

**Forest Resources Chapter of the General Plan Update – Planning Commission 6/16/07**

My name is Julie Williams and I represent the NCHB. Our membership is varied, and not limited to home builders; we have ranchers, foresters, bankers, as members. When subjects come up that we need clarification about, we ask our members that are versed in a special area to offer their remarks. Following are comments by Mr. Morris who could not be here this evening. Thank you for the opportunity to speak this evening.

**General Remarks:**

My name is Robert Morris and I am a Registered Professional Forester and a timberland owner. I was born in Scotia and raised in Humboldt County. I have attended many public meetings and FRC meetings where tonight's topic, the future of Humboldt County timberlands, has been the focus of those agendas. There was much in the way of comments and concerns made by the public on those occasions, and having reviewed the draft document before you for review tonight, it is hard for me to see any meaningful incorporation of comments and concerns that I heard expressed at those meetings from the most affected stakeholder: THE LANDOWNER.

The submission, and resubmission of essentially the same document by staff would make one believe that a higher power is trying to tell you that you are going to recommend what we want to see in this chapter of the General Plan whether you like it or not.

I am an RPF, and have been involved in the forest products industry for more than 30 years. It is obvious to me that this document was not prepared by a Registered Professional Forester, or anyone experienced or knowledgeable in forestry affairs. The prioritization by staff of the topics that are deemed to be significant to the forest resource land base (see pages 5.3-15 and 5.3-16) is evidence of their ignorance of what is really affecting the state of the industry. The most important concern to the industry, regulatory constraints, is listed dead last. Further, three of the top four concerns do not even show up on the horizon of forestry professionals and landowners. As most of the Commissioners are aware, forestry advice in California can only be given by a licensed, Professional Forester. I am concerned that staff is even presenting such a document for consideration of inclusion in the Humboldt County General Plan.

As a landowner, I read this document several times to gain clarification of the tenor of the document and what it really says. Then I carefully read the "Staff Analysis", which as I understand it, will be excluded (staff says "fall out") of the final draft version of this chapter of the General Plan (See section beginning on page 5.3-12). In paragraph three, on page 5.3-17, one finds the words, and I quote, "... Support for the property rights assumed to be associated with land ownership." The light bulb came on. The common thread throughout this document subscribes to the viewpoint that "you can be a landowner, but don't assume you have ANY property rights."

**Significant Specific Areas of Concern:**

1. SUBSTANDARD TPZ PARCELS: The County erred in applying the original TPZ zoning to these parcels. There is not a small TPZ parcel problem, there is a zoning problem! 99% of all substandard TPZ parcels were created by the County. The County unilaterally placed a 160 acre minimum parcel size designation on thousands of parcels that were below that size in the first place. The County is now acting as if TPZ landowners are, with malice of forethought, concocting plans to circumvent the 160 acre parcel size. The vast majority of these substandard landowners did not own 160 acre parcels to begin with and they don't own 160 acre parcels now! The solution: offer all owners of these parcels the opportunity to have these parcels re-zoned to a zone classification

appropriate for their size and for their use; like a forest recreation zone, in which timber is not the primary use, with a 40 acre minimum parcel size.

2. WITHDRAWAL OF LAND FROM THE COUNTY TIMBERLAND BASE: The County is not accurately reporting its representation of what it calls “significant timberland conversions”. Timberland withdrawals from the commercial land base in Humboldt County are occurring, due almost exclusively, to governmental activities. In order of significance, these include

- US Forest Service producing at 10 % of their capabilities,
- Governmental acquisition for non-timber uses,
- Governmental policies that give reduced tax levels where monies/donations are used to acquire lands for preservation set-asides, and
- County initiated rezoning from TPZ lands to facilitate Community Planning efforts.

Staff glosses over these activities by saying these lands have been removed to a “reserve” status (see page 5.3-16); more realistically, a preserve status. Then despite policy language in the existing General Plan to the contrary, attempts are made to justify them by saying the County received “mitigation by compensation”, citing the Headwaters acquisition. It appears the County took the money and ignored the County policy. Let’s see: the Headwaters purchase price was \$480 million dollars. The County received \$20 million dollars. Mathematically, the County was able to justify the removal of these TPZ lands for 4.1% of the purchase price. Equitable treatment should be afforded all landowners; so 4.1% should be the number required from others for the removal of TPZ lands from productive status. The solution: If withdrawal of lands from TPZ and the local tax base via public acquisition for a fee is acceptable to the Board of Supervisors, then certainly a re-zone of lands for private parties that would stay in the local tax base should be looked at in a similar and equitable manner.

