table and "Rezoning of property to a zoned district which is shown in the following Zone Implementation Table as implementing the designation applicable to the property, shall not constitute an amendment of the Local Coastal Program." (emphasis added)

Such designations now relating to timber production are:

SU- Special Use

AG- Agriculture
R-M- Mountain-Residential
O-R- Parks, Recreation, & Open Space
O-C- Resource Conservation
Agricultural Resource Lands
Timber Resource Land
R-R- Rural Residential

As a further indication that staff wants to eliminate the productivity of timberlands rather than "protect" the productivity of timberlands, staff is now suggesting (pg. 9) that:

"Encourage timberland owners to apply for timber production zoning where appropriate. (The following is staff's added new language) It is not appropriate to zone timberland for timber production if it is recreational, environmentally sensitive, visible from rural scenic roads (pursuant to Policy 5.10.11), or susceptible to hazards that maybe exacerbated by logging. Such rezonings must be in accordance with the procedures set forth in the TP Ordinance."

Initially, the staff's reference to "visible from rural roads" citing LCP §5.10.11 is misdirected in that §5.10.11 refers to "**Development visible from scenic roads.**" Nevertheless harvesting of major vegetation for agricultural purposes including timber harvesting is not "development." California Coastal Act, Public Resources Code §30106 Second, Santa Cruz County has many rural roads in mountainous timberland. To preclude timber harvesting where it can be viewed, at least in part, from a rural road is to, essentially, eliminate timber harvesting altogether. Third, the staff's suggestion that there should be no timber production where there is recreational, environmental sensitive, and/or susceptible hazards, is nebulous, vague, and unenforceable as a matter of constitutional law. Productivity of timberlands should be "protected" not "precluded" from timber harvesting. Public Resources Code §30243

In addition, staff's criteria invades the preemption of the State Board of Forestry because, in essence, your staff is delving into the conduct of timber operations. The Forest Practice Act and the Forest Practice Rules deal with these issues of environmentally sensitive areas, hazards, riparian corridors, and the like. What both County and staff are attempting to do is a not so subtle slight of hand; namely--to regulate timber operations and the conduction thereof, and eliminate by unreasonable over regulation timbering, notwithstanding that it is a "protected" agricultural land use.

In summary, both the County application and your staff recommendations violate declared State policies including those in the California Coastal Act of 1976.

V.
PREEMPTION.

Staff makes reference to Big Creek Lumber Company v. San Mateo (1995) 31 Cal.App.4th 418. Nevertheless, the San Mateo case is **not** applicable. Among other items, the San Mateo restriction was **not** a comprehensive scheme (as here) which overlapped the Forest Practice Act and Rules. Further, the San Mateo case dealt with a "residential" land use (Pg. 422). Moreover, the San Mateo case did **not** apply to any **TP** zone properties. It "only imposed the restrictions in districts that had not been so zoned." (Pg. 422)

Here, the County of Santa Cruz and, now, the staff is proposing a broad, comprehensive regulation of the conduct of timber operations including helicopter logging regulations, riparian corridors regulations, hazardous and landslide regulations, residential buffer regulations, and road grading and surfacing requirements, all of which are specifically dealt with in the Forest Practice Act and the Forest Practice Rules. Public Resources Code §§4516.5(d)(f), 4516.6(f), 4527; Title 14 California Code of Regulations (CCR) §§897-1034. The County's scheme in this proposed major amendment to the LCP and the implementing ordinances involves many facets and regulations specifically dealing with conduct of timber operations, a preempted matter within the sole jurisdiction of the State Board of Forestry. Public Resources Code §§4516.5(d)(f); 4516.5(f); Westhaven v. County of Humbolt (1998) 61 Cal.App.4th 367, 370-372. The Commission is referred to the attached **COMPARATIVE CHARTS** which demonstrates that the County application and the staff recommendations are preempted because their overall scheme is **primarily** to regulate the conduct of timber operations.

The County, itself, admits that its major amendment to the LCP and the implementing ordinances now before the Coastal Commission are **within** the preempting jurisdiction of the State Board of Forestry. The County, pursuant to Public Resources Code §4516.5(a), made recommended changes to the Forest Practice Rules to the State Board of Forestry. After the State Board of Forestry held a public hearing on the County's recommendation, the County adopted Resolution No. 441-98, on November 24, 1998, entitled "Resolution Adopting Amendment to the County General Plan/Local Coastal Program Land Use Plan and Implementing Ordinances Relating to Timber Harvesting," a copy of which is enclosed. County Resolution 441-98 states, in part:

"WHEREAS, the Board of Forestry, on November 3, 1998, approved a number of proposed Forest Practice Rules changes but did not approve those affecting **riparian corridors, residential buffers, helicopter operations** or **various rules regarding road construction, maintenance, or abandonment**, and

WHEREAS, the Board of Supervisors determines that the Forest Practice Rules adopted by the Board of Forestry are not adequate to protect the environment and neighborhoods of the County, and the Board intends to continue to seek changes to the Forest Practice Rules as a means to reduce the impact of timber

harvesting on the environment and neighborhoods in the County, and..." (emphasis added)

Thus, the County clearly acknowledged that these subject matters (now included in the proposed LCP amendments and implementation such as "riparian corridors," "residential buffer," "helicopter operations," and "various rules regarding road construction") **are** within the preemptive jurisdiction of the State Board of Forestry. The Coastal Commission must deny the County application as a matter of law.

VI.

THE COASTAL COMMISSION DOES NOT HAVE SUFFICIENT ENVIRONMENTAL DOCUMENTS AND INFORMATION AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT HAS BEEN VIOLATED.

The Coastal Commission regulations require that "any environmental review documents, pursuant to CEQA, required for all or any portion of the amendment to the LCP" shall be submitted by the local agency to the California Coastal Commission. 14 CCR §13552(e) Further, "CEQA shall apply to the certification of local coastal program." 14 CCR 15265(a) Here, the County did a Negative Declaration **without** any mitigating conditions for this major amendment to the LCP, notwithstanding that over 7,500 acres of timberland will be eliminated from timber production. Moreover, the Negative Declaration ignores both the substantial written and oral evidence presented to the Board of Supervisors, clearly confirming the fact that there will be significant adverse environmental effects caused by the County major amendment to the LCP and implementing ordinances.

Further, there appears to be a presumption in Commission's staff report that the prevention of timber harvesting will, in some unexplained way, preserve or possibly enhance the environment. This unsubstantiated implication by the staff and, previously, blatant error by the County, is in direct conflict with qualified experts in the field of environmental conservation and timber harvesting. Many of these experts are disconnected from Big Creek Lumber Company and Bud McCrary. Nevertheless, their written and verbal evidence has been totally ignored by the County and, now, by the staff. "Ignoring" these adverse impacts does not "eliminate" these adverse impacts.

The staff passingly attempts to cover environmental concerns and CEQA on a half-page unsubstantiated commentary. (Pg. 35 of staff report) There is no response, whatsoever, by either the County or your staff to the significant adverse environmental effects listed by the experts in environmental conservation and timbering. As stated by the United States Supreme Court, craftful staff "findings" consisting of confusing verbiage, conclusions, and unsubstantiated opinions, carry **no** weight, whatsoever, in law. Lucas v. South Carolina Coastal Council (1992) 505 U.S. 1033.

Here, both the County and the staff merely ignore substantial evidence set forth by such experts in this field. The experts reports are attached to my correspondence to you dated

February 5, 1999, and attached to your February 25, 1999, staff report although not commented upon by the staff in its report. Such experts include the following. (The references are to the particular Exhibit attached in my February 5, 1999, correspondence.)

