

UPDATED 9/23/07

red=new language or amendments from public comments that the author accepts

green=suggestions from public comments with which the author does not accept

DRAFT

Statement of Policies on Natural Resources

Reference and Background

Siskiyou County has in place a Resolution 93-284 dated 11/09/93 on Joint Environmental Planning providing for County participation in the environmental review, permitting and use, and real property acquisition and disposal decisionmaking processes of state and federal agencies and setting forth intergovernmental and public organization notification and coordination procedures. This was codified in part under Siskiyou County Code Title 10, Chapter 12 County Participation in State and Federal Agencies Land Transactions, Sec. 10-12.01 and Sec. 10-12.02.

Siskiyou County has in place a Right to Farm Ordinance - Title 10 Chapter 11, Sec. Sec. 10-11.01-05.

Siskiyou County has in place a Resolution 93-19 on Property Takings requiring federal and State agencies to avoid private property takings; and to assure due process and just compensation in all cases of regulatory or other takings as a consequence of agency decisions and actions.

Siskiyou County has accepted the Siskiyou County Comprehensive Land and Resource Management Plan.

See also:

- * Executive Order 11514 March 5, 1970 --Protection and enhancement of environmental quality as amended
- * Executive Order 12291 February 17, 1981--Federal regulation
- * Executive Order 12372 July 14, 1982 --Intergovernmental review of Federal programs as amended
- * Executive Order 12612 Oct. 26, 1987 --Federalism
- * Executive Order 12630 March 15, 1988 --Governmental actions and interference with constitutionally protected property rights
- * Executive Order Facilitation of Cooperative Conservation August 26, 2004

The following Siskiyou County Policy's are in compliance with existing Federal and State Codes for coordination requirements. Those requirements are set forth in Federal

Code 43,usc,Sec. 1701 and in State of California Title 7 of Government Code Sec. 65030, 65300 et seq. In addition the above policy's are consistent with and comply with The California Environmental Quality Act, Sec 21002 and Sec. 21081 and require the Federal and State Agencies to establish plans and policies consistent with Siskiyou County's Policy.

Fisheries and Wildlife Resources

It is the policy of Siskiyou County that:

1. Hunting, fishing and trapping are recognized traditional cultural practices supported and promoted by Siskiyou County. The County supports conservation and wise use of our natural resources;
2. Siskiyou County shall be consulted and may oversee formulation of plans for the recovery of all federal and state listed endangered species. Federal and state agencies ~~must prove a species is endangered or threatened with full counts and historical data;~~ provide substantive evidence, with full documentation, of a species' present and historic population levels, trends in habitat extent and quality, and anthropogenic impacts on the species as outlined in the proposal to list;
3. It is Siskiyou County's policy that "best available science" shall be interpreted to require sufficient science to substantiate the need for regulation. The lack of available science shall not be considered sufficient upon which to base a regulatory decision; ~~When the "best available science" is judged inadequate for implementing regulatory policy or management decisions by an independent body of experts, regulatory and management efforts will be made contingent upon new information produced by directed investigations in which the County has had a participating role.~~
4. ~~Access to private property (including riparian areas) shall be respected and authorized permission to enter obtained by all agency personnel not acting in an official law enforcement capacity;~~
5. Siskiyou County supports robust scientific investigation into the causes and effects of Ceratomyxa shasta, Parvicapsula minibicornis, Flavobacterium columnare and other parasites/diseases on the juvenile and adult populations of salmon on the Klamath River system;
6. Federal and state wildlife management and enforcement agencies will coordinate and consult with Siskiyou County relative to controversial matters regarding wildlife and resources. All wildlife management plans will be reviewed by Siskiyou County prior to formalization or initiation of actions;
7. Siskiyou County may request the responsible agency to remove from the county or transfer within the county excessive numbers of all wild animals that damage private or public property and have an adverse economic impact on the County or its citizens;
8. The reintroduction of wolves and grizzly bears into Siskiyou County shall be prohibited. These species shall be considered as a threat to public health and safety.

