

4.2. AGRICULTURE AND FORESTRY RESOURCES

4.2.1 INTRODUCTION

The purpose of the Agriculture and Forestry Resources chapter of the EIR is to examine any existing forestry and timber resources within the boundaries of the Centennial and Brunswick Industrial Sites. In addition, the following analysis provides an evaluation of the loss of timberland locally and regionally relative to applicable policies and regulations. This chapter also includes a discussion regarding impacts related to agricultural resources, as applicable. Documents referenced to prepare this chapter include, but are not limited to, the Nevada County General Plan,¹ the Nevada County General Plan EIR,² the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey,³ and the Nevada County Important Farmland Map 2016.⁴

4.2.2 EXISTING ENVIRONMENTAL SETTING

The following setting information provides an overview of the soil productivity classification systems and the extent and quality of any agricultural and forest resources present on the project sites. As discussed in Section 1.3, "Approach To Centennial Industrial Site Baseline," of this EIR, for the purposes of this agricultural and forestry analysis, the environmental baseline for the Centennial Industrial Site has been adjusted to be consistent with anticipated site conditions at the completion of the separate Centennial Industrial Site Clean-up Project.

Description of Regional Environment

According to the Nevada County General Plan, the soils and climate throughout Nevada County are ideal to sustain many agricultural endeavors. Agriculture in Nevada County is a mosaic of farm land intermingled with other uses in the rural setting which typifies the County. The beginning of major agriculture pursuits began concurrently with the discovery of gold in California. With the sudden influx of miners came a sudden influx of demand for food. One commodity, often not thought of as agriculture, that was harvested extensively in this period was timber. During the initial phase of placer mining, the demand was mainly for construction lumber.

Project Site Characteristics

The overall project site is located in the western region of Nevada County, in the western foothills of the Sierra Nevada.

With completion of the Centennial Industrial Site Clean-Up Project, approximately half of the Centennial Industrial Site will consist of graded and revegetated areas with other areas of the site retaining forested land and other natural habitats that would not be altered by the Clean-Up Project.

¹ Nevada County. *Nevada County General Plan*. Updated 2014.

² Nevada County. *Nevada County General Plan, Final Environmental Impact Report*. March 1995.

³ United States Department of Agriculture, National Resources Conservation Service. *Web Soil Survey*. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed August 2020.

⁴ California Department of Conservation. *Farmland Mapping & Monitoring Program*. Available at: <https://www.conservation.ca.gov/dlrp/fmmp>. Accessed August 2020.



Currently, the Brunswick Industrial Site contains a combination of natural habitats and disturbed portions, primarily due to previous mining and lumber mill operations. Areas not subject to past disturbance within the Brunswick Industrial Site are dominated by native habitat, some of which includes forested land.

Existing On-Site Farmland Classifications

According to the Farmland Mapping & Monitoring Program (FMMP), both the Centennial Industrial Site and the Brunswick Industrial Site are primarily mapped as Other Land, with the exception of small portions of Urban and Built-Up Land. (see Figure 4.2-1).⁵ Other Land is defined as:

Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.⁶

Local Soils

The USDA NRCS uses two systems to determine a soil's agricultural productivity: the Land Capability Classification System and the Storie Index Rating System.

Land Capability Classification System

The Land Capability Classification System takes into consideration soil limitations, the risk of damage when soils are used, and the way in which soils respond to treatment. Capability classes range from Class I soils, which have few limitations for agriculture, to Class VIII soils, which are unsuitable for agriculture. Generally, as the rating of the capability classification system increases, yields and profits are more difficult to obtain. A general description of soil classification, as defined by the NRCS, is provided in Table 4.2-1.

Storie Index Rating System

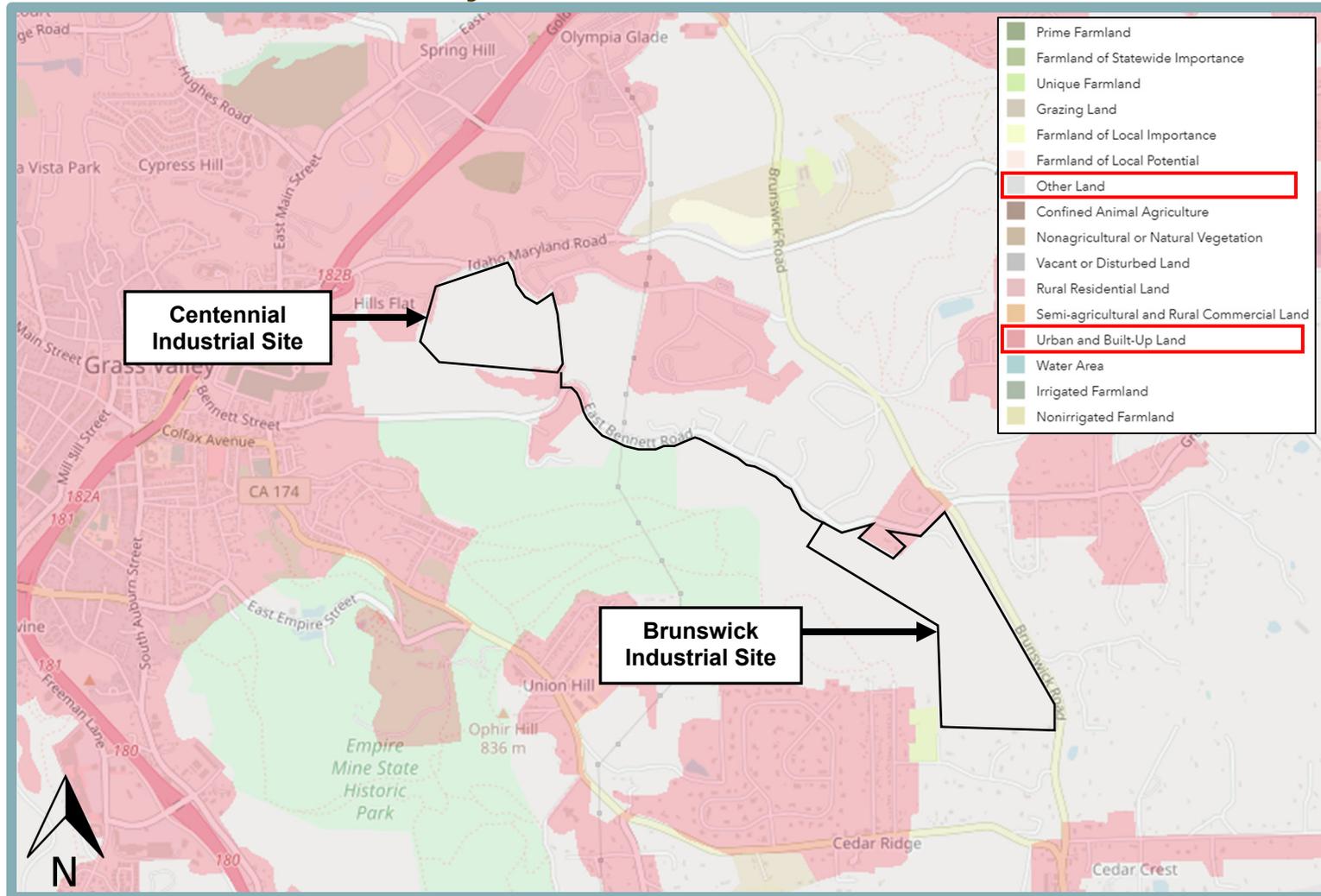
The Storie Index Rating system ranks soil characteristics according to suitability for agriculture from Grade 1 soils (80 to 100 rating), which have few or no limitations for agricultural production, to Grade 6 soils (less than 10 rating), which are not suitable for agriculture. Under the Storie Index Rating system, soils deemed less than prime can function as prime soils when limitations such as poor drainage, slopes, or soil nutrient deficiencies are partially or entirely removed. Unlike the Land Capability Classification outlined above, the Storie Index Rating System does not distinguish between irrigated and non-irrigated soils. The six grades, ranges in index rating, and definition of the grades, as defined by the NRCS, are provided in Table 4.2-2.