1. Dr. Joe R. McBride, Professor of Forestry Ecology in the Forest Science Division of the Department of Environmental Science, Policy, and Management. University of California at Berkeley. He is currently the Chair of the Forest Science Division, University of California at Berkeley. (See Exhibit C)

2. Dr. Walter Mark. Doctor in Plant Pathology, California State University, Cal Poly, San Luis Obispo. (Exhibit D)

3. Mark Foxx, Certified Engineering Geologist and Certified Professional in Erosion and Sediment Control. (Exhibit E)

4. Raymond M. Rice, Hydrologist and Registered Professional Forester. (Exhibit F)

5. Jeffery Redding, Masters Degree, Urban Planning with Specialization in Environmental Planning and Resource Management from UCLA. (Exhibit G)

6. Mike Jani, Registered Professional Forester, Certified Soil Erosion and Sedimentation Control Specialist. (Exhibit H)

7. Peter A. Twight, Registered Professional Forester. (Exhibit I)

8. James Greig, Registered Professional Forester. (Exhibit K)

The staff has not, apparently, read the reports of these expert witnesses since there are no staff comments. Moreover, the Commission staff and the County staff that prepared the Negative Declaration do not have the necessary expertise and experience to evaluate these areas of environmental science. Also, there was no response to this substantial evidence that the proposed major amendment to the County LCP and implementing ordinances will have a significant, substantial adverse environmental effect.

In addition, Professor Joe McBride, the current Chair of the Forest Science Division, Department of Environmental Science, Policy and Management, University of California, Berkeley, corresponded with the Coastal Commission on this major LCP amendment and implementing ordinances. In his March 4, 1999, letter to the Commission, he states, in part:

"This letter is to express my concern over the proposed changes in county ordinances and zoning which seek to limit timber harvesting in Santa Cruz County. I am opposed to these changes because of the impact they would have on the timber resources of the County, the lack of an appropriate

environmental review of their potential impact and their restrictions on the conduct of operations which are governed by State regulations

It is my conclusion that the proposed changes in County ordinances and zoning will affect timber resources in Santa Cruz County. The restrictions proposed by these ordinances and zoning changes will eliminate the timber supply from that portion of the County where these changes apply. It will, furthermore, have a ripple effect in reducing timber production from the adjacent Timber Production Zone. America is a net importer of forest products, many of which are harvested in foreign countries where environmental regulations are minimal, if non-existent. When we fail to properly manage and utilize our timber resources, we off-load onto forest ecosystems in other countries a demand for forest products which has had and continued to have devastating effects on these forest ecosystems. I think it is time for us to recognize the consequences that local restriction of timber harvesting will have on forests outside of our local area. To borrow a phrase in common currency in Santa Cruz County, 'It is time to think globally and act locally.'

My second concern is with the lack of appropriate environmental scrutiny that was given to the proposed changes in County ordinances and zoning. The negative declaration issued by the County concerning these changes disregards the positive environmental benefits proper forest management. For example, proper forest harvesting reduces fuel loading in the forest, a condition which was previously controlled by periodic natural fires. In the absence of forest harvesting, human safety will be negatively impacted by increased fire hazard. Likewise biodiversity will be negatively impacted if forest lands in the County are allowed, through the restriction of forest harvesting, to succeed to late serial stages. Biodiversity depend on a mosaic of serial stages. Forest harvesting is our most efficient tool for maintaining a shifting mosaic of all the serial stages. The negative declaration also fails to recognize the urban growth promoting consequences of the proposed changes in County ordinances and zoning. It is my opinion, based on my observations in other coastal counties in California where timber harvesting has been restricted, that the proposed changes will stimulate further residential construction. The impacts of this development were not properly addressed in the issuing of the negative declaration.

My last concern has to do with the use of locational criteria to limit the conduct of operations in the harvesting and management of forest properties in this County. The State of California, through its Forest Practice Act, has given authority over the conduct of operations to the State Board of Forestry. The proper way to adjust or amend rules concerning the conduct of operations is through petitioning the State Board of Forestry for the adoption of specific rules to govern forest harvesting in the County. I am aware that an attempt to establish certain rules for Santa Cruz County in 1998 failed before the State Board. The County has announced that it will present a new package of proposed rule changes for the new Board of

Forestry to consider. Some members of this County Board of Supervisors has stated that they will repeal the zoning ordinances if the new rules are adopted. It is my opinion that the County should have exhausted the proper means of modifying the conduct of forest operations, rather than using the zoning they have proposed. It also seems inappropriate to me that the Coastal Commission should be asked to spend its time addressing an issue which is outside of its authority (i.e., conduct of forest operations) and which will be reversed once the new County proposed rules are adopted. In my opinion, control of conduct of timber harvesting operations by rules should continue to be pursued through appropriate channels rather than through the use of the locational criteria you have been asked to review."

The County is well aware that it should deal with the State Board of Forestry, directly, rather than attempt to implicate the Coastal Commission. See County of Santa Cruz v. State Board of Forestry (1998) 64 Cal.App.4th 826

The reality is that timber resources, the natural environment and restoration of water ways are all benefitted by selective timber harvesting. Moreover, Big Creek Lumber Company and Bud McCrary have won numerous awards from different environmental groups as well as the State of California for the environmentally sound selective harvesting performed by them in their profession. Your staff and County staff as well as the Board of Supervisors have blithely ignored the significant adverse environmental effects caused by the clear anti-timbering major amendment to the LCP and implementing ordinances.

As a result of timber harvesting at the turn of the century, the Santa Cruz mountains are now primarily stands of relatively young growth redwood. Most of these forest lands are currently being managed for growth and productivity. These forest management practices have created vibrant forests which provide and enhance vital fish and wildlife habitat, recreation, aesthetics, forest products, and open space. These forests will continue to flourish and provide such activities when using the current forest practice rules and timbering in the various current zones, within which the County and the State Board of Forestry have historically permitted timber harvesting. Growth, productivity, and wildlife habitat in these forests can be maintained in perpetuity using existing forest management practices.

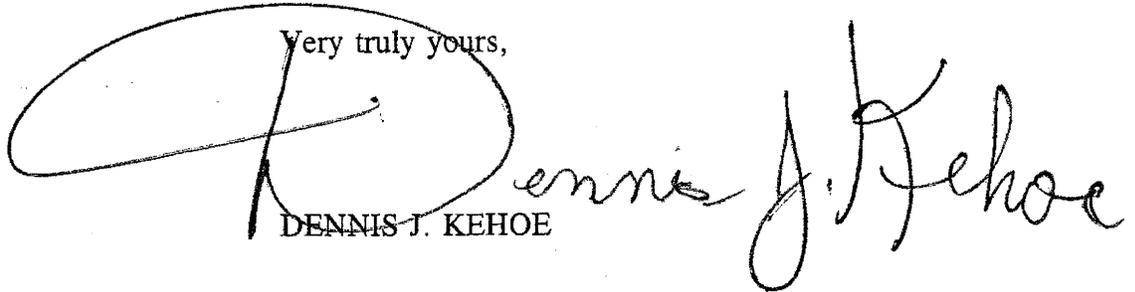
VII. CONCLUSION.

If unreasonable and restrictive rules and ordinances, such as those in Application No. 3-98, and as recommended by your staff, are imposed on local forest landowners, they will be forced to consider the only available alternative land use, residential development. Application No. 3-98 and your staff recommendations significantly undercut "the long-term productivity of soils and timberlands." Public Resources Code §30243 Moreover, Application No. 3-98 and your staff recommendation do not advance any "legitimate State interests." Nollan v. California Coastal Commission (1987) 97 L.Ed. 677, 687-688; Pardee Construction Company v. California Coastal Commission (1975) 75 Cal.App.3d 471, 479 Further, Application 3-98 is in violation

of State laws including the California Coastal Act as well as the federal and state constitutional rights of my clients to equal protection; just compensation; and due process, both procedural and substantive.

Based on the foregoing and the earlier correspondence transmitted to you as referenced above together with all exhibits therein contained, the application of the County of Santa Cruz for the major amendment and implementing ordinances as well as the suggested recommendations of your own staff must all be denied as a matter of law, as a matter of declared State policies including the Coastal Act, and as a matter of common sense.

