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Sonoma County Board of Supervisors
575 Administration Drive, Room 100A
Santa Rosa, CA 95403-2887
Feb. 7, 2006

Re: Timberland Conversion Ordinance

Dear Supervisors:

We thank the Supervisors for taking on the issue of regulating timberland conversions; much good work has been directed to improving this ordinance during the process of consideration.

We want today to make four specific suggestions for further improvement of the ordinance, as criteria for approval [concerning which, please see Staff's Exhibit E, **Sec. 26-88-160, Major timberland conversions - D, Criteria for approval.**] Three of the suggestions concern timberland preserved in mitigation for conversion; one concerns the timberland which is proposed for conversion.

PROPOSED LANGUAGE

Here are our four suggestions for specific ordinance language regarding preserved lands, which we urge the Board to adopt:

A. The preserved timberland shall not include timberland that cannot be converted under the Forest Practice Act and/or its Rules or under any other law. This includes but is not limited to land with a maximum slope of greater than 50%, or any watercourse and lake protection zone as defined by the Forest Practice Rules.

B. The preserved timberland shall have the same site classification or higher as the timberland being converted. The preserved timberland shall not have average slopes greater than the timberland being converted.

C. The proposed major timberland conversion shall not occur on timberland with slopes greater than thirty percent.

D. Three acres of timberland are preserved for each acre of timberland being converted.

The rationale for these recommended changes follows.

DISCUSSION

First, we would like to discuss mitigation and rehabilitation. A truly compensatory, one-to-one mitigation would occur if a landowner were required to convert an acre of non-forest to forest in exchange for every acre of forest which was cut down, including restoring equal ecological values. But this would take hundreds of years to occur and is impossible to guarantee. So the currently proposed sort of preservation isn't a mitigation in the real sense of the term; it is still a loss of forest and its ecology.

Next, we note that there is much forested land which is in no danger at all of being converted: it is too steep or is otherwise unsuitable for agricultural use. The County vineyard ordinance already prohibits vineyard development on slopes greater than 50%. The Forest Practice Act, Water Quality regulations, and this ordinance itself restrict logging in riparian zones, and so forth.

Additionally, a landowner generally can't and won't be able to develop all of his or her property. 'Preserving' inconvertible acreage that could never be considered for development does not constitute a real saving of forest. A landowner should not be credited for preserving land which he can legally put to no other use. We have, however, seen CDF approve conversions because the landowner has agreed to *preserve* the rest of his property, even though this isn't a mitigation. In fact, CDF will become even more likely to approve conversions knowing that the County is requiring a two for one swap as a mitigation. Therefore, we have proposed that (A) *any standard of mitigation for the preservation of swapped lands should be limited to those acres which are legitimately convertible under existing law in the first place: this includes timberlands of greater than 50% slope, within riparian zones, and those which couldn't be converted under the Forest Practice Rules.*

Next, since 1) it is an objective of this ordinance to protect our forested lands -- i.e., to discourage, if not to prohibit, non-forestry uses of our forests, and 2) since timberland on steep slopes is anyway unsuitable for agricultural purposes, and hence for conversion, therefore timberland on steep slopes should also not be acceptable as mitigation for converted land. In other words, mitigation credit for preservation should be given only for preserving land which is actually in danger of conversion. To make this idea more precise, the land which is to be preserved should be similar, with respect to slope, to the land which is being converted. Thus we have proposed that (B) *the preserved timberland should not have average slopes greater than the timberland being converted.*

Now we want to address a problem about the suitability of the acreage which is being proposed for deforestation. The forests we are discussing are upon very erodible soils, and the steeper which the slopes are upon which conversion occurs, the more likely it is that erosion and other environmental damage will occur within the forest, both during logging operations and after conversion. Therefore we believe that (C) *a major timberland conversion shouldn't occur on timberland with slopes greater than thirty percent.*

Finally, we do not believe that the compensatory mitigation rate is high enough. We request that the swapping arrangements should be on a three-to-one, not a two-to-one basis, to encourage adequately compensatory amounts of rehabilitation for permitted deforestation: (D) *Three acres of timberland are preserved for each acre of timberland being converted.*

We've provided an attachment below, showing how these proposals would fit into the current ordinance language [Staff's Exhibit E].

Thank you for your consideration. What you are doing now will define the Redwood Empire for future generations.

Sincerely,

Margaret Pennington, Chair
Redwood Chapter, Sierra Club

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Sonoma Group, Sierra Club

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Attachment (modifying Staff's Exhibit E, **Sec. 26-88-160, Major timberland conversions - D, Criteria for approval**; additions in italics, changes bolded):

The proposed major timberland conversion complies with the following standards:

- a. The proposed major timberland conversion includes substantial public benefits that outweigh the long-term loss of timberland, considering both the quantity and quality of the timberland being converted and the timberland being preserved pursuant to D.2.c below.
- b. *The proposed major timberland conversion shall not occur on timberland with slopes greater than thirty percent.*
- c. **Three acres** of timberland are preserved for each acre of timberland being converted, subject to the following requirements:
 1. The preserved timberland shall be located within the county, either on-site or in the local area, and shall be subject to the approval of the decision maker as part of the use permit approval for the proposed major timberland conversion.
 2. *The preserved timberland shall have the same site classification or higher as*

the timberland being converted. The preserved timberland shall not have average slopes greater than the timberland being converted

3. *The preserved timberland shall not include timberland that cannot be converted under the Forest Practice Act and/or its Rules or under any other law. This includes but is not limited to land on slopes greater than 50%, or any watercourse and lake protection zone as defined by the Forest Practice Rules.*