⁵ California Department of Conservation. *Farmland Mapping & Monitoring Program*. Available at: <https://www.conservation.ca.gov/dlrp/fmmp>. Accessed August 2020.

⁶ California Department of Conservation. *Important Farmland Categories*. Available at: <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>. Accessed February 2021.



**Figure 4.2-1
 Project Site FMMP Classifications**



Note: Site boundaries are approximate.

Source: Department of Conservation, Farmland Mapping and Monitoring Program, 2020.



Table 4.2-1 Land Capability Classification System	
Class	Definition
I	Soils have slight limitations that restrict their use.
II	Soils have moderate limitations that restrict the choice of plants or that require moderate conservation practices.
III	Soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both.
IV	Soils have very severe limitations that restrict the choice of plants or that require very careful management, or both.
V	Soils are not likely to erode but have other limitations; impractical to remove that limit their use largely to pasture or range, woodland, or wildlife habitat.
VI	Soils have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife habitat.
VII	Soils have very severe limitations that make them unsuited to cultivation and that restrict their use largely to pasture or range, woodland, or wildlife habitat.
VIII	Soils and landforms have limitations that preclude their use for commercial plants and restrict their use to recreation, wildlife habitat, or water supply or to aesthetic purposes.
Source: USDA, Natural Resources Conservation Service. Available at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_029470.pdf. Accessed August 2020.	

Table 4.2-2 Storie Index Rating System		
Grade	Index Rating	Definition
1 – Excellent	81 through 100	Few limitations that restrict their use for crops
2 – Good	61 through 80	Suitable for most crops, but have minor limitations that narrow the choice of crops and have a few special management needs
3 – Fair	41 through 60	Suited to a few crops, or special crops, and require special management
4 – Poor	21 through 40	If used for crops, severely limited and require special management
5 – Very Poor	11 through 20	Not suited for cultivated crops, but can be used for pasture/range
6 – Non-Agriculture	Less and 10	Soil and land types generally not suited to farming
Source: USDA, Web Soil Survey, 2019.		