Very truly yours,

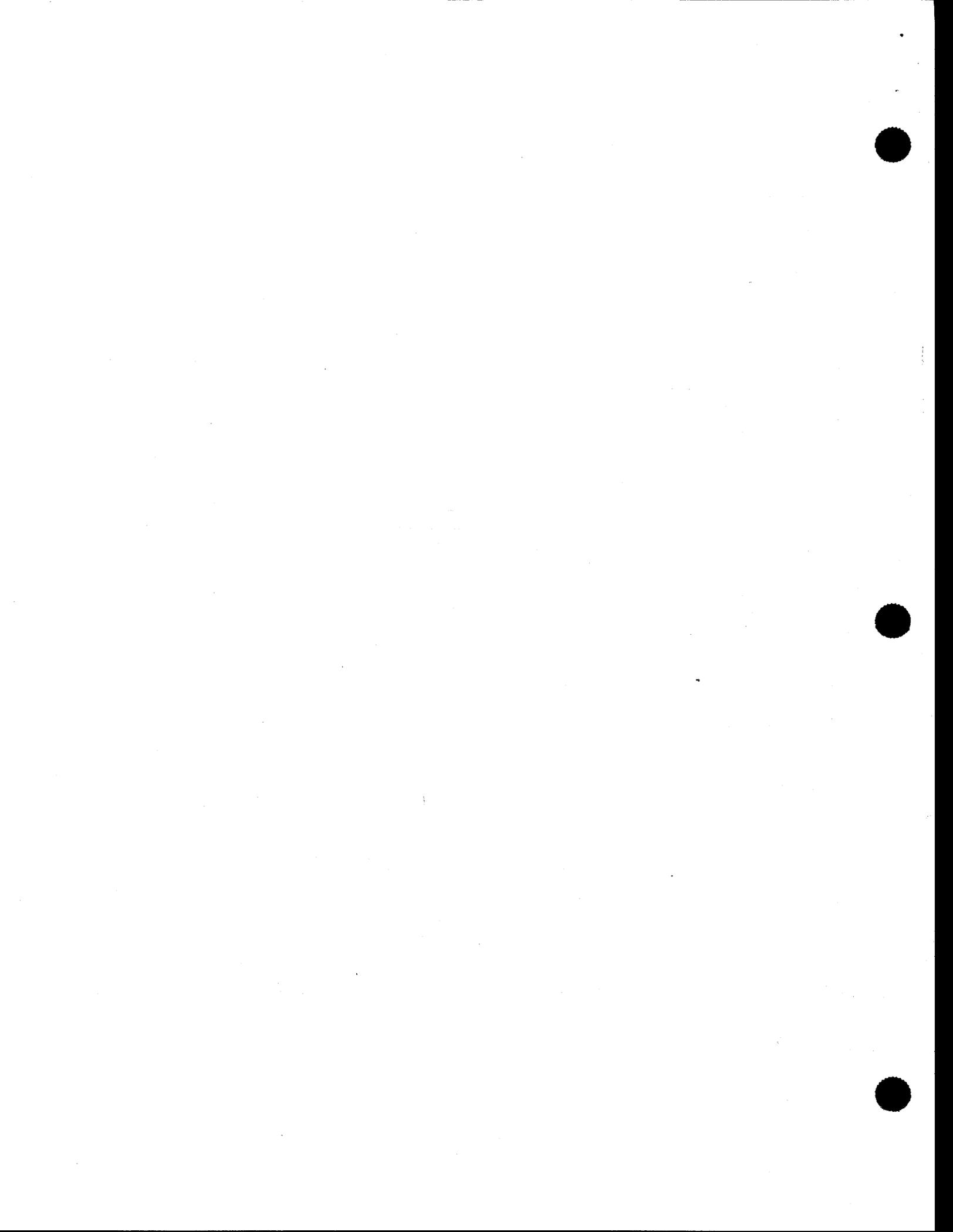


DENNIS J. KEHOE

DJK:jlc

Enclosures: 1. March 4, 1998, letter of Dr. Joe McBride to the Commission.
2. Resolution 441-98;
3. COMPARATIVE CHART;
4. County Code §13.10.170.

c: Board of Supervisors of Santa Cruz County
Rick Hyman, Coastal Planner, California Coastal Commission,
Santa Cruz Office (Hand Delivered)
California Coastal Commission, Attn: Peter Douglas, Executive Director
45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219
Office of Attorney General, Attn: John Davidson, Deputy Attorney General
Big Creek Lumber Company, Attn: Bud McCrary
State Board of Forestry
California Department of Forestry



Joe A. McBride
1611 Allston Way
Berkeley, CA 94703

March 4, 1999

California Coastal Commission
Central Coast Area Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060

Dear Commissioners:

This letter is to express my concern over the proposed changes in county ordinances and zoning which seek to limit timber harvesting in Santa Cruz County. I am opposed to these changes because of the impact they would have on the timber resources of the county, the lack of an appropriate environmental review of their potential impact, and their restrictions on the conduct of operations which are governed by state regulations. My concerns over these issues are based on my knowledge and experience in forestry and land use planning in California and my attendance at Santa Cruz Timber Technical Advisory Committee meeting in 1997 and 1998, and the meeting of the County Board of Supervisors earlier this year. I am a Professor of Forest Ecology in the Forest Science Division of the Department of Environmental Science, Policy, and Management and Professor of Landscape Ecology in the Department of Landscape Architecture at the University of California. I currently serve as Chair of the Forest Science Division.

It is my conclusion that the proposed changes in county ordinances and zoning will affect timber resources in Santa Cruz county. The restrictions proposed by these ordinances and zoning changes will eliminate the timber supply from that portion of the county where these changes apply. It will, furthermore, have a ripple effect in reducing timber production from the adjacent Timber Production Zone. America is a net importer of forest products, many of which are harvested in foreign countries where environmental regulations are minimal, if non-existent. When we fail to properly manage and utilize our timber resources, we off-load onto forest ecosystems in other countries a demand for forest products which has had and continues to have devastating effects on these forest ecosystems. I think it is time for us to recognize the consequences that local restriction of timber harvesting will have forests outside of our local area. To borrow a phrase in common currency in Santa Cruz county, "It is time to think globally and act locally".

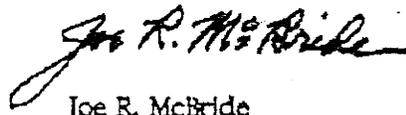
My second concern is with the lack of appropriate environmental scrutiny that was given to the proposed changes in county ordinances and zoning. The negative declaration issued by the county concerning these changes disregards the positive environmental benefits proper forest management. For example, proper forest harvesting reduces fuel loading in the forest, a condition which was previously controlled by periodic natural fires. In the absence of forest harvesting human safety will be negatively impacted by the increase fire hazard. Likewise biodiversity will be negatively impacted if forest lands in the county are allowed, through the restriction of forest harvesting, to succeed to late seral stages. Biodiversity depend on a mosaic of all seral stages. Forest harvesting is our most efficient tool for maintaining a shifting mosaic of all of the seral stages. The negative declaration also fails to recognize the exurban growth promoting consequences of the proposed changes in county ordinances and zoning. It is my opinion, based on my observations in other coastal counties in California where timber harvesting has been restricted, that the proposed changes will

stimulate further residential construction. The impacts of this development were not properly addressed in the issuing of the negative declaration.

My last concern has to do with the use of locational criteria to limit the conduct of operations in the harvesting and management of forest properties in the county. The State of California, through its Forest Practice Act, has given authority over the conduct of operations to the State Board of Forestry. The proper way to adjust or amend rules concerning the conduct of operations is through petitioning the State Board of Forestry for the adoption of specific rules to govern forest harvesting in the county. I am aware that an attempt to establish certain rules for Santa Cruz County in 1998 failed before the State Board. The County has announced that it will present a new package of proposed rule changes for the new Board of Forestry to consider. Some members of the County Board of Supervisors has stated that they will repeal the zoning ordinances if the new rules are adopted. It is my opinion that the County should have exhausted the proper means of modifying the conduct of forest operations, rather than using the zoning they have proposed. It also seems inappropriate to me that the Coastal Commission should be asked to spend its time addressing an issue which is outside of its authority (i.e., conduct of forest operations) and which will be reversed once the new county proposed rules are adopted. In my opinion, control of conduct of timber harvesting operations by rules should continue to be pursued through appropriate channels rather than through the use of the locational criteria you have been asked to review.