3. “PARCELIZATION AND FRAGMENTATION”: “Parcelization and fragmentation” concerns are not even on the radar of those knowledgeable with forest industry concerns relative to the future viability of timber holdings. Foresters do not wake up every morning thinking, “...gee, another day of fighting parcelization battles...”; they wake up with Timber Harvest Plan concerns in their heads.

Land use ownership patterns are dynamic and ever changing. They have been since the first Federal Land Patent was issued in the County. They are dynamic because of the free market system. The County’s own figures say that 17,400 patents exist on the patent plat maps (See page 5.3-18). The average patent size is approximately 153 acres (some vary down to as small as 40 acres), awfully close to the Homestead Act’s 160 acre size. This is not a coincidence; the majority of patents were issued under this Act. There were houses and farms on these parcels. Over time, market forces prompted people to move on. Over time, parcels sold to neighbors, neighbors had children, died and split the parcels amongst the heirs. So this “parcelization originally occurred years ago. The boom and bust cycles along the way (1929 Depression, World Wars I and II) allowed some consolidation of these parcels into larger ownerships. Market forces may someday favor the un-consolidation of these ownerships. Should the current landowners be penalized for being large or small, and, is it realistic to think in a capitalistic economy one is going to stop market forces?

The so-called “parcelization and fragmentation” concern is a factor primarily of those who do not own timberland and of the County planners. The planners are distraught that prior to the early 1900’s, life occurred without them. Those individuals that are NOT landowners are not impacted and find it very easy to “tax the man behind the tree”. The solution: The so-called “parcelization and fragmentation concern” could be addressed by re-zoning to fit the parcel size; **not** by changing the parcel size to fit the zone.

**4. CONDITIONAL USE PERMITS:** Currently, a single family residence is a compatible use on lands zoned TPZ, they are allowed as long as less than 2 acres is “impacted” by the house site. It appears staff is trying to re-define such a use, and wants to make ANY AND ALL residences subject to a discretionary conditional use permit. In doing so, current entitlements held by property owners to build a home on their property would literally be TAKEN AWAY. One could no longer apply directly to the County Building Department for a Building Permit. Conditional Use Permits are deemed “projects” by the California Environmental Quality Act and would be subject to a CEQA review, which would open the landowner up to outside input on their home construction. There are plenty of safeguards in already place in the building permit process for rural homes that address building and development concerns; CDF, Public Works, Environmental Health, Water Quality Control Board to name a few.

Staff's justification and reasoning on this matter is that NO residences will be allowed because ANY ground that is developed will be ground removed from timber production and therefore incompatible with “the growing and harvesting of trees”. Two acres out of a 40 acre parcel is 5% of the total acreage. On a 160 acre parcel it is 1.25%. Foresters know that a reduction of the growth rate per acre of 1 to 5 % is not a significant variation and most growth and yield studies are not this accurate. Variations in rainfall, insect outbreaks, bear damage, unauthorized vehicle access, early detection of fire and a host of other events are potentially much more impactful upon the productive nature of timberland than a reduction of 2 acres of the area. Lands owned by absentee landowners are not as protected, and are subject to much more unauthorized environmental impacts than those lands with a caretaker on the premises. We do not need CEQA involvement over what was historically a ministerial action. The solution: It is appropriate to make a recommendation that an on-site residence and/or caretaker is a positive attribute to the management of TPZ lands, and as such, be a principally permitted use.

**5. OVERLAPPING REGULATIONS:** The regulatory constraints upon the timberland owner are many, varied, and onerous. Most knowledgeable experts in the industry put California timberlands at a \$50-100 per MBF “Regulatory Disadvantage” to other timber producing areas. The County needs a policy statement of no overlapping or duplicative regulations relative to timberlands and/or timber related activities that are already addressed by State or Federal agencies. The timber industry has been working for years to steward the lands to protect an important renewable resource and to support our local economy. The County should be supportive of those producing timber in our county, and stop beating the owners of TPZ lands with a plank stamped “more regulation”. The solution: A firm “no overlap or duplication” of State and/or Federal regulations on the industry may head off future attempts of further constrain resource lands.

**Conclusion and Solution:** After reviewing this draft document and applying a forester's insight, as well as a landowner and lifelong resident of Humboldt County, it appears that the Commission could address the bulk of the concerns with our timberlands by recommending the following: **1.** The rezoning of substandard TPZ parcels to zoning which does not preclude the growing of trees and which recognizes the historical uses and property rights associated with these parcels (Forest recreation zone), **2.** Reducing regulatory overlap/duplication and not encourage more regulation, **3.** Create policies encouraging public lands productive contribution to the local timber economy (USFS), **4.** Continue to recognize current entitlements for residences on TPZ without a discretionary permit, that an on-site residence and/or caretaker is a positive attribute to the management of TPZ lands, and **5.** Adhere to the existing Plan policy of no increase in lands removed from the local tax base.