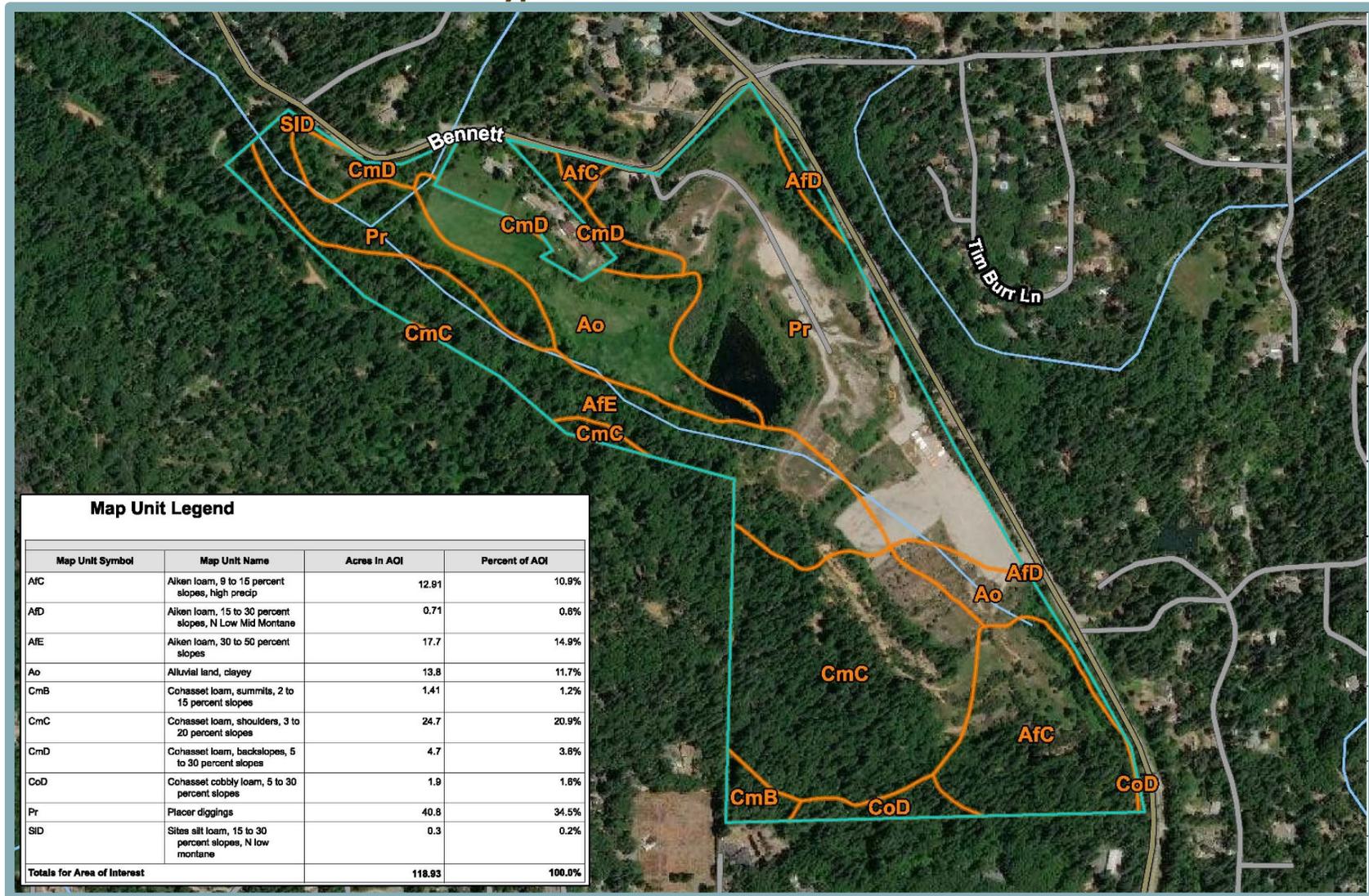
Figure 4.2-2 and Figure 4.2-3 present the soil types and Storie Index of each site. Table 4.2-3 and Table 4.2-4 summarize the existing soil types found within the Centennial Industrial Site and Brunswick Industrial Site, along with the Land Capability Classification and Storie Index Rating for each soil type. As shown in the tables, soils within the sites have Land Capability Classifications of Class II through Class IV, as well as Class VI and Class VII. The Storie Index Ratings of the soils on the project sites range from Grade 1 – Excellent to Grade 5 – Very Poor. Grade 1 soils are considered to be excellent or well-suited to general intensive agriculture. Grade 5 soils are not particularly suited for agricultural activities.



**Figure 4.2-2
 Soil Types: Centennial Industrial Site**



**Figure 4.2-3
 Soil Types: Brunswick Industrial Site**



**Table 4.2-3
Agricultural Ratings of Centennial Industrial Site Soils**

Soil Type	Map Unit Symbol	Land Capability Classification	Storie Index Grade	Percentage of Site (%)
Cut and fill land (not applicable for Storie Index)	Ct	N/A	N/A	2.2
Placer diggings (not applicable for Storie Index)	Pr	N/A	N/A	76.4
Rock outcrop-Dubakella complex, 5 to 50 percent slopes	RrE	VII	Grade 5 – Very Poor	3.1
Secca-Rock outcrop complex, 2 to 50 percent slopes	ScE	VI	Grade 4 – Poor	18.4

Source: USDA, Web Soil Survey, 2020.

**Table 4.2-4
Agricultural Ratings of Brunswick Industrial Site Soils**

Soil Type	Map Unit Symbol	Land Capability Classification	Storie Index Grade	Percentage of Site (%)
Aiken loam, 9 to 15 percent slopes	AfC	III	Grade 1 – Excellent	10.9
Aiken loam, 15 to 30 percent slopes	AfD	IV	Grade 2 – Good	0.8
Aiken Loam, 30 to 50 percent slopes	AfE	VI	Grade 3 – Fair	14.9
Alluvial land (not applicable for Storie Index)	Ao	III	N/A	11.7
Cohasset loam, 2 to 15 percent slopes	CmB	II	Grade 1 – Excellent	1.2
Cohasset loam, 3 to 20 percent slopes	CmC	III	Grade 1 – Excellent	20.9
Cohasset loam, 5 to 30 percent slopes	CmD	IV	Grade 2 – Good	3.6
Cohasset cobbly loam, 5 to 30 percent slopes	CoD	IV	Grade 2 – Good	1.6
Placer diggings (not applicable for Storie Index)	Pr	N/A	N/A	34.5
Sites silt loam, 15 to 30 percent slopes	SID	IV	Grade 2 – Good	0.2

Source: USDA, Web Soil Survey, 2020.

Centennial Industrial Site

According to the Web Soil Survey (USDA NRCS), the Centennial Industrial Site location is mapped predominantly as Placer Diggings, which is described by the soil survey as “hydraulically-mined areas, placer-mined areas along stream channels, and areas of natural deposits along the stream channels.”⁷ (see Figure 4.2-2). The soil survey does not rate the Placer Diggings soil class

⁷ NV5. Idaho-Maryland Mine Project – Centennial Industrial Site: Management Plan for Steep Slopes and High Erosion Potential. December 21, 2020.



for erosion hazard potential. The locations mapped as Placer Diggings are actually comprised of hardrock mine tailings resulting from historical hardrock mining activities. The Site is historically associated with the Idaho Maryland Mine, a former underground hardrock (lode) gold mining operation. Mining and milling structures associated with the former mine were generally located to the east of the Site, and the Site was used primarily for disposal of mine waste (tailings and waste rock) to land.

The majority of the Placer Diggings soils would be disturbed during remediation activities at the Centennial Industrial Site under DTSC oversight pursuant to the Remedial Action Plan (RAP); some portions of the Placer Diggings soil areas would be moved to the encapsulated mine waste area along the Site's eastern boundary, and other portions would be used as borrow areas for the regrading of remediated areas.

Soil conditions near the southern Site boundary are mapped as Secca-Rock outcrop complex, which is described as moderately well-drained soil underlain by metabasic or basic rock. According to the soil survey, weathered rock is typically encountered at a depth of approximately four feet below the ground surface (bgs) in areas mapped as Secca-Rock outcrop complex, and rock outcrop typically comprises 10 to 40 percent of the mapped area.