I ask your consideration in these matters. Your responsibility as members California Coastal Commission is to all of the citizens of both the county and the state. I hope that you will weigh the long term ramifications of these proposed changes in county ordinances and zoning on the future role of the forests in the county.

Sincerely,


Joe R. McBride

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 441-98

On the Motion of Supervisor Almquist
duly seconded by Supervisor Wormhoudt
the following Resolution is adopted:

RESOLUTION ADOPTING AMENDMENTS TO THE COUNTY GENERAL PLAN/LOCAL
COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCES
RELATING TO TIMBER HARVESTING

WHEREAS, the Board of Supervisors, in 1997, established the Timber Technical Advisory Committee to prepare a recommendation regarding the use of zoning or other mean for the purpose of regulating timber harvesting in the unincorporated areas of the County; and

WHEREAS, the Board of Supervisors, in February 1998, considered the recommendations of the Timber Technical Advisory Committee regarding the actions necessary to address the issues raised at various public hearings regarding timber harvesting and directed that, by June 3, 1998, a package of Forest Practice Rules changes be developed for review by the Board and submittal to the Board of Forestry and, further, that a package of ordinance amendments be prepared to identify the zone districts where timber harvesting would be allowed and to address other concerns such as helicopter logging; and

WHEREAS, on June 3, 1998, the Board of Supervisors considered a report prepared by the Planning Department which recommended that the Board approve the proposed Forest Practice Rules changes, directed staff to submit the Rules package to the Board of Forestry and directed staff and Supervisor Almquist to attend the Board of Forestry hearing to represent the County; and

WHEREAS, the Board of Supervisors, on June 3, 1998, also approved, in concept, the preparation of two packages of proposed policy and ordinance amendments to be considered by the Board following the action of the Board of Forestry on the proposed Forest Practice Rules changes for implementation on January 1, 1999; and

WHEREAS, the Planning Commission, on October 28, 1998, adopted a Resolution recommending approval of the proposed amendments to the County General Plan/Local Coastal Program Land Use Plan and County Code; and

ATTACHMENT 3

WHEREAS, the Board of Forestry, on November 3, 1998, approved a number of the proposed Forest Practice Rules changes but did not approve those affecting riparian corridors, residential buffers, helicopter operations or the various rules regarding road construction, maintenance or abandonment; and

WHEREAS, the Board of Supervisors determines that the Forest Practice Rules adopted by the Board of Forestry are not adequate to protect the environment and neighborhoods of the County, and the Board intends to continue to seek changes to the Forest Practice Rules as a means to reduce the impact of timber harvesting on the environment and neighborhoods in the County; and

WHEREAS, a Negative Declaration for each of the amendment packages has been issued by the County Environmental Coordinator in conformance with the provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on November 24, 1998, to consider the amendments to the General Plan and Local Coastal Program Land Use Plan and Implementing Ordinances, the staff report and all testimony and evidence received at the public hearing; and

WHEREAS, the proposed amendments to the County General Plan/Local Coastal Program are consistent with the County General Plan/Local Coastal Program Land Use Plan and all other provisions of the implementing ordinances.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of Santa Cruz approves in concept the amendments to the County General Plan/Local Coastal Program Land Use Plan and implementing ordinances, as set forth in Exhibits A and B.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors directs that this General Plan/Local Coastal Program Land Use Plan and Implementing Ordinance Amendment be referred to the California Coastal Commission for its review and certification, and to return for final adoption and certification of the environmental documents by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 24th day of November, 1998, by the following vote:

- AYES: SUPERVISORS Wormhoudt, Almquist & Beautz
- NOES: SUPERVISORS Symons and Belgard
- ABSENT: SUPERVISORS None
- ABSTAIN: SUPERVISORS None

ATTEST: *Muse Roghuis*
Clerk of the Board

Janet Beutz
Chairperson of the Board of Supervisors

HELICOPTER OPERATIONS

COUNTY OF SANTA CRUZ ACTION OF 11/24/98:

ADD COUNTY CODE 13.10.378 - Timber Harvest Related Helicopter Operations

EXISTING APPLICABLE FOREST PRACTICE RULES:

- CCR 897 Implementation of Act Intent
- CCR 897(a) RPF shall consider the range of...operating methods and procedures... in seeking to avoid... significant adverse impacts on the environment from timber harvesting
- CCR 897(d) Due to the variety of individual circumstances of timber harvesting in California and the subsequent inability to adopt site-specific standards and regulations.... By necessity, the RPF shall exercise professional judgment in...determining which of a range of feasible silvicultural systems, operating methods, and procedures shall be proposed to substantially lessen significant adverse impacts in the environment from timber harvesting.
- CCR 1034 Helicopter yarding

IN ADDITION, THE WHOLE OF THE FOREST PRACTICE RULES apply to all aspects of timber harvest related helicopter operations.

FOREST PRACTICE ACT: PRC 4582.5 - Applicability of Plan to Specific Property

HELICOPTER FLIGHT REGULATIONS ARE UNDER THE SOLE JURISDICTION OF THE FEDERAL AVIATIONS ADMINISTRATION (FAA)

COUNTY RULES REJECTED BY THE STATE BOARD OF FORESTRY 11/3/98:

CCR 926.28 Helicopter Operations

COMPARATIVE CHART

GEOLOGIC CONSTRAINTS CRITERIA

COUNTY OF SANTA CRUZ ACTIONS on 11/24/98:

ADD COUNTY CODE 13.10.695(3) -Criteria for Timber Harvesting

Within zone districts which allow timber harvesting, timber harvesting and associated activities shall not occur within areas identified as active or recent landslides....

EXISTING APPLICABLE FOREST PRACTICE RULES:

CCR 895.1	Definitions - Slide area, Unstable areas, Unstable soils
CCR 921.5(b)3	Logging practices - Road restrictions near slide areas
CCR 923.1(c)	Planning for roads and landings according to slope instability
CCR 923.2(b)	Road construction measures to minimize slope instability
CCR 923.5	Landing Construction measures to minimize slope instability
CCR 923.8	Planned abandonment of Roads, Watercourse crossings, and landings to minimize slope instability
CCR 926.8(c)	Fuelwood operations - no timber operations on slopes in excess of 60%
CCR 1034	Contents of Plan
CCR 1034(x)10	Map location of known unstable areas or slides

FOREST PRACTICE ACT: PRC 4582.75 Rules are intended to provide the exclusive criteria for reviewing THPs.

EXISTING FOREST PRACTICE RULES APPLICABLE TO EROSION CONTROL:

CCR 914.6	Waterbreaks
CCR 916.7	Reduction of Soil Loss
CCR 923.4	Road maintenance
CCR 923.6	Conduct of Operations on Roads and Landings
CCR 923.8	Planned Abandonment of Roads, Watercourses crossings, and Landings
CCR 926.19	Erosion Control Maintenance

COUNTY RULES APPROVED BY THE STATE BOARD OF FORESTRY 11/3/98:

Amendment to CCR 926.19 Erosion Control Maintenance - Requires reseeding and mulching on all areas and allows county to inspect finished job.

COUNTY RULES REJECTED BY THE STATE BOARD OF FORESTRY 11/3/98:

CCR 926.15	Road construction and Maintenance (Two pages of amendments rejected)
CCR 926.16	Additional flagging for unstable areas
CCR 926.17	Abandonment of Roads and Landings, Recontouring

COMPARATIVE CHART

ROADS/LOG HAULING

COUNTY OF SANTA CRUZ ACTION OF 11/24/98:

AMEND COUNTY CODE 16.20.180(h) - PRIVATE ROAD STANDARDS

-Surfacing Requirements on all Private Roads

ADD COUNTY CODE 13.10.695 - LOCATIONAL CRITERIA FOR TIMBER

HARVESTING - Applies to all timber operations including roads

EXISTING APPLICABLE FOREST PRACTICE RULES:

- CCR 923 Logging Roads and Landings
- CCR 923.1 Planning for Roads and Landings
- CCR 923.2 Road Construction
- CCR 923.3 Watercourse Crossings
- CCR 923.4 Road Maintenance
- CCR 923.6 Conduct of Operations on Roads and Landings
- CCR 923.7 Licensed Timber Operator Responsibility for Roads and Landings
- CCR 923.8 Planned Abandonment of Roads, Watercourse Crossings, and Landings
- CCR 926.15 Road Construction
- CCR 926.17 Abandonment of Roads and Landings (Santa Cruz County)
- CCR 1034 Contents of Plan

FOREST PRACTICE ACT: PRC 4527 Timber Operations - "Timber Operations" means the cutting or removal or both of timber...from timberlands...together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, ...stream crossings, landings, skid trails... and site preparation...."