Forest and Timber Resources

Siskiyou County includes portions of the Klamath National Forest, Shasta Trinity National Forest, Modoc National Forest, Six Rivers National Forest and Rogue River - Siskiyou National Forest. A stable and continuous supply of forest products is important to the economy of Siskiyou County. Many small communities are land-locked by federally managed Forests and are dependent upon continuous and broad access to forest resources for their current and future economic well-being. The health of Siskiyou County's wood products industry relies on a stable and sustainable supply of merchantable raw product. Support of the forest products industry and continuation of our traditional logging heritage are values important to Siskiyou County.

It is the policy of Siskiyou County that:

1. Federal and state land management agencies coordinate with Siskiyou County through its designee, (Natural Resource Specialist, Natural Resource Advisory Committee,) on all matters affecting forest management and timber harvest on federal and state managed lands;
2. No new Wilderness Areas, Wilderness Study Areas, Roadless Areas, Wild and Scenic Rivers, National Monuments or parks shall be designated in Siskiyou County;
3. The restricted or single use designation of Federal Lands shall be minimal and exceptional. Lands should be available for multiple use and active management;
4. National Forests shall be managed for the multiple use of forest resources to provide a sustainable and continuous yield of timber, forage, firewood, wildlife, fisheries and recreational opportunities;
5. The National Forests should place a priority on producing marketable saw logs. All sales should consider the marketability of the products proposed for removal and ensure sufficient merchantable timber is included to cover the costs. (Note: at this time local veneer mills utilize logs 8-28 inches in diameter.);
6. According to its 1991 MOU signed with the Siskiyou County Board of Supervisors, the USDA Forest Service will:
 - * Coordinate County efforts in economic development and diversification with Klamath National Forest Land Management Planning efforts;
 - * Identify and promote new forest based products and services that will enhance County economic development and diversification;
 - * Develop cooperative projects that demonstrate opportunities for County economic development and diversification;
7. Siskiyou County advocates a broad range of reforestation tools, timber stand improvement tools and timber harvesting practices in line with prudent protection practices;
8. ~~Siskiyou County does not favor Stewardship Contracts because they provide no revenue to the County through the 25% formula. Any proposed Stewardship Contracts are to be approved by Siskiyou County.~~ Any proposed Stewardship Contracts are to be

approved by Siskiyou County. At this time, Siskiyou County opposes Stewardship Contracts unless they are incorporated into the 25% timber receipts funding formula;

9. Siskiyou County supports the development of a multi-jurisdictional approach, such as the Oregon C.R.O.P. (Central Oregon Coordinated Resource Offering Protocol) project to providing a sustainable and level supply of forest products to local processing facilities;

10. Siskiyou County supports the development of biomass energy production and cogeneration facilities;

11. Siskiyou County supports the local processing of forest products from the National Forest lands within Siskiyou County, recognizing that the forest products industry within the county is heavily dependent of United States Forest Service managed timber;

12. Siskiyou County supports the prompt salvage of forest losses due to fire, insect infestation or other events;

13. Siskiyou County supports the education of both residents and visitors to wise and productive forest uses;

14. Siskiyou County supports the careful and prudent use of prescribed burns as a management tool for resource enhancement. Prescribed burns should not be undertaken in areas where there is a history of prior escapement;

15. Siskiyou County advocates the early detection and control of insect infestations;

16. Siskiyou County supports the detection and timely management of forest fires through immediate cooperative response of all fire fighting agencies;

17. Siskiyou County supports an ongoing reassessment of those factors used to determine the “limited operating period” established for harvest activities, in accordance with the best available science including locally conducted research;

18. Siskiyou County supports active management of our forests. We support a policy that will selectively thin older trees and remove ladder fuels. This will promote healthy younger forests that will most effectively sequester carbon and reduce CO2 emissions that contribute to Global Warming.