As demonstrated in Table 4.2-3, the Centennial Industrial Site does not contain any soils with a Storie Index Rating of "Excellent" or "Good", and the Land Capability Classification rating indicating that the soils have severe limitations that make them generally unsuited to cultivation.

Brunswick Industrial Site

According to the Web Soil Survey (USDA NRCS), the soil survey maps four soil types at the Site location as described below and shown in Figure 4.2-3.⁸

1. The central-southwest and southeast portions of the Site and small isolated areas along Brunswick Road are mapped as Aiken loam. The soil survey describes the Aiken Loam as a well-drained soil that forms on the sides of andesitic flows. According to the survey, permeability of the Aiken Loam soil type is moderately slow, and weathered andesite is commonly encountered at about 64 inches bgs.
2. The northern and southwest portions of the Site are mapped as Cohasset loam. The Cohasset series is described as well-drained soil that forms on the sides of andesitic flows. According to the survey, permeability of the Aiken Loam soil type is moderately slow, and weathered andesite is commonly encountered at about 96 inches bgs.
3. Most of the central portion of the Site is mapped as Placer Diggings, which is described by the soil survey as "hydraulically-mined areas, placer-mined areas along stream channels, and areas of natural deposits along the stream channels." The portions of the Site location incorrectly mapped as Placer Diggings by the soil survey are actually the result of historical hardrock mining and lumber milling activities.
4. The central-northwest and central-southeast portions of the Site are mapped as clayey alluvial land, which is described by the soil survey as a miscellaneous land type consisting

⁸ NV5. *Idaho-Maryland Mine Project – Brunswick Industrial Site: Management Plan for Steep Slopes and High Erosion Potential*. December 21, 2020.



of narrow areas of alluvial deposits. These soils are moderately well drained to poorly drained and permeability is moderately slow to very slow.

As shown in Table 4.2-4, approximately 39 percent of the Brunswick Industrial Site soils have a Storie Index Rating of “Excellent” or “Good”, with a Land Capability Classification rating indicating that soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both. The remainder of the Brunswick Industrial Site has poorer rated soils.

Williamson Act Contracts

According to Nevada County’s most recent map of *Parcels Affected by Williamson Act*, the Centennial and Brunswick Industrial Sites are not under a Williamson Act contract.⁹

Forest Resources

Public Resources Code (PRC) Section 12220(g) defines “forest land” as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. According to PRC Section 4526, “timberland” is defined as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

California’s forestland comprises 32 million acres, almost a third of the state.¹⁰ Forestland includes 16.6 million acres of timberland, defined by the Forest Service as capable of producing over 20 cubic feet/acre/year of wood with commercial value and not withdrawn from timber utilization by statute or administrative regulation.

The project sites are not zoned for forest land or timberland uses. Rather, the Brunswick Industrial Site is zoned Light Industrial, Site Performance Combining District (M1-SP) and the Centennial Industrial Site is zoned Light Industrial (M1). However, as noted previously, both sites include portions of forested land (as defined in PRC Section 12220[g]) or timberland (as defined by PRC Section 4526).¹¹ As discussed in more detail in Chapter 4.4, Biological Resources, of this Draft EIR, the Brunswick Industrial Site includes approximately 58 acres of forest land or timberland and the Centennial Industrial Site (post-remediation baseline) will include up to 10 acres of forest land.

4.2.3 REGULATORY CONTEXT

Federal laws or regulations pertaining to agricultural and forest resources are not applicable for this analysis. However, the existing State and local laws and regulations are listed below, as applicable.

State Regulations

The following are applicable State regulations related to agricultural and forestry resources.

⁹ Nevada County. *Williamson Act Parcels, Nevada County 2017*. August 22, 2018.

¹⁰ California Department of Forestry and Fire Protection, Fire and Resource Assessment Program. *California’s Forests and Rangelands, 2017 Assessment*. August 2018.

¹¹ California Department of Forestry and Fire Protection. *Idaho Maryland Mine, Rise Grass Valley, File # PLN19-0176 et al.* January 16, 2020.



California Department of Forestry and Fire Protection (CAL FIRE)

The following regulations are enforced by CAL FIRE and are applicable to the proposed project.

State Board of Forestry

The Board of Forestry and Fire Protection is a government-appointed body within CAL FIRE. The Board is responsible for developing the general forest policy of the state, for determining the guidance policies of CAL FIRE and for representing the state's interest in federal forestland in California. Together, the Board and CAL FIRE work to carry out the California Legislature's mandate to protect and enhance the state's unique forest and wildland resources.

The Board is charged with protecting the forest resources of all the wildland areas of California that are not under federal jurisdiction. The forest resources include; major commercial and non-commercial stands of timber, areas reserved for parks and recreation, the woodland, brush-range watersheds, and all such lands in private and state ownership that contribute to California's forest resource wealth. The Board has delegated the authority to approve or deny Timber Conversion Permit requests to CAL FIRE. All Timber Conversion permitting is handled by CAL FIRE under the Forest Practice Rules; however, in the event of a Timber Conversion Permit denial the decision could be appealed to the Board.

Regulations

Under various statutes, the Board is authorized to adopt regulations to implement specified programs. To become effective, the Office of Administrative Law must approve these regulations. They must meet tests of necessity, authority, clarity, consistency, reference, and non-duplication as spelled out in Section 11349.1 of the Government Code. Once adopted, Board regulations are placed in Title 14 of the California Code of Regulations (CCR). The Department then implements these regulations.

Currently, the Board has regulations in the following areas: forest practices (14 CCR 895.1-1111.8), hazardous fire areas and conditions (14 CCR 1200 et seq.), fire protection (14 CCR 1220 et seq.), state forest use and sales (14 CCR 1400 et seq.), forest improvement (14 CCR 1525 et seq.), urban forestry (14 CCR 1550 et seq.), chaparral management (14 CCR 1560 et seq.), Professional Forester Registration (14 CCR 1601 et seq.), and policy for administration of the Department (14 CCR 1655).

