

From: [Renate Lee](#)
To: [Claudette Diaz](#)
Subject: Follow-up to our call / Grazing as Development and Legally Established?
Date: Friday, January 31, 2025 3:18:53 PM
Attachments: [Informational Guide for Agricultural Development 9.29.2017.pdf](#)
[Page 22 Staff PowerPoint Presentation.pdf](#)

EXTERNAL

Hi Claudette,

Thank you so much for your time today with my LCP Update concerns! I bring up this matter, because I am really concerned about SoCo Coastal Zone lands not being managed for fire fuel loads, to the extent that new CDP requirements will stop landowners from using grazing to manage grasslands and brush encroachment.

1) IS GRAZING “DEVELOPMENT”?

To follow-up on my comment about "what constitutes development?", I am attaching the "Informational Guide for Agricultural Development" from the CCC website for reference. Reading pages 15-17, it seems to me that rotational grazing, or grazing of land that's already been grazed and not a new Ag activity, does not meet the definition of Development under Coastal Act 30106. I read this to say that new rotational grazing, or grazing on historically grazed lands, is a “by-right” activity (please also see the flowchart on page 14).

Does the SoCo LCP Update go beyond Coastal Act 30106, and define on-going grazing as a Development activity that the Coastal Act would otherwise not deem to be Development? In the Ag Use table (page AR-12 of the LCP Update ... its attached below), it says Grazing requires a Coastal Permit unless Potentially Excluded (read Catex Order). But as I highlighted above, grazing under certain conditions is **not** Development and Coastal Act 30106 doesn't recognize it as such. Today, it's not Development, wouldn't require a CDP and doesn't need to be Potentially Excluded. Today, it's simply identified as By-Right. This is especially important, in that our Categorical Exclusion Order can be revoked by the CCC at their discretion, so if that exclusion goes away, every Ag action requires a CDP, unless it's by a “legally established ongoing agricultural operation” (CCC-added concept in our LCP).

2) WHAT IS A “LEGALLY ESTABLISHED” ONGOING AGRICULTURAL OPERATION?

Doing a document search of the LCP Update, I find “legally established” on 8 pages. This seems to be a concept primarily used for housing. There's only one "legally established" reference in Agriculture.

Here's an example of the concern re “legally established” on-going Ag: If a grazing operation in land zoned Timber (so not covered by Catex) has been on-going (and therefore not a conversion of non-ag to ag, and not an increase in the land or water resources) and so it's not “Development” (as long as it's not in ESHA), then how does the qualifier “legally established ongoing agricultural operation” affect the grazer? They have never needed a CDP to graze (e.g. either land has been grazed prior to 19723, or it's rotational and therefore not deemed an intensified use) so they do not have CDP to prove “legally established”. As a cattlemen recently asked me, “is SoCo expecting landowners that graze now, to need to hire attorneys to prove they were “legally established?”

To my mind, the best case scenario for fuel-load/grassland management is that we have many landowners (and not just bigger Ag operations) willing to apply rotational grazing to their properties to help the overall landscape. I believe “Legally established” and "CDP to graze" will have the opposite affect, and be a barrier to grazing.

THOUGHTS/SUGGESTIONS:

Can a line-item be added to the table, or a sentence to clarify in the table, “On-going/rotational grazing exempt per Coastal Act 30106”?

As we discussed, the “Ongoing Agricultural Operation” language that the CCC added to the SoCo LCP Update, mirrors the recent Marin County LCP Update, so it would seem it was lifted from Marin and added to our document. The only difference is that our version adds “legally established”. Not sure if this was a SoCo add or a CCC add, but can “legally established” be deleted for consistency and accuracy?

In reading the LCP Update, I was reminded that CCC also deleted the County’s sentence regarding establishing a “de minimus waiver program”. I realize that language is also in Policy C-LU-1b “de minimus waiver for qualifying ag uses”, so the County can do it in the Admin Manual. Could a plan be discussed at the Feb 4th LCP BOS meeting, to add “Rotational Grazing, Regenerative Grazing or Fire Fuel-load Removal grazing” as de-minimus waiver items in the Admin Manual, to make sure that landowners have a supported path to manage grasslands with grazing?

Thank you so much for considering all of this!