COUNTY RULES APPROVED BY THE STATE BOARD OF FORESTRY 11/3/98:

- CCR 926.10 Log Hauling - Amended to restrict log hauling on private roads
- CCR 926.11 Flagging - Amended to increase flagging requirements to include any road within 100 feet of a property line
- CCR 926.13 Performance Bonding - Amended to include private roads
- CCR 926.23 Contents of Plan - Adopted:
 - (a) 1 Information disclosing legal right to access.
 - (a) 2 Estimated number of truck loads, number of haul days, and location of logging truck staging areas.
 - (a) 3 Statement of obligations to maintain the road commensurate with use
 - (a) 4 Measures for safe use of the road
 - (a) 5 Document existing conditions of the road
 - (d) Statement that "any road or bridge constructed pursuant to a THP for purposes other than forest management activities shall be considered new and subject to all County design standards and applicable policies including County grading and bridge permits."

COUNTY RULES REJECTED BY THE STATE BOARD OF FORESTRY 11/3/98:

- CCR 926.15 Road Construction and Maintenance (Two pages of Amendments rejected)
- CCR 926.17 Abandonment of Roads and Landings (Amendments rejected)

COMPARATIVE CHART

WATERCOURSE NO-ENTRY ZONES

COUNTY OF SANTA CRUZ ACTIONS on 11/24/98:

ADD COUNTY CODE 13.10.695(b)1 - Prohibits Operations near Watercourses/Riparian Corridors

COUNTY OF SANTA CRUZ ACTIONS on 12/15/98

ADD COUNTY CODE 13.10.695(a)1, (a)2 -Prohibits Operations near Watercourses/Riparian Corridors Effective Within 30 days, for a One year period.

EXISTING APPLICABLE FOREST PRACTICE RULES:

CCR 895.1 Definitions
 Article 4 Harvesting Practices and Erosion Control
 CCR 915.3 Protection of Natural Resources
 CCR 916 Watercourse and Lake Protection
 CCR 916.2 Protection of the Beneficial Uses of Water
 CCR 916.3 General Limitations Near Watercourses...and Other Wet Areas
 CCR 916.4 Watercourse and Lake Protection
 CCR 916.5 Procedures for Determining Watercourse and Lake Protection Zone (WLPZ) Widths and Protective Measures
 CCR 916.6 Alternative Watercourse and Lake Protection
 CCR 916.7 Reduction of Soil Loss
 CCR 916.8 Sensitive Watersheds
 CCR 916.10 Domestic Water Supply Protection
 ARTICLE 11 Coastal Commission Special Treatment Areas
 CCR 921.7 Watercourse and Lake Protection (C.C. Special Treatment)
 CCR 921.8 Buffer Zones Within the Coastal Zone (Coastal Zone)
 CCR 921.9 Alternatives (Coast, CZ)
 ARTICLE 12, CCR 923 - Logging Roads and Landings
 CCR 923 .1(d) Planning for Roads and Landings (near WLPZ)
 CCR 923.1(h) Road construction to be planned to stay out of WLPZ
 CCR 923.2(d) Road Construction (fills near WLPZ)
 CCR 923.2 (v) Road Construction in WLPZ prohibited
 CCR 1034 Contents of Plan
 FPR APPENDIX - TECHNICAL RULE ADDENDUM #2

FOREST PRACTICE ACT: PRC 4562.7, PRC 4582(e), PRC 4582.5 and DEPT. OF FISH & GAME 2090 AGREEMENT also apply to WATERCOURSE PROTECTION.

COUNTY RULES REJECTED BY THE STATE BOARD OF FORESTRY 11/3/98:

CCR 926.16 ADDITIONAL FLAGGING WITHIN THE WLPZ
 CCR 926.26 WATER COURSE AND LAKE PROTECTION

COMPARATIVE CHART

(b) Local Coastal Program Amendment. Any revision to this

Chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When a revision constitutes an amendment to the Local Coastal Program such revision shall be processed pursuant to the provisions of Chapter 13.03 and a Level VII approval pursuant to Chapter 18.10 and shall be subject to approval by the California Coastal Commission. (Ord. 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

13.10.160 ENVIRONMENTAL PROTECTION. All approvals and Zoning Plan

amendments pursuant to this Chapter shall be processed in accordance with the California Environmental Quality Act and Guidelines and County Environmental Impact Review Guidelines and Rules adopted pursuant to Chapter 16.01. (Ord. 2117, 4/22/75; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

13.10.170 GENERAL PLAN CONSISTENCY

(a) Consistency Requirement. The Zoning Plan and Regulations

established by this Chapter shall be consistent with the General Plan. "Consistent with" as used in this section means that the allowable uses and development standards established by this Chapter and the Zoning Plan created pursuant to section 13.10.210 are in harmony with and compatible with the County General Plan including the Local Coastal Program Land Use Plan, and that they implement the objectives, policies and programs of the General Plan and do not inhibit or obstruct the orderly attainment of the General Plan within its time frame.

(b) Discretionary Uses. Land uses which are allowed by

discretionary approval shall be deemed to be consistent with the General Plan, provided the approving body finds such consistency before approving the use.

(c) Maintaining Consistency. The Zoning Plan and regulations

established by this Chapter shall not be amended out of conformity with the General Plan. Whenever an amendment to either the Zoning Ordinance or the General Plan is considered, a concurrent amendment to the other document shall be considered where necessary to maintain consistency.

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established by this Chapter shall not be amended out of conformity with the General Plan. Whenever an amendment to either the Zoning Ordinance or the General Plan is considered, a concurrent amendment to the other document shall be considered where necessary to maintain consistency.

(d) Consistent Zone Districts. The following table denotes the basic and combining zone districts which implement and are consistent with the various General Plan land use, resource and constraint designations. Rezoning of property to a zone district which is shown in the following Zone Implementation Table as implementing the designation applicable to the property, shall not constitute an amendment of the Local Coastal Program.

ZONING IMPLEMENTATION TABLE

<u>General Plan/Local Coastal Program Land Use Designation</u>	<u>Zone District pursuant to Section 13.10.300 et seq. and Section 13.10.400 et seq.</u>
All Land Use Designations	PF - Public Facilities SU - Special Use
<u>Agricultural:</u>	
AG - Agriculture	A - Agriculture RA - Residential Agriculture CA - Commercial Agriculture TP - Timber Production PR - Parks, Recreation and Open Space AP - Agricultural Preserve (for existing AP districts only)
<u>Commercial:</u>	
C-N - Neighborhood Commercial	C-1 - Neighborhood Commercial CT - Tourist Commercial PA - Professional and Administrative Offices
C-C - Community Commercial	C-2 - Community Commercial C-1 - Neighborhood Commercial CT - Tourist Commercial VA - Visitor Accommodations PA - Professional and Administrative Offices
C-V - Visitor Accommodations	VA - Visitor Accommodations
C-S - Service Commercial/ Light Industry	M-1 - Light Industrial PA - Professional and Administrative Offices C-4 - Commercial Services
C-O - Professional and Administrative Offices	PA - Professional and Administrative Offices

Public Facility/Institutional:

P - Public/Institutional
Facilities

PF - Public and Community Facilities
A - Agriculture
CA - Commercial Agriculture
TP - Timber Production

Residential:

R-M - Mountain Residential

RR - Rural Residential
RA - Residential Agriculture
TP - Timber Production
A - Agriculture
R-1 - Single Family Residential**
(5,000 square feet to 1 acre lot size)

R-R - Rural Residential

RR - Rural Residential
RA - Residential Agriculture
TP - Timber Production
A - Agricultural
R-1 - Single Family Residential**
(5,000 square feet to 1 acre lot size)

R-S - Suburban Residential

RR - Rural Residential
RA - Residential Agriculture
R-1 - Single Family Residential**
(5,000 square feet to 1 acre lot size)

R-UVL - Urban Very Low
Residential

R-1 - Single Family Residential*

R-UL - Urban Low Residential

R-1 - Single Family Residential*
RB - Ocean Beach Residential*
RM - Multi-Family Residential*

R-UM - Urban Medium
Residential

R-1 - Single Family Residential*
RB - Ocean Beach Residential*
RM - Multi-Family Residential*

R-UH - Urban High Residential

R-1 - Single Family Residential*
RM - Multi-Family Residential*

All Residential Designations

PR - Parks, Recreation and Open Space

* Zone district designations shall be considered consistent with the General Plan and Local Coastal Program Land Use Plan when in conformance with the residential density allowed by Figure 2-3 of the General Plan and Local Coastal Program Land Use Plan.

** This zone district is established for the sole purpose of recognizing as conforming parcels those legal parcels of record located outside the Urban Services Line of the County that, prior to the adoption of

A-P - Agriculture with Agricultural Preserve Combining Zone District
 CA - Commercial Agriculture
 TP - Timber Production
 PR - Parks, Recreation and Open Space (for land owned and maintained by the public for recreation and related uses)

- Timber Resource Lands

TP - Timber Production

General Plan/Local Coastal Program Constraint

- Coastal Bluffs and Beaches
 Fault Zones
 Liquefaction areas
 Landslide areas
 Floodplains and tsunami inundation areas

GH - Geologic Hazards Combining Zone District with any other zone district (see 13.10.400)

Other Designation or Condition

Designated Assisted Housing Site

H - Assisted Housing Combining District with any other zone district

Property issued a Statement of Intention

I - Statement of Intention Combining District with any other zone district

Designated Historic Landmark

L - Historic Landmark Combining District with any other zone district

Mobile Home Park

MH - Mobile Home Park Combining District with any other zone district

Property restricted by an Open Space Contract

O - Open Space Combining District with any other zone district

Santa Cruz Long-Toed Salamander Habitat

SP - Salamander Protection Combining District with any other zone district

(Ord. 1739, 6/27/72; 2142, 6/17/75, 2824, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 3632, 3/26/85; 3943, 8/9/88; 4346, 12/13/94; 4370, 5/23/95; 4460, 6/3/97)

ORDINANCE NO. 4460

AN ORDINANCE AMENDING VARIOUS COUNTY CODE SECTIONS
INCLUDING LOCAL COASTAL PROGRAM IMPLEMENTING ORDINANCES
AMENDING SECTIONS 13.10.170(d), 13.10.322(a)1, and 13.10.323(a)2.

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Residential section of the ZONING IMPLEMENTATION TABLE that is part of Section 13.10.170(d) of the County Code is hereby amended as follows:

Residential:

R-M - Mountain Residential	RR - Rural Residential RA - Residential Agricultural TP - Timber Production A - Agricultural R-1 - Single Family Residential** (5,000 square feet to 1 acre lot size)
R-R - Rural Residential	RR - Rural Residential RA - Residential Agricultural TP - Timber Production A - Agricultural R-1 - Single Family Residential** (5,000 square feet to 1 acre lot size)
R-S - Suburban Residential	RR - Rural Residential RA - Residential Agricultural R-1 - Single Family Residential** (5,000 square feet to 1 acre lot size)
R-UVL - Urban Very Low Residential	R-1 - Single Family Residential*
R-UL - Urban Low Residential	R-1 - Single Family Residential* RB - Ocean Beach Residential* RM - Multi-Family Residential*
R-UM - Urban Medium Residential	R-1 - Single Family Residential* RB - Ocean Beach Residential* RM - Multi-Family Residential*
R-UH - Urban High Residential	R-1 - Single Family Residential* RM - Multi-Family Residential*
All Residential Designations	PR - Parks, Recreation and Open Space

13A-35a

4/6/98

* Zone district designations shall be considered consistent with the General Plan and Local Coastal Program Land use Plan when in conformance with the residential density allowed by Figure 2-3 of the General Plan and the Local Coastal Program Land Use Plan.

** This zone district is established for the sole purpose of recognizing as conforming parcels those legal parcels of record located outside the Urban Services Line of the County that, prior to the adoption of the 1994 General Plan and Local Coastal Program Land Use Plan, were zoned R-1-5, R-1-6, R-1-7, R-1-8, R-1-9, R-1-10, R-1-12, R-1-15, R-1-20, R-1-32, R-1-40 or R-1-1 acre and developed with or intended for development of a single family residence and any permitted accessory structures. Such development, including additions or remodels, is subject to the site and development standards of the specified zone district for the parcel. All land divisions must be consistent with the provisions of the Rural Residential Density Determination Ordinance (Chapter 13.14 of the County Code) and with the residential density allowed by Figure 2-2 of the General Plan and Local Coastal Program Land Use Plan.

SECTION II

Section 13.10.322(a)1 of the County Code is hereby amended to read as follows:

1. In the Coastal Zone, the principal permitted uses in the residential districts shall be as follows:

"RA" : single-family residential and agricultural (rural)

"RR" : single-family residential (rural)

"R-1" : single-family residential (urban, rural)

"RB" : single-family residential (oceanfront, urban)

"RM" : multiple-family residential (urban) including appurtenant accessory uses and structures

SECTION III

Section 13.10.323(a)2 of the County Code is hereby amended to read as follows:

2. The "R-1" and "RM" Residential Districts shall be combined with a number which shall indicate the minimum land area in thousands of net developmental square feet required for each dwelling unit on each site in the district. For example: "R-1-6" means a minimum land area of 6,000 net developable square feet per dwelling unit; "RM-3" means a minimum land area of 3,000 net developable square feet per dwelling unit. Definition of "developable land and net developable area" are found in Section 13.10.700. District designations shall be consistent with the adopted General Plan, Local Coastal Program Land Use Plan, and the Geologic Hazards Ordinance (Chapter 16.10), and the Minimum Parcel Size Standards in Section 13.10.510(g).

The "R-1 Single Family Residential" District located outside the Urban Services Line recognizes as conforming parcels those parcels which are generally less than 1 acre in size, and that, prior to the effective date of the 1994 General Plan/Local Coastal Program Land Use Plan, were legal lots of record and developed with or intended for development of a single family residence.

SECTION IV

If any section, subsection, division, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, division, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

SECTION V

This ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, which ever occurs later.