Timber Harvest Productivity Act – Division 4, Chapter 8, PRC

In 1982, the State Legislature adopted the California Timberland Productivity Act (TPA). The TPA was intended to protect timberland and ensure that properly conducted timber operations would not be prohibited based on conflicts with surrounding land uses. To accomplish this goal, the TPA directed counties to designate and zone lands for the primary use of timber production.

Forest Practice Rules – Title 14, CCR, Chapter 4

The purpose of the Forest Practice Rules (FPR) is to implement the provisions of the Z'berg-Nejedly Forest Practice Act (FPA) of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, 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 PRC, and Sections 51101, 51102 and 51115.1 of the Government Code.

CAL FIRE enforces the Forest Practice Rules, which regulate logging on privately-owned lands in California. In 1973, the State Legislature adopted the FPA regulating the conduct of timber operations. In passing the FPA, the legislature authorized the State Board of Forestry and CAL FIRE to adopt and implement FPRs. The FPRs were established to ensure that logging is done in a manner that will preserve and protect fish, wildlife, forests and streams. Additional rules enacted by the State Board of Forestry and Fire Protection are also enforced to protect these resources.

CAL FIRE ensures that private landowners abide by the FPR when harvesting trees. Although there are specific exemptions in some cases, compliance with the FPA and Board rules apply to all commercial harvesting operations. The following are pertinent sections of the FPR:

Article 7 Conversion of Timberland

1100 Definitions:

(g) "Timberland Conversion":

- (1) Within non-Timberland Production Zone (TPZ) timberland, transforming timberland to a nontimber growing use through timber operations where:
 - (A) Future timber harvests will be prevented or infeasible because of land occupancy and activities thereon; or
 - (B) Stocking requirements of the applicable district forest practice rules will not be met within five years after completion of timber operations; or
 - (C) There is a clear intent to divide timberland into ownerships of less than three acres (1.214 ha.).

(m) "Timberland." timberland as defined in PRC 4526, for land outside a TPZ [...].

4526. Timberland

"Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.

1103 Conversion of Timberland

Any person, firm, corporation, company, partnership or government agency owning timberland for which the timberland owner proposes conversion [...] shall apply to the Director on a form prescribed by him for issuance of a Timberland Conversion Permit (TCP).

1105.2 Director's Determination

The Director shall determine the applicant's bona fide intention to convert in light of the present and predicted economic ability of the applicant to carry out the proposed conversion; the environmental feasibility of the conversion, including, but not limited to,



suitability of soils, slope, aspect, quality and quantity of water, and micro-climate, adequacy and feasibility of possible measures for mitigation of significant adverse environmental impacts; and other foreseeable factors necessary for successful conversion to the proposed land use.

1105.3 Conversion Plan

A conversion plan in a form prescribed by the Director shall become a part of the application. The plan conversion shall set forth in detail information pertaining to present and future use, soils, topography, conversion techniques, conversion time schedule and such other information as may be required and is applicable to the particular future use to which the land will be devoted.

1106 Conversion Permit Issuance

- (a) The Director shall issue a conversion permit if:
- (1) In his judgment the bona fide intent of the applicant to convert is established;
 - (2) He makes the written findings pursuant to PRC 4621.2, when applicable;
 - (3) He makes the written findings pursuant to PRC 21081, if an environmental impact report has been prepared;
 - (4) He finds that necessary and feasible mitigation measures have been incorporated into the proposed conversion; and
- (b) The Board upon appeal shall apply the same standards as the Director in subsection (a) above in determining whether to issue a conversion permit.

1106.2 Timber Harvesting Plan Processing

Prior to the start of Timber Operations, the applicant shall submit to the Director a Timber Harvesting Plan applicable to timber operations set forth in the conversion Plan. The THP may be submitted concurrently with the Timberland Conversion Permit application but the Director may not approve the THP until the Timberland Conversion Permit is issued.

1106.4 Conversion Permit Denial

- (a) The Director shall deny a conversion permit:
- (1) For any of the reasons set forth in PRC 4624;
 - (2) If, in the Director's judgment, the applicant has failed to provide satisfactory proof of his bona fide intent to convert;
 - (3) If the Director cannot make the findings required by PRC 21801, if an environmental impact report has been prepared;
 - (4) If the Director finds that necessary and feasible mitigation measures have not been incorporated into the proposed conversion; or
 - (5) For lands within a TPZ, if PRC 4621.2 applies and the Director finds that other proximate and suitable land not within a TPZ is available for the proposed alternative use.
- (b) The Board upon appeal shall deny a conversion permit for any of the reasons specified in subsection (a) above.

1106.5 Denial, Suspension, Revocation

- (a) Except as provided in subsection (b), the Director may deny, suspend or revoke a conversion permit in accordance with the requirements of Article 9 (commencing with Sec. 4621) of Chapter 8, Part 2, Division 4 of the PRC, provided that all proceedings



- in connection with such action shall be conducted in accordance with the provisions of Chapter 5 (commencing with Sec. 11500) of Part 1, Division 3, Title 2 of the Gov. C.
- (b) The Director may deny a conversion permit pursuant to PRC 4621.2(d) provided that all proceedings in connection with such action shall be conducted in accordance with the provisions of subsection (a) above, except that the applicant must request a hearing before the Board within 15 days of service of the denial. The hearing shall be commenced within 60 days from the filing of the appeal unless a later hearing date is mutually agreed upon by the applicant and the Board.

Policies

Where the Board of Forestry and Fire Protection gives direction to itself or the Department, it may choose to enact policy statements. The Department can also enact informational policies on important issues, such as forest taxation and timber supply. Policies do not have the effect of regulations and hence are not found in the administrative code.

General Policies

The Board of Forestry has established General Board Policies to guide the formulation of policy for California forests. These general goals can be succinctly stated as follows:

- A. Resource Protection – The State must maintain and improve protection of forests and related resources from damage from wildfire and natural enemies, and to resist more effectively the pressures for unwise diversion of forests to nonforest use.
- B. Resource Enhancement – The State must strengthen the incentives which encourage investment in needed enhancements of forest resource productivity.
- C. Research and Information – The State must enlarge and sustain forestry research and information programs, focused on high priority needs, so that a factual basis for resource policy and management decision making can be provided for.
- D. Public Understanding – The State must provide members of the several key audiences that ultimately influence forest use and management with sufficient information about the forest resources problems. This will ensure that they act in the light of accurate broadly based information.