WildFire Regime

Siskiyou County experiences frequent thunder storms with accompanying lightning strikes. Historically, this has created a mosaic of ecologically diverse lands indicative of the full range of seral stages. Management direction for federal and state forests has had an impact on forest health and the build-up of forest fuels. Most of our communities have been listed as high risk of wildfire and frequent forest fires pollute the air with smoke. Hazardous fuel build-up in the National Forests located in the County has been determined by the Board of Supervisors to constitute a public nuisance and the U.S. Department of Agriculture has been ordered to abate these conditions. The health and safety of the people of Siskiyou County is the highest priority to the County.

It is the policy of Siskiyou County that:

1. Federal and state lands adjacent to communities (Wildland Urban Interface) should be actively managed for the reduction of fuels;

2. Wildfire starts in the near vicinity of communities should be aggressively and quickly suppressed well before they come near the perimeter of settled communities or structures;

3. In accordance with the 1991 Memorandum of Understanding between the USDA Forest Service – Klamath National Forest (KNF) and the Siskiyou County Board of Supervisors, the Forest Service will identify and promote new forest products and services. Siskiyou County supports the development of products and markets for sub-merchantable timber and small biomass facilities. Small diameter trees and biomass are a byproduct of fuel reduction activities and the development of value added uses for these materials will offset the cost of fuel reduction;

4. Forests shall be managed to increase stand health and fire resilience through appropriate silviculture treatments, such as thinning to reduce overcrowding and suppressed growth;

5. The Siskiyou County Board of Supervisors may accept Community Wildfire Protection Plans as voluntary management plans developed by recognized local groups as advisory documents;

6. Siskiyou County recognizes that wildfires release millions of tons of CO₂ into the atmosphere and encourages the responsible management of forests to reduce potential wildfire contributions to global warming;

7. Siskiyou County supports a preference for the rotation of used fire apparatus from the local National Forests to local hose companies and fire districts.

Range Resources

The traditional system of the use of grazing allotments on federal lands to supplement base ranch forage is recognized as culturally and economically important to local heritage ranches and the livestock industry of Siskiyou County. Support of the livestock industry and continuation of heritage ranches, many dating back more than 100 years, are values important to Siskiyou County.

It is the policy of Siskiyou County that:

1. Federal and state land management agencies coordinate with Siskiyou County through its designee, (Natural Resource Specialist, Natural Resource Advisory Committee,) on all matters affecting livestock grazing and farming on federal and state managed lands;

2. Environmental assessments required for grazing permit renewal shall be completed prior to the permit expiration date;

3. Current grazing allotments shall be continued and principally managed to produce forage to support maximum carrying capacity by domestic livestock;

4. Traditional use of grazing allotments for livestock grazing will take precedence over other competing uses;

5. Subleasing of equitable property rights shall be allowed;

6. Grazing allotments shall be used for livestock and not permanently retired into non-use;

7. Opportunities to restore “suspended” AUMs shall be facilitated at the earliest possible date by timely completion of environmental analysis;
8. Incentives for improving grazing lands and promoting good land stewardship shall be developed;
9. Split estate private property rights in water use, range improvements, rights of way and associated forage (Hage vs. United States) shall be recognized and respected.

Mineral and Geothermal Resources

Siskiyou County is an area of mineral and geothermal significance. The county was originally settled for the development of its rich gold deposits during the California Gold Rush era. The County Seal depicts a gold miner. Support for the continued development of both large and small scale mineral resources, as well as geothermal resources, is a value important to our economy, culture and heritage.