PASSED AND ADOPTED BY the Board of Supervisors of the County of Santa Cruz this 3rd day of June, 1997, by the following vote:

AYES: Baautz, Symons, Belgard, Almquist and Wormhoudt
NOES: None
ABSENT: None
ABSTAIN: None

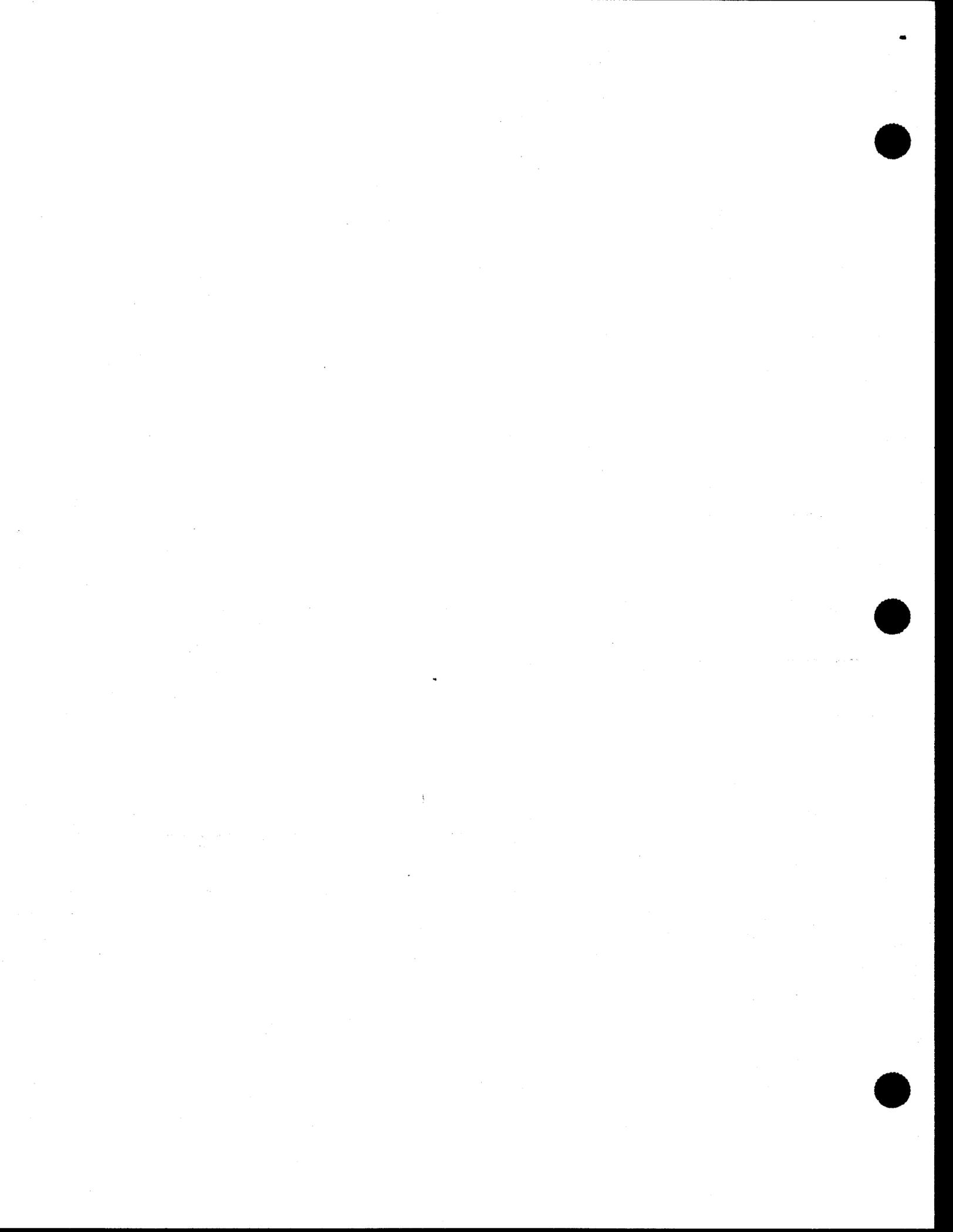
Mandi Wormhoudt
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: Aurea Lopez
Clerk of the Board

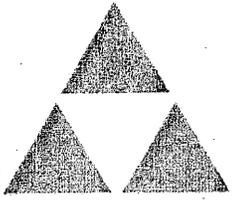
APPROVED AS TO FORM: Dee S.
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 19th DAY OF June 1997
SUSAN A MAURIELLO, COUNTY CLERK, DEPUTY CLERK AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.

BY Sandy Hauw DEPUTY



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DINAPOLI COMPANIES **RECEIVED**

March 8, 1999

MAR 11 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coast Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Commissioners:

We at Rancho Santa Maria, 94 Hecker Pass Road in Watsonville are vehemently opposed to the Santa Cruz County Board of Supervisors proposed amendments to the Local Coastal Program.

They are overstepping their authority. They are passing ordinances which are in violation of Federal and State ordinances.

The attached sheet fully sets forth our opposition to specific areas.

Sincerely,

Sam C. Nixon
Property Manager
by direction of owners
of D & D Ranch

**POINTS Regarding Santa Cruz County Local Coastal Program (LCP)
Major Amendment No. 3-98, for Public Hearing and Coastal Commission
Action at its meeting March 11, 1999 in Carmel, California.**

1. Excluding Timber Harvesting as an "Agricultural Activity" in the County General Plan is in conflict with State Law. Food and Agricultural Code §22 states "...the production of trees shall be considered a branch of the agricultural industry of the State...."
2. The California Coastal Act specifically mandates that the State, including the California Coastal Commission, protect the long-term productivity of timberlands. Such State mandate is not optional with the County or the Coastal Commission.
3. In opposition to the above points, the County and Coastal Commission staff recommendation is to eliminate timber harvesting on significant sections of timberlands, which in the North Coast and Bonny Doon Coastal Zone Planning areas alone, total over 7,500 acres of viable and legally recognizable timberlands.
4. The County and the State Board of Forestry historically have permitted timbering in the RR, R-M, A, CA, RA, SU, PR, M-3, and TP zones. The current Local Coastal Program (LCP) approved County Code §13.10.172(d) acknowledges timber harvesting in such zones. Now, County and Coastal Commission staff recommendations will eliminate any timbering in all these zones except TP, M-3, and PR.
5. Coastal Commission staff wants to eliminate the productivity of timberlands rather than protect the productivity of timberlands as evidenced by **their proposed new language to policy 5.12.9**: "It is not appropriate to zone timberland for timber production if it is recreational, environmentally sensitive, visible from rural scenic roads (pursuant to Policy 5.10.11), or susceptible to hazards that may be exacerbated by logging." This reference to §5.10.11 refers to "Development visible from scenic roads." Timber harvesting is not development. California Coastal Act, PRC Code §30106.
6. The existing Forest Practice Rules and Forest Practice Act successfully address environmentally sensitive areas, hazards, riparian corridors, and special treatment areas such as scenic viewsheds. Both County and Coastal Commission staff are attempting to regulate timber operations, and by unreasonable over-regulation, eliminate the act of timber harvesting in all of these areas.
7. The County of Santa Cruz and Coastal Commission staff are proposing a broad, comprehensive regulation of the conduct of timber operations including helicopter logging regulations, riparian corridors regulations, hazardous and landslide regulations, residential buffer regulations, and road grading and surfacing requirements, all of which are specifically dealt with in the Forest Practice Act and the Forest Practice Rules. The County recommended these same changes to the Forest Practice Rules to the State Board of Forestry. Thus, the County clearly acknowledged that these subject matters are ~~the~~ the preemptive jurisdiction of the State Board of Forestry.

POINTS (CONTINUED)

8. This LOCAL COASTAL PROGRAM (LCP) MAJOR AMENDMENT is significantly similar to Special County Rules which were rejected by the State Board of Forestry. These rules were rejected for legal, constitutional, administrative, and procedural reasons. Additionally, the County failed to provide the State Board of Forestry with sufficient justification and need for the rules. The current proposed LCP Major Amendment is flawed for the same reasons. The professionals at the State Board of Forestry have provided a clear message to both the County and the Coastal Commission through the State rejection of those rules.

9. Extensive documentation exists which clearly shows that trees utilize massive amounts of water and diminish stream flow quantities. This competition for water will significantly increase if timbering is eliminated to the extent that is being recommended by staff proposals. Additionally, the road surfacing requirements will actually increase erosion in some instances due to increased concentrated run-off caused by the redirection of water flow.