To accomplish these goals, the Board recognizes the need for detailed policies with respect to maintenance of timberland availability, development of optimum management and utilization practices, provision of adequate growing stock, and encouragement of adequately balanced timber size classes and adequate diversity of quality characteristics. Such policies will clearly recognize the Board's differing responsibilities with respect to State forests, the State's interest in Federal land matters pertaining to forestry, and the State's interest in forest resources on private lands, and shall reflect the State's concern that major consideration be given to preventing environmental damage.

The Board recognizes that land-use decisions affecting timber production should be taken in light both of this policy and of review of the public's need for non-timber values derived from forests and forest land, particularly as those needs are recognized by responsible public bodies.



Maintenance of Timber Supply

The following policy information is found within the General Board Policies, under “Maintenance of Timber Supply.”

DEFINITIONS 0334.2 The term “timberland” has historically been defined in a number of ways for the purposes of state policy, regulation, and education. For the purposes of this policy statement, the Board includes two definitions that originate in California’s forest practice regulation and land zoning statutes: the Z’Berg-Nejedly FPA and the TPA. The definition of timberland pursuant to the Z’Berg-Nejedly FPA was presented above, under the FPR – Title 14, CCR, Chapter 4 discussion.

The TPA, Government Code Section 51100, *et seq* established a new zoning designation intended to encourage the growing and harvesting of timber, and compatible uses on California’s private and State-owned lands. Section 51104 of the TPA defines “timberland” as, “...privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet [180 board feet] per acre.” The term “compatible use” is defined in Section 51104(h) of the Act as, “...any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.” The definition goes on to specify compatible uses including, but not limited to management for watershed; management for fish and wildlife habitat or hunting and fishing; a use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas; erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities; grazing; and construction of a residence or other structure necessary for the management of land zoned as timberland production.

LAND AVAILABILITY 0334.3 In order to maintain timber growing land in California as a permanent source of current and future timber supply, the Board has found that it is in the public interest:

- A. To oppose conversion to uses which preclude timber growing and harvesting on such privately owned timberland and other lands which have been classified as TPZ under provisions of the Z'berg-Warren-Keene- Collier Forest Taxation Reform Act of 1976, except where the public values to be achieved by such conversion exceed the public values derivable from timber growing. This policy applies both to conversion proposed by the owner of the land and to proposals for public acquisition of such land that do not include a managed timberland component;
- B. To manage all timberland on State forests to investigate and demonstrate management for optimum long-run timber production. Where such forest lands contain or adjoin areas of high recreation value in State or other ownership, timber growing and harvesting practices may be modified in order to minimize conflicts between other land uses and to demonstrate the costs and effectiveness of such practices;
- C. To support land management plans on federal public lands that are environmentally responsible and support economically sustainable rural communities and infrastructure;



- D. To recognize that conservation easements pursuant to Civil Code 815.1 can be useful planning instruments compatible with the public values associated with timberland and TPZ designations. Such public values include, but are not limited to preservation of watershed integrity, and floral and faunal habitat.

California Land Conservation Act of 1965 (Williamson Act)

The California Land Conservation Act, better known as the Williamson Act, has been the State's premier agricultural land protection program since the act's enactment in 1965. The California legislature passed the Williamson Act in 1965 to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Williamson Act creates an arrangement whereby private landowners contract with counties and cities to voluntarily restrict land to agricultural and open space uses. The vehicle for these agreements is a rolling term 10-year contract (i.e., unless either party files a "notice of non-renewal," the contract is automatically renewed annually for an additional year). In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value. The project site is not under a Williamson Act contract.

Local Regulations

The following are the local regulations and standards relevant to the CEQA review process with respect to agricultural and forest resources.

Nevada County General Plan

The Agriculture Element of the General Plan does not include any policies that are relevant to the proposed project. The following goals and policies from the Forest Element of the Nevada County General Plan are applicable to the proposed project.

Forest Element

Goal 15.1 Identify and maintain timber lands and resources.

Policy 15.4 The Forest and Open Space land use designations are the major timber producing land use designations; however, other land uses also provide opportunities for timber management and production.

Policy 15.5 Encourage and provide for use of the Timberland Production Zone (TPZ) provisions of the County zoning regulations in the Estate, Rural and Forest land use designations, for those lands which have significant commercial timber value.

Land Use Element

The Nevada County General Plan has established the Forest (FOR) land use designation, which is intended to provide for production and management (including timber harvesting and related operations) of timber resources, and compatible recreational and low-density residential uses. Within the FOR designation, the minimum parcel size should be 40+ acres, in order to provide for preservation of the timber resource and protection of resource management needs and opportunities.

Nevada County Land Use and Development Code

The Nevada County Land Use and Development Code (LUDC) includes a Timberland Preserve (TPZ) zoning district. The TPZ District provides for prudent and responsible forest resource



management and the continued use of timberlands for the production of timber products and compatible uses. The TPZ District is intended to be a district where the land is devoted to the growing and harvesting of timber and for such compatible uses that do not significantly detract from the use of the land for the growing and harvesting of timber.

In addition, Nevada County has established a Forest (FR) zoning district. The FR District provides areas for the protection, production and management of timber, timber support uses, including but not limited to equipment storage and temporary offices, low intensity recreational uses, and open space.

