

STAFF REPORT

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10/24/19

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J. Porter

AUTHORIZATION FOR A FIRE SALVAGE TIMBER SALE

PARTY:

California State Lands Commission

AREA, LAND TYPE, AND LOCATION:

240 acres, more or less, of State-owned school land located in the northwest quarter and the north half of the northeast quarter of Section 16, Township 36 North, Range 5 West, MDM, Shasta County.

BACKGROUND:

On September 5, 2018, a forest fire named the "Delta Fire" started approximately 2 miles north of Lakehead, Shasta County. Approximately 63,311 acres were burned before the fire was fully contained. The burned area included a 240-acre parcel of school land located on Little Slate Creek Road, west of the community of Lamoine. Staff is requesting authorization to prepare a "[Notice of Emergency Timber Operations](#)" and then harvest and sell the fire-damaged timber through a timber salvage sale. The Notice of Emergency Timber Operations must be prepared by a California licensed forester. Staff has contracted with a private California licensed forester to assist in this process since we do not have a forester on staff. If approved, the Notice of Emergency Timber Operations and the harvest and sale are expected to be completed in 3 to 6 months.

The Notice of Emergency Timber Operations is valid for 1 year from its acceptance by the California Department of Forestry and Fire Protection. Direct solicitation of bids for the sale of fire-damaged timber is allowed pursuant to California Code of Regulations, title 2, section 2034, subdivision (a)(1). The sale will be conducted subject to the provisions of Public Resources Code section 6211.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 4592, 6005, 6211, 6216, 6217.5, and 7306.

State's Best Interests Analysis:

The burned timber on the subject property poses an immediate threat to human health and safety because the dead trees could fall at any time

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without warning. The dead timber also presents a further danger in the form of potential fuel for a new forest fire that could endanger lives, damage private property and public resources, and cause significant degradation to the environment. Insects have begun to invest the dead timber and are causing damage to the value of the resource. If harvested in a timely manner, the revenue from the salvage sale would provide a cash asset to the State. If delayed, this resource will suffer damage from further insect infestation and degradation from time and weather, which will severely impact its market value. Replanting will also help restore the land and provide the opportunity for additional revenue in the future. Revenue from the timber sale will be provided to the California State Teachers' Retirement System, consistent with Public Resources Code section 6217.5.

Tribal Coordination:

Pursuant to its [Tribal Consultation Policy](#) (2016), the Commission commits to seek Tribal input on proposed activities, including land management decisions such as the proposed timber salvage, to determine whether those activities could have a significant impact on Tribal interests. Consistent with the Policy, staff has initiated the process to identify and engage the culturally and geographically affiliated Tribes associated with this parcel. In addition, staff is coordinating with the Department of Forestry and Fire Protection and the registered professional forester preparing the Notice on the Commission's behalf to ensure the regulations pertaining to identifying and protecting archaeological and cultural resources are adhered to.

Climate Change:

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms. The proposed timber harvest area recently experienced a forest fire that essentially removed vegetation fuels, but the area is still vulnerable to wildland fires. The project area and surrounding land may be vulnerable to these weather events; however, these projected climate change effects are not expected to affect the salvage timber harvesting activities.

Conclusion:

For the reasons stated above, staff believes preparation of the Notice of Emergency Timber Operations and conducting the fire-damaged timber harvest and sale is in the best interests of the State.

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OTHER PERTINENT INFORMATION:

1. Staff believes that the proposed activity conforms to the provisions of Public Resources Code section 4592 and California Code of Regulations, title 14, section 1052.1, Emergency Conditions. The following are conditions that constitute an emergency:
 - a. Trees that are dead or dying as a result of insects, disease, parasites, animal damage.
 - b. Trees that are fallen, damaged, dead or dying as a result of wind, snow, freezing weather, fire, flood, landslide, or earthquake.

(See also California Code of Regulations, title 14, section 895.1. Definitions. "Emergency" means those conditions that will cause waste or loss of timber resources to the Timber Owner that may be minimized by immediate harvesting of infected, infested, or damaged timber or salvaging down timber, or those conditions that will cause appreciable financial loss to the Timber Owner that may be minimized by immediate harvesting of timber.)

2. The proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction, and with Key Action 1.1.4 to identify and abate hazards and associated liability on sovereign and school lands.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 7, Actions by Regulatory Agencies for Protection of Natural Resources, timber harvesting of burned or diseased timber on school lands in accordance with the Z'berg-Nejedly Forest Practice Act (Pub. Resources Code, § 4511 et seq.); California Code of Regulations, title 2, section 2905, subdivision (f)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 7, Actions by Regulatory Agencies for Protection of Natural Resources; California Code of Regulations, title 2, section 2905, subdivision (f)(2).

STATE'S BEST INTERESTS:

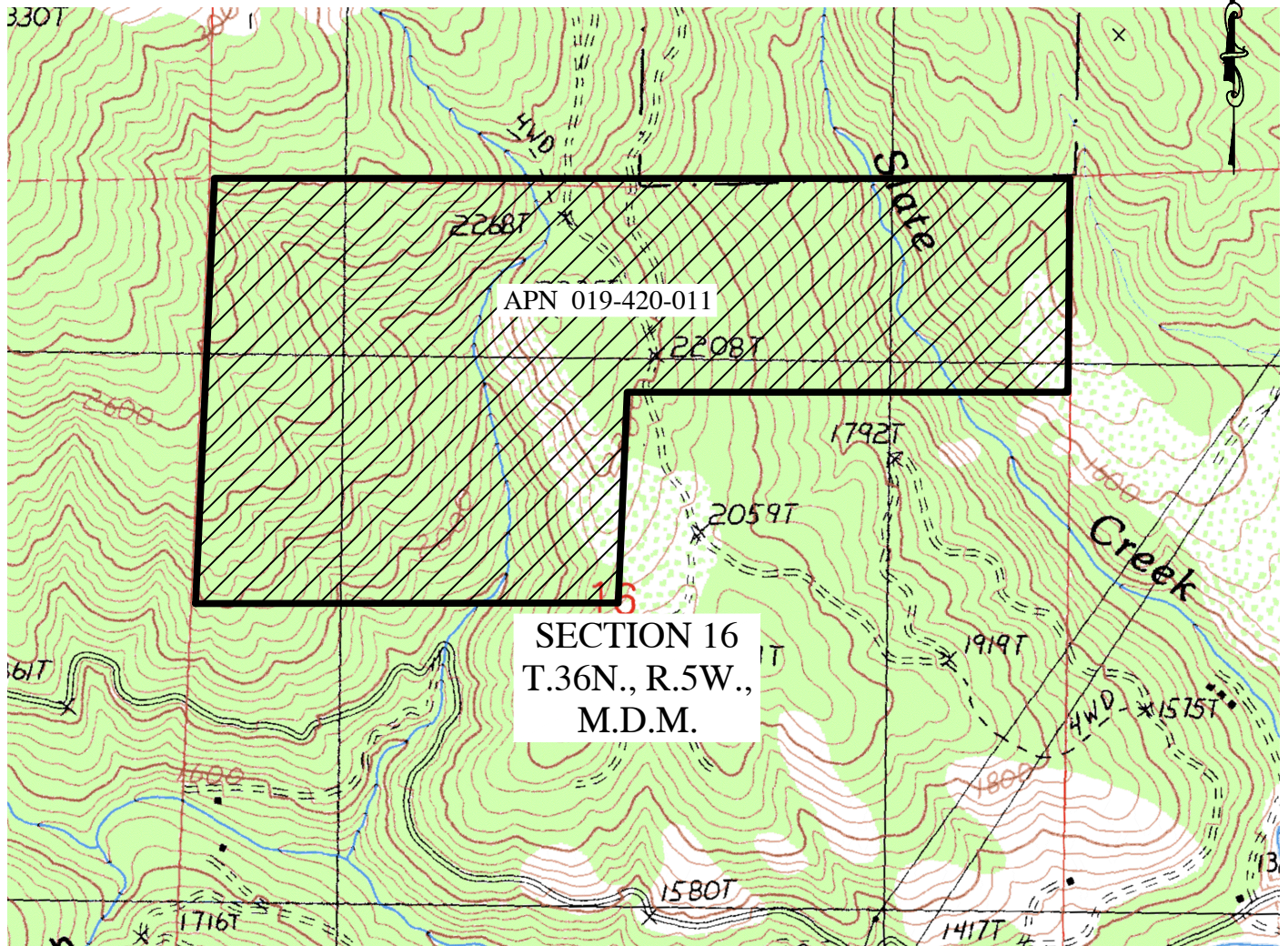
Find that the preparation of a Notice of Emergency Timber Operations and the harvest and sale of fire-damaged timber is in the best interests of the State.

AUTHORIZATION:

Authorize staff to arrange to prepare a Notice of Emergency Timber Operations, harvest and sell fire-damaged timber, and enter into a contract to replant timber seedlings, located on 240 acres, more or less, of State-owned school land located in the northwest quarter and the north half of the northeast quarter of Section 16, Township 36 North, Range 5 West, MDM, Shasta County, as shown in Exhibit A (for reference purposes only), attached and by this reference made a part hereof, by direct solicitation of bids contingent upon a Notice of Emergency Timber Operations approved by the California Department of Forestry and Fire Protection.

NO SCALE

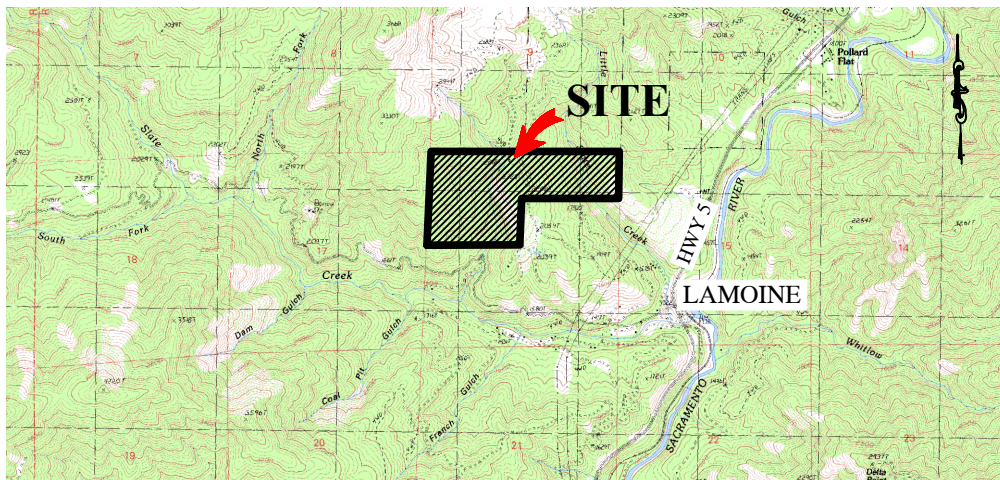
SITE



PORTION OF SECTION 16, T.36N., R.5W., M.D.M.

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the subject property premises, is based on unverified information provided by other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

I 1357

DELTA FIRE TIMBER
SALVAGE SALE
APN 019-420-011
SHASTA COUNTY



TS 09/16/19