It is the policy of Siskiyou County that:

1. Federal and state land management agencies coordinate with Siskiyou County through its designee, (Natural Resource Specialist, Natural Resource Advisory Committee) on all matters affecting mineral and geothermal development on federal and state managed lands;
2. Siskiyou County supports retention of the 1872 Mining Act. The Act embodies Western appropriative rights based on principals of exploration, discovery and continued development and is recognized as establishing a valuable private property interest in mineral claims on federal land;
3. Siskiyou County concurs with studies that the impact of suction dredge mining on fisheries and aquatic life is temporary, localized and di minimis; **Present evidence appears to indicate that the impacts of "typical" suction dredge mining operations are benign. The County will continue to work with mining interests and the scientific community to protect not only this economic and recreational activity, but also the other beneficial uses of the rivers and streams where the activity is conducted. This can be done through continued research, development of new methods or alternative mining practices where special circumstances make them appropriate. This should be accompanied by educational outreach to the community of miners and to those others who use rivers and creek systems with them;**
4. Hard Rock and gravel mining will be conducted in an environmentally sound manner with adequate assurances of site reclamation to ensure adequate protection of land, air and water resources. Bonding requirements shall be reasonable;
5. Siskiyou County recognizes and supports lawful mining activities by membership groups, clubs or associations;
6. Geothermal exploration and development conducted in an environmentally sound manner with adequate assurances of site reclamation shall be encouraged and supported;
7. Unreasonable barriers, prohibitions, and processes that impede to exploration and development of mineral resources shall be eliminated.

Recreational Opportunities

Recreation and tourism is a significant contributor to the economy and culture of Siskiyou County. Historically, people have enjoyed the natural environment of Siskiyou County for activities like hunting, fishing, snow and winter sports, water sports, birding, hiking, packing, bicycling, camping, climbing, equestrian, photography, ATV/Off Road Vehicle use, rock hounding and sight seeing. The support of recreational opportunities is an important value for Siskiyou County.

It is the policy of Siskiyou County that:

1. Siskiyou County Forests shall be “working forests” managed for multiple use. Pre-existing uses, such as grazing hunting and fishing will be respected.

Water Resources

The protection and development of the water resources of Siskiyou County are essential to our quality of life, as well as the County’s cultural and economic viability. The County recognizes and supports the stability and equitable distribution of water use rights established under the longstanding Scott and Shasta River Water Adjudications. We recognize the Superior Court of Siskiyou County has continued exclusive jurisdiction over these decrees. We oppose the imposition of any regulations or actions that seek to undermine the integrity of these decisions by introducing instream flow requirements or other considerations not included in the original decrees. Siskiyou County also recognizes that appropriative private water use rights established prior to 1914 and put to continued beneficial use constitute valuable private property and are to be protected and treated as such.

Siskiyou County has the local authority exercised under Tile 3 Public Safety, Chapter 13 of Siskiyou County Code to regulate groundwater management. This ordinance includes the regulation of out of basin transfers.

It is the policy of Siskiyou County that:

1. The Natural Resources Advisory Committee and the Board shall be notified of all state, regional, interstate and federal actions which may have any impact on water in the County prior to such actions being initiated;

2. The availability of a sufficient quantity of water for farming use shall be considered an important water quality factor associated with the beneficial use of water for agriculture given equal consideration with such uses as fisheries;

3. The protection and continuation of existing water rights and water uses within the County is of primary importance to the County’s economic and cultural well-being;

4. **Siskiyou County recognizes the continued jurisdiction of the Superior Court of Siskiyou County over:**

*** The Shasta River Adjudication in the appropriation of water rights on the Shasta River and tributaries;**

* The Scott River Adjudication decree No. 30662 of the Superior Court of Siskiyou County was entered on January 30, 1980 in Civil Judgments Volume 45, Page 468 and recorded in Book 881, Page 280 of Official Records; as amended by order dated September 11, 1980 in Civil Judgments Volume 46, Page 393 and recorded in Book 899, Page 218 of Official Records.