The Nevada County LUDC includes Division 4.3, Resource Standards, of Chapter II, Zoning Regulations. The primary purpose of site development resource standards is to avoid the impact of development projects on sensitive environmental resources and natural site constraints. Pursuant to the Nevada County LUDC, such standards shall ensure protection of the County's unique character, environmentally sensitive resources, and important agricultural, mineral, and timber resources. With regard to important timber resources, Section L-II 4.3.14 reads as follows:

- A. **Purpose.** To protect important timber resources, and to ensure that development does not adversely impact timber resource management.
- B. **Definitions**—Important Timber Resources. Parcels that are 40 acres or larger, and mapped within the Forest designation, that have ideal soil characteristics for timber production, identified as those soils having a high site class or index by the Soil Surveys of Nevada County, prepared by the Soil Conservation Service and the Tahoe National Forest.
- C. **Standards.**
 1. Projects shall be approved only when they are not within the defined area, unless a Management Plan is prepared consistent with paragraph 2 below.
 2. If the above standard effectively precludes development of the project, or adversely affects another environmentally-sensitive resource, a Management Plan shall be prepared by a registered forester, a certified arborist, or a qualified botanist or biologist, that avoids or minimizes impacts to the defined area. If the entire site is within or adjacent to such an area, the plan shall provide for the development of the project on that portion of the site determined to have the least impact on the long-term management of the timber resource

4.2.4 IMPACTS AND MITIGATION MEASURES

The following section describes the standards of significance and methodology used to analyze and determine the proposed project's potential impacts related to agricultural and forest resources. A discussion of the project's impacts, as well as mitigation measures where necessary, is also presented.

Standards of Significance

Consistent with Appendix G of the CEQA Guidelines, a significant impact would occur if the proposed project would result in any of the following:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract;



- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g));
- Result in the loss of forest land or conversion of forest land to non-forest use; and
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

Method of Analysis

Evaluation of potential impacts of the proposed project on agricultural and forest resources was based on the proposed project's potential changes to or loss of existing local agricultural and forest/timber resources in comparison to the standards of significance listed above. For the purposes of determining impact significance associated with the loss of forest/timber resources, a significant impact would occur if the loss of forest/timber land area due to the project would be substantial in consideration of the amount of forest/timber land area statewide in California.

Soil data from the USDA NRCS was used to characterize the amount of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance within the project site boundaries.

Project-Specific Impacts and Mitigation Measures

The following discussion of impacts related to agriculture and forest resources is based on implementation of the proposed project in comparison to the baseline conditions and the standards of significance presented above.

4.2-1 Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. Based on the analysis below, *no impact* would occur.

PRC Section 21060.1 defines "Agricultural land" as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. As noted previously, according to the FMMP, the Brunswick Industrial Site is mapped as both Urban Built-Up Land and Other Land. The Centennial Industrial Site is primarily mapped as Other Land, with the exception of a small portion of the western boundary of the site, which is mapped as Urban Built-Up Land (see Figure 4.2-1).¹² Thus, implementation of the project would not occur on any land designated as Farmland and would not convert Farmland to non-agricultural use.

Based on the above, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps

¹² California Department of Conservation. *Farmland Mapping & Monitoring Program*. Available at: <https://www.conservation.ca.gov/dlrp/fmmp>. Accessed August 2020.



prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use, or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. Thus, **no impact** would occur.

Mitigation Measure(s)

None required.

4.2-2 Conflict with existing zoning for agricultural use, or a Williamson Act contract. Based on the analysis below, no impact would occur.

As noted previously, according to Nevada County's *Parcels Affected by Williamson Act*, the project sites are not under a Williamson Act contract.¹³ The nearest Williamson Act parcel is located over five miles southwest of the project site, on the west side of State Route 49.

In addition, the overall project site is not zoned for agricultural use. The Brunswick Industrial Site is currently zoned as M1-SP. The proposed project includes a request to rezone the Brunswick Industrial Site from M1-SP to Light Industrial with Mineral Extraction Combining District (M1-ME). The Centennial Industrial Site is currently zoned as M1. As such, the County has previously anticipated development of the site with non-agricultural uses. Furthermore, the project site is not currently used for agricultural purposes.

Based on the above, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and **no impact** would occur.

Mitigation Measure(s)

None required.

4.2-3 Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)), or result in the loss of forest land or conversion of forest land to non-forest use. Based on the analysis below, the impact is less than significant.

As noted above, the Brunswick Industrial Site and the Centennial Industrial Site both include timberland.¹⁴ While the Centennial and Brunswick Industrial Sites contain timberland, the Sites are not zoned TPZ, and as such, are not specifically "...devoted to the growing and harvesting of timber and for such compatible uses that do not

¹³ Nevada County. *Williamson Act Parcels*, Nevada County 2017. August 22, 2018.

¹⁴ California Department of Forestry and Fire Protection. *Idaho Maryland Mine, Rise Grass Valley, File # PLN19-0176 et al.* January 16, 2020.



significantly detract from the use of the land for the growing and harvesting of timber.”¹⁵ It is only on TPZ lands where the Board of Forestry opposes conversion to uses which preclude timber growing and harvesting. Policy 15.5 of the Forestry Resources Chapter of the General Plan states the following:

Encourage and provide for use of the Timberland Production Zone (TPZ) provisions of the County zoning regulations in the Estate, Rural and Forest land use designations, for those lands which have significant commercial timber value.

Nevada County has zoned approximately 92,360 acres of timberlands under the TPZ zoning designation. In addition to TPZ-zoned lands, Nevada County contains approximately 241,800 acres of land zoned Forest. According to Section L-II 2.3(B)(3), the purpose of the Forest zoning district is to provide “...areas for the protection, production and management of timber...” and timber support uses. No portion of the Centennial and Brunswick Industrial Sites is zoned Forest.

In addition to zoning certain lands for the production and management of timber, the Nevada County LUDC defines “Important Timber Resources”. These are parcels that are 40 acres or larger, and mapped within the Forest designation. As the Forest designation is not applied to any portion of the Centennial or Brunswick Industrial Sites, the Sites are not considered Important Timber Resources pursuant to the Nevada County LUDC. As noted in the Land Use Element of the Nevada County General Plan, approximately 55 percent of Nevada County’s area, or approximately 346,240 acres, is designated as Forest.¹⁶

While not designated for timberland growth and production, the proposed project would nevertheless result in the loss of up to approximately 6.5 acres of the approximately 10 acres of forest/timberland on the Centennial Industrial Site under baseline conditions and the project would result in the loss of approximately 18.5 acres of the approximately 58 acres of forest/timberland on the Brunswick Industrial Site. Overall, implementation of the proposed project would result in the loss of up to approximately 25 acres of forest land. This is a relatively small amount considering Nevada County’s and the State’s overall timberland resources and the growth in timberland in recent years. For comparison, according to the USDA, approximately 17 million acres within California can be considered timberland.¹⁷ Furthermore, according to the CAL FIRE’s 2017 Assessment:¹⁸

- On forest industry timberlands, the most actively managed lands, growth exceeded harvest and mortality by an average of 22 ft³/acre/year over the re-measurement period (2001–2006 to 2011–2016).
- On nonindustrial timberlands, a portion of which are actively managed, growth exceeded harvest and mortality by an average of over 85 ft³ /acre/year over the re-measurement period (2001–2006 to 2011–2016).