Best,
Renate

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From: [Claudette Diaz](mailto:Claudette.Diaz@sonoma-county.org)
To: [John Mack](mailto:John.Mack@sonoma-county.org)
Subject: FW: Looks like much of our forest fuels language was stricken from LCP
Date: Tuesday, January 14, 2025 1:22:26 PM
Attachments: [permitsonoma.png](#)
[sonoma.png](#)
[sonoma.png](#)

From: Turbeville, Marshall@CALFIRE <Marshall.Turbeville@fire.ca.gov>

Sent: Tuesday, January 14, 2025 1:17 PM

To: Robert Agüero <Robert.Aguero@sonoma-county.org>; Tennis Wick <Tennis.Wick@sonoma-county.org>; Matt Greene <callforestry@gmail.com>

Cc: Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; Farmer <farmer@mcn.org>; Che Casal <Che.Casal@sonoma-county.org>; John Mack <John.Mack@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Claudette Diaz <Claudette.Diaz@sonoma-county.org>; Cecily Condon <Cecily.Condon@sonoma-county.org>

Subject: Re: Looks like much of our forest fuels language was stricken from LCP

Maybe the Palisades Fire could influence changes with the Coastal Commission?

From: Robert Agüero <Robert.Aguero@sonoma-county.org>

Sent: Tuesday, January 14, 2025 12:53:01 PM

To: Tennis Wick <Tennis.Wick@sonoma-county.org>; Matt Greene <callforestry@gmail.com>

Cc: Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; Farmer <farmer@mcn.org>; Turbeville, Marshall@CALFIRE <Marshall.Turbeville@fire.ca.gov>; Che Casal <Che.Casal@sonoma-county.org>; John Mack <John.Mack@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Claudette Diaz <Claudette.Diaz@sonoma-county.org>; Cecily Condon <Cecily.Condon@sonoma-county.org>

Subject: RE: Looks like much of our forest fuels language was stricken from LCP

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Thanks, Tennis and Matt.

Matt, your question was, "So, my main questions is does this change enable the same for forest health projects as the language suggests for defensible space/fuels reduction?"

The addendum does include language that removes the burden of mitigation for these types of projects. It does not explicitly exempt these types of projects. The Coastal Commission was not going to budge on that issue as we are not able to create an exemption for these types of projects via policy language in the Local Coastal Plan unless the exemption already exists in the Coastal Act. Our policy language is intentionally left vague, which states, "Vegetation removal activities may qualify for exemptions or exclusions from permitting requirements."

Implementation of this program will begin after the BOS adopts the revised LCP language. Implementation will provide an opportunity to consider streamlined permitting processes for various forest management type projects.

Matt, or anyone else here, feel free to call me to chat about this if you want to discuss further.



From: Tennis Wick <Tennis.Wick@sonoma-county.org>

Sent: Monday, January 13, 2025 2:16 PM

To: Matt Greene <callforestry@gmail.com>

Cc: Robert Agüero <Robert.Aguero@sonoma-county.org>; Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; Farmer <farmer@mcn.org>; Marshall Turbeville <Marshall.Turbeville@fire.ca.gov>; Che Casal <Che.Casal@sonoma-county.org>; John Mack <John.Mack@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Claudette Diaz <Claudette.Diaz@sonoma-county.org>; Cecily Condon <Cecily.Condon@sonoma-county.org>

Subject: RE: Looks like much of our forest fuels language was stricken from LCP

Thank you, Matt.

Robert will respond.

TW



From: Matt Greene <callforestry@gmail.com>

Sent: Monday, January 13, 2025 2:06 PM

To: Tennis Wick <Tennis.Wick@sonoma-county.org>

Cc: Robert Agüero <Robert.Aguero@sonoma-county.org>; Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; Farmer <farmer@mcn.org>; Marshall Turbeville <Marshall.Turbeville@fire.ca.gov>; Che Casal <Che.Casal@sonoma-county.org>; John Mack <John.Mack@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Claudette Diaz <Claudette.Diaz@sonoma-county.org>; Cecily Condon <Cecily.Condon@sonoma-county.org>

Subject: RE: Looks like much of our forest fuels language was stricken from LCP

All,

First and foremost, Happy New Year. Glad 2024 is gone!!!

I wanted to follow-up on this email that I sent in Nov that I didn't get a response on.

My main question is, do the changes that staff made to the Language only work on Defensible Space work (i.e. within 100 ft of a legally permitted structure), or will this also work for the surrounding forestlands. My whole reason for bringing this up initially was so that we can begin to take advantage of some of these state and federal grant programs to help small landowners manage their forests. The zone within 100 feet of a legally permitted structure isn't allowed to be included within any state grant program, so if this change is only for those areas within the defensible space, we lost the interest of all the work here. I only see defensible space mentioned in the language provided.

Any clarification would be appreciated.