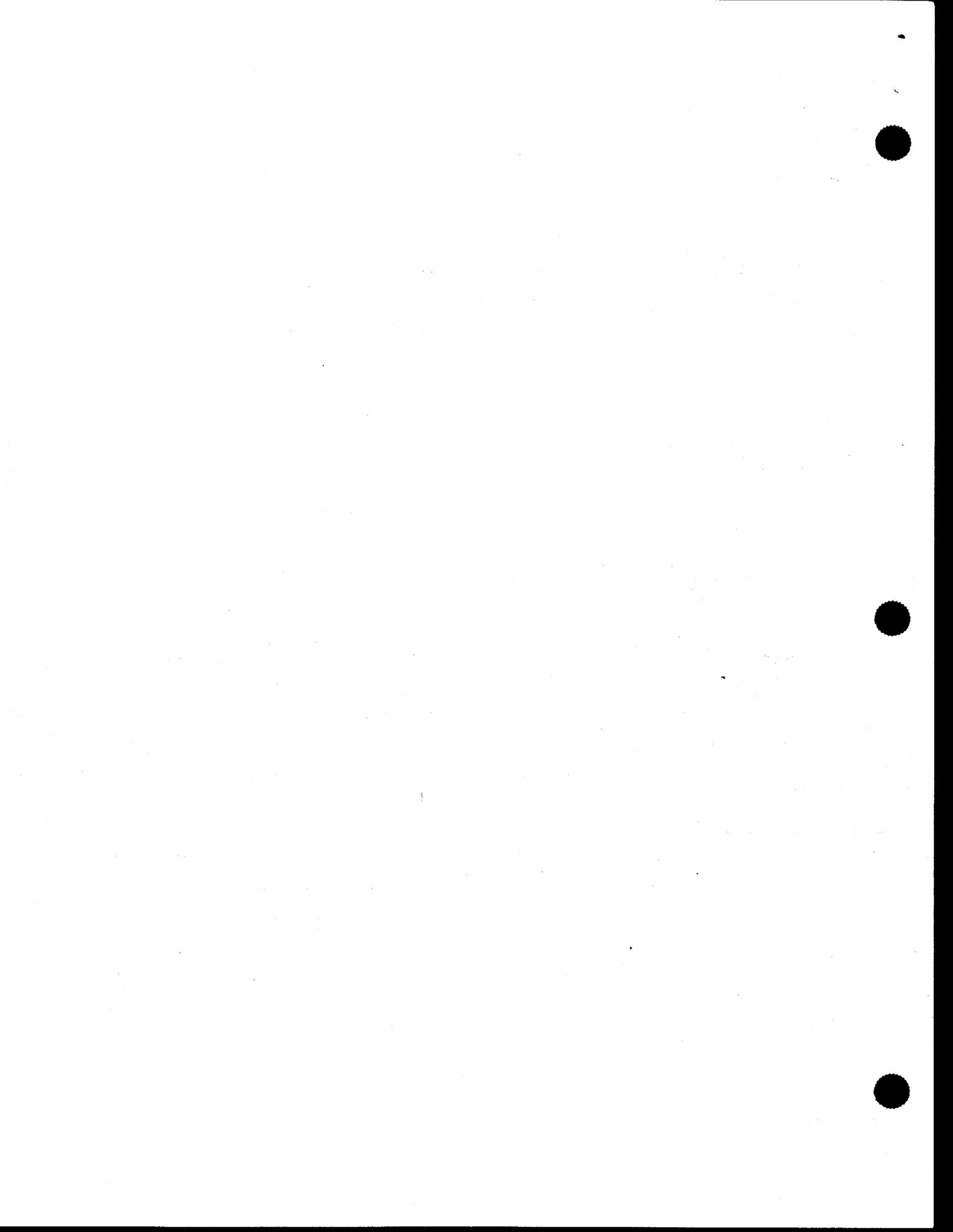
10. It is hypocritical that this project would be approved without mandated environmental review. If a project of this magnitude were submitted by a private party, to either the County of Santa Cruz or the Coastal Commission, both of these agencies would immediately demand an Environmental Impact Report (EIR).

11. This project is being advanced by both the County and the Coastal Commission without a single peer-reviewed scientific study that specifically addresses the effects of current timber harvesting practices in Santa Cruz County and the effects these practices have on the environment.

12. The County has only one Registered Professional Forester (RPF). Neither the County nor the local office of the Coastal Commission have an RPF on staff who has written or managed a single Timber Harvest Plan (THP). Therefore, neither the County nor the Coastal Commission have the expertise to pass judgment on the specifics of local forestry regulations.

13. Similarly, neither the County nor the Coastal Commission have the staff expertise to recommend a **Negative Declaration** in place of an EIR on the proposed project. An EIR is required to fully inform the Board of Supervisors and the Coastal Commission of adverse effects before any adoption of the project.

14. The LCP Major Amendment will confiscate significant property and property value, through both the elimination of harvesting on particular zoning designations and the continued reliance on the outdated and inaccurate County Timber Resource Designation. The taking of property without just compensation violates the Constitution of the United States.



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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

642 Hazel Dell Road
Corralitos, CA 95076
March 8, 1999

Mr. Rick Hyman
California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

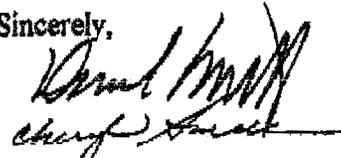
Via Fax: (831) 427-4877

Mr. Hyman:

As timberland (TPZ) owners and residents of Santa Cruz County, we oppose Santa Cruz County LCP Major Amendment No. 3-98. The existing California Forest Practice Rules adequately address riparian corridors, residential buffer zones, and road design criteria, and in addition examine timber harvest plans on an individual basis rather than through blanket legislation. Timber harvesting is a legitimate agricultural activity recognized as such on both a state and national level. We are currently applying for a Forestry Incentive Program Grant for pre-commercial thinning through the United States Department of Agriculture. Many of our TPZ neighbors have also applied to Ag Forestry programs so that they may continue to provide quality wood fiber products to our nation.

Apparently, there are some members of the Santa Cruz County Board of Supervisors and the Coastal Commission who wish to eliminate timber harvesting in Santa Cruz County by using pseudo-scientific "facts" and other bogus methods which undermine our constitutional property rights and which in the long run will do nothing but turn our valued forests into areas of urban development.

Sincerely,



David and Cheryl Smelt
S.C. County Assessor's Parcel 106-201-03

691 Cragmont Avenue
Berkeley, CA 94708
March 7, 1999

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

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MAR 19 1999

California Coastal Commission

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

We understand you are holding a hearing on March 11, 1999 in Carmel to discuss a proposal by Santa Cruz County to restrict logging operations. We are writing to urge you to not approve the proposed Santa Cruz county forestry rules. Our family has harvested timber selectively under the current rules in an environmentally responsible manner since the inception of the Forest Practice Act, practicing sustained yield forestry.

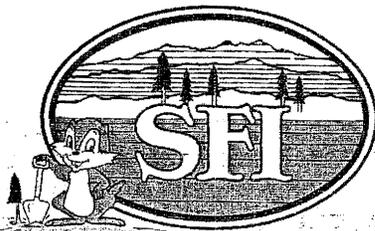
The Santa Cruz county rules are far more restrictive than is necessary. If the board adopts anything, it should be rules targeted to specific abuses and not the draconian measures proposed by Santa Cruz county. The rules give too much discretion to local officials and will prevent landowners from managing their property according to sound forestry principles.

Thank you.

Sincerely,

Susan and Bruce Stangeland

Bruce Stangeland
Susan Stangeland



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MAR 12 1999

Sequoia Forest Industries

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

March 9, 1999

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: LCP Ammendment No. 3-98 (Major)
Request from County of Santa Cruz

I wish to submit the following comments to the proposed ammendment:

The proposed request by the County of Santa Cruz has been debated within the county for the the last 18 months. Considerable opposition has been expressed due to the belief that the provisions would "take" private property rights and values, in disrespect to historical and traditional custom. Those landowners and involved citizens that object to the proposed provisions of the ammendment have called for an expression of "need", for justification of cause, and for scientific support for specific requirements of the provisions. There has been NO reply, No need, No justification, and No scientific support.

The provisions of this ammendment were previously submitted to the California State Board of Forestry for adoption as state law. The review of these provisions by state agencies and professionals resulted in rejection. The rejection was due to reasons of law, science, and custom. Reasons which the County of Santa Cruz have continued to ignore in their quest for "new law".

As a member of the Central Coast Forest Association, I concur with all POINTS outlined within the enclosed review of the ammendment. Please register my opposition to the ammendment.

Sincerely,

Patrick Emmert
Forester, RPF #1839