* The French Creek Decree is Decree No. 14478 dated July 1, 1958 recorded in vol. 568 Page 369. The Shackelford Decree is Decree No. 13775 dated April 3, 1950 recorded in Vol. 19 Page 472;

* Seiad Creek Adjudication;

5. Siskiyou County recognizes that under a 1989 State Water Resources Control Board Order #89-25, most of the adjudicated streams in Scott Valley were declared to be "fully appropriated" during the period 4/1-11/30.

6. Any significant changes to the historic distribution of the use of waters of Siskiyou County shall be coordinated with Siskiyou County;

7. Siskiyou County supports the voluntary dedication of water use rights to instream use, the re-use of tailwater to reduce temperature impacts on streams and the development of voluntary water trusts to manage flows as long as there is no negative impact to other water rights holders and their water use rights are not impaired;

8. Siskiyou County recognizes and supports the value of hydroelectric power to the county, its quality of life and economy. Any development or significant changes to hydroelectric facilities shall be coordinated with Siskiyou County;

9. Siskiyou County opposes any additional designations of Wild and Scenic Rivers in the County;

10. Any significant changes to the historic distribution of Klamath Project water shall be coordinated with Siskiyou County;

11. The regulation of riparian use and impacts shall be coordinated with Siskiyou County. The County may encourage the development of voluntary riparian management plans developed in concert with local landowners, watershed councils and other organizations and agencies;

12. All rivers in Siskiyou County with the exception of the Klamath River, are recognized as non-navigable streams, with bed and banks owned as private property by adjacent landowners. The Klamath River has been declared as "navigable," however, private property rights in mineral claims in the bed and banks are recognized;

13. Siskiyou County supports the development of water-based recreation within the County;

14. Any regional water use or water quality plan shall not negate the independent General Planning authority of the elected Board of Supervisors or its police powers to protect public health and safety;

15. The Siskiyou County Board of Supervisors may accept watershed and other voluntary management plans developed by recognized local groups as advisory documents. Those which are not accepted shall have no County recognition;

16. Siskiyou County recognizes pre-1914 water use rights

Public Land Disposition, Acquisition and Use Policies:

Recognizing that land is essential to local industry and residence, it shall be the policy of this County that the design and development of all federal and state land dispositions and acquisitions, including land adjustments and exchanges shall to be carried out to the benefit of the citizens of Siskiyou County to ensure the following.

1. Siskiyou County supports the full payment of federal and state Payments in Lieu of Taxes (PILT;)
2. The County shall suffer no net tax revenue loss as a result of a land acquisition or exchange;
3. Siskiyou County supports increased opportunities for local economic development by increasing the amount of patented and non-federal land within the County. Siskiyou County opposes in concept the acquisition of any new federal or state lands in Siskiyou County. Any Land exchanges shall result in a no net gain of federal or state lands;
4. The state shall notify the Natural Resource Advisory Committee and the Board of any proposed divestiture or potential “surplus lands” or facilities such as the Deadwood Conservation Camp;
5. Federal grazing allotments and mining claims shall not be included in lands selected for divestiture unless the split estate rights of these private property owners, ownership interests in improvements and access are protected. Those with split estate ownership interest shall be given first right of refusal for acquisition at a price that considers the value of their private interest
6. The Natural Resource Advisory Committee and the Board of Supervisors shall be advised of any anticipated road decommissioning. Roads on federal and state lands that are deemed important for fire evacuation routes; access to mineral, grazing, logging or traditional hunting areas; access for firefighting shall not be decommissioned.
7. Rights of Way over Public Land established by public use pursuant to the grant under federal R.S. 2477 shall be recognized ; ~~Rights of Way over Public Land established by public use pursuant to the grant under federal R.S. 2477 shall be recognized ;~~
8. Siskiyou County shall review and make recommendations on proposed public land withdrawals for hazardous and non-hazardous waste storage as well as the types of such waste.

Please direct all comments regarding this draft policy to
County Supervisor Marcia Armstrong at marmstrong@co.siskiyou.ca.us