Thanks

Matt Greene

On Tue, Nov 19, 2024 at 12:23 PM Matt Greene <callforestry@gmail.com> wrote:

All,

Thank you for sending over the language. I was out of town last week at a training for foresters and not able to participate in the hearing. I am glad you are making some headway. Just to let you know how important this language is, I had been asked to share the language that was developed with two other coastal counties who are re-doing their LCP's currently and stumbling on projects. San Mateo and Santa Cruz Counties tried to go the Public's Work project route with Cal VTP's and can't really make them work with the current language in their LCP's and what the CC put into their VTP's. These VTP Projects are the only way we are going to get landscape level changes in fuels reduction and forest improvements. Currently we are at a complete stop in Sonoma Co. Our coastal forests are so much more sensitive to drought, insects and disease than our inland forests and often have little to no economic returns possible on work done there. So the reliance on grant funding is critical.

I have been working with the local RCD on our grant submissions for Cal Fire's CCI Grants which have the ability to bring in millions in funding to do this kind of work and the specific instructions have been given to us, "no projects in the Coastal Zone as the permitting is impossible". I would agree that on the individual landowner level this is also the case. We had to give back funding for a Cal Fire CDFP Project to continue shaded fuel breaks in the Timber Cove area because Coastal Commission Staff said a CDP was required and the funds from the cost share agreement would not even cover the CDP, let alone the treatments. Like I said above, most of these projects have zero economic income streams, so grants offer our best route, but are currently prohibited due to permitting expenses.

I have a few questions, and it may be easier for Robert and I to meet and discuss, but I want to make sure I am understanding this all right.

My hope here with all this is to be able to use grants to conduct forest improvement projects again. We have been waiting since 2009 to be able to do this for small landowners. Because the average forested parcel size is less than 10 acres, there is no potential for commercial projects to generate revenue to do fuels reduction projects. Harvest plans cost \$40 to \$50,000 or more and because we have subdivided so many parcels up into such small pieces, there is no reasonable hope outside of grants to help reduce these fuel loads and improve our forests health and communities' safety. We are running out of time. Since Governor Newsome created these CCI Grants in 2020, there has been over \$120 million dollars that rural communities have been receiving annually, but coastal landowners simply can't. Because of the current budget woes, the Governor has run out of funds. This may actually be the last time that these CCI grants are available, and the applications are due in January. We need to be able to move on these kinds of projects!

That all being said, the small individual landowner projects under CFIP, NBFIP and the NRCS' EQIP programs are more likely, and all these programs open up for submission in early January as well.

So, my main questions is does this change enable the same for forest health projects as the language suggests for defensible space/fuels reduction? I don't see that mentioned in the specific text language that you sent over. I do understand that the LCP Language is one thing and that the specific policy process is another. My concern is that we need this all clear so that when Cal Fire is evaluating a proposal, that it is clear that we don't need a CDP to implement projects. All of these projects go through their own CEQA process already be it an EIR or a programmatic EIR.

The second question is about duplicative regulations. The Gov. has made clear he wants to limit duplicative processes and speed up fuel's reduction especially near structures. Currently landowners have the ability to use a Cal Fire 150- or 300-foot exemption for this work in most situations. The idea behind the original language that you all proposed was to use the already in place Cal Fire permits and not create more permitting (and also costs and burden on your staff). How do you see this now?

Thanks for all the effort on this and trying to make some headway. I wish that the Coastal Commission staff would understand the existing processes in forestry, but they seem hell bent on multiple processes and making things even more expensive for small landowners.

Matt

On Fri, Nov 15, 2024 at 12:38 PM Tennis Wick <Tennis.Wick@sonoma-county.org> wrote:

Thanks, Robert.

TW



From: Robert Agüero <Robert.Aguero@sonoma-county.org>

Sent: Friday, November 15, 2024 7:18 AM

To: Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; Farmer <farmer@mcn.org>; Matt Greene <callforestry@gmail.com>

Cc: Marshall Turbeville <Marshall.Turbeville@fire.ca.gov>; Che Casal <Che.Casal@sonoma-county.org>; John Mack <John.Mack@sonoma-county.org>; Scott Orr <Scott.Orr@sonoma-county.org>; Tennis Wick <Tennis.Wick@sonoma-county.org>; Claudette Diaz <Claudette.Diaz@sonoma-county.org>; Cecily Condon <Cecily.Condon@sonoma-county.org>

Subject: RE: Looks like much of our forest fuels language was stricken from LCP

Hi all,

The language from our original proposal was revised by the Coastal Commission staff to ensure Coastal Act compliance (in their interpretation), which prioritizes resource protection over development (include major vegetation removal) in most circumstances.

However, county staff were able to work with CC staff over the past week prior to yesterday's hearing to revise their revised language to ensure that we still have the ability to exempt/exclude or otherwise streamline most vegetation management through the