¹⁵ See Nevada County Land Use and Development Code, Sec. L-II 2.3(B)(4) regarding purpose of the TPZ.

¹⁶ Nevada County. *Nevada County General Plan: Land Use Element* [pg. 1-2]. 2016.

¹⁷ U.S. Department of Agriculture. *California’s Forest Resources: Forest Inventory and Analysis, 2001-2010* [pg. 24]. February 2016.

¹⁸ California Department of Forestry and Fire Protection, Fire and Resource Assessment Program. *California’s Forests and Rangelands, 2017 Assessment* [pg. 54]. August 2018.



- On Forest Service timberlands, which are managed for multiple objectives including ecosystem services, growth exceeded harvest and mortality by an average of over 33 ft³/acre/year over the re-measurement period (2001–2006 to 2011–2016).

In addition, there has been a steady significant decline in total acres harvested over the 1997–2015 period. Harvested acres in 2015 was about half of 1997 harvest acres.¹⁹

Based on the above, timber harvesting has decreased substantially since the late 1990s. As such, inventories of timber are increasing. The potential loss of up to 25 acres of forest/timberland associated with the proposed project would equate to an approximately 0.0001 percent decrease in statewide timberland resources. This very small relative amount of forest/timberland loss that would result from the project is not substantial in terms of the overall resources in the state and is therefore considered less than significant for the purposes of this analysis.

With respect to harvesting the timber on the Centennial and Brunswick Industrial Sites, pursuant to Article 7 of the FPR, the project applicant will be required to prepare a THP and TCP application for submittal to CAL FIRE. A THP is similar to a CEQA document in that a THP includes an analysis of environmental impacts related to timber harvesting. In addition, a THP includes mitigation measures in order to protect on-site resources and downstream water quality. For example, in conformance with the FPR, heavy equipment would be excluded from all established Watercourse and Lake Protection Zones (WLPZs) identified on the overall project site. The WLPZs would function as buffers surrounding the watercourses, and would be of adequate width to ensure that any sediment eroded during the timberland conversion process would not reach such watercourses. In order to protect the integrity of the WLPZs, trees marked for harvest and directly adjacent to any WLPZ would be felled away from the creek so as to protect the integrity of the adjacent watercourses during yarding operations.

Environmental effects associated with the loss of forest/timberland (e.g., impacts on special-status species, water resources, air quality) attributable to the project are fully addressed in other resource chapters of this Draft EIR.

Based on the above, the proposed project would have a **less-than-significant** impact with respect to conflicting with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)), or resulting in the loss of forest land or conversion of forest land to non-forest use.

Mitigation Measure(s)

None required.

¹⁹ California Department of Forestry and Fire Protection, Fire and Resource Assessment Program. *California's Forests and Rangelands, 2017 Assessment* [pg. 54]. August 2018.



Cumulative Impacts and Mitigation Measures

Detail regarding the cumulative setting is included in Chapter 5, Statutorily Required Sections, of this EIR.

As noted above, implementation of the proposed project would not occur on any land designated as Farmland and would not convert Farmland to non-agricultural use. In addition, the project sites are not zoned for agricultural use nor under a Williamson Act contract. As such, cumulative impacts related to such would not occur.

4.2-4 Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)), or result in the cumulative loss of forest land or conversion of forest land to non-forest use. Based on the analysis below, the cumulative impact is *less than significant*.

As described in Chapter 5, Statutorily Required Sections, a list of 20 projected development projects was compiled to develop a reasonable estimate of the cumulative impacts that would occur within neighboring portions of both the County of Nevada and the City of Grass Valley.

None of the eight cumulative projects within unincorporated Nevada County are located on sites with TPZ or Forest zoning. As such, the cumulative project sites within unincorporated Nevada County are not specifically devoted to the growing and harvesting of timber and for such compatible uses that do not significantly detract from the use of the land for the growing and harvesting of timber. Similarly, none of the cumulative project sites have a Forest General Plan land use designation, and as such, are not considered “Important Timber Resources”, pursuant to the Nevada County LUDC. Notwithstanding, several of the cumulative project sites contain forest/timberland. It is roughly estimated that around 100 acres of forest/timberland could be converted if all cumulative projects within unincorporated Nevada County are developed.

The City of Grass Valley does not have any TPZ or Forest Zoning aimed at specifically setting aside certain property for growing and harvesting of timber. Several of the cumulative project sites within the City of Grass Valley contain forested portions. A rough estimate of potential forest/timberland loss associated with the cumulative projects in the City of Grass Valley is around 90-105 acres.

While this analysis is only roughly approximate, cumulative impact analyses do not need to be as detailed as project-level impact analysis (CEQA Guidelines Section 15130(b)). In addition, even if the estimate of cumulative forest/timberland loss resulting from the cumulative list of projects were higher, it would not be substantially so, and it can be reasonably concluded that a cumulative loss of around 200 acres would not be considered significant given the above-noted trends in the timber harvest industry (i.e., decline in harvesting) and the increased growth in timber stock over the



past several years. In addition, as previously discussed, Nevada County has zoned approximately 92,360 acres of timberlands under the TPZ zoning designation. In addition to TPZ-zoned lands, Nevada County contains approximately 241,800 acres of land zoned Forest. With approximately 32 million acres of forestland in California, 200 acres equates to roughly 0.00062 percent, and the project's incremental contribution only represents up to approximately 0.00007 percent.

The combination of all other projects plus the proposed project would not result in a ***less-than-significant*** cumulative impact related to the loss of forest land or timberland.

Mitigation Measure(s)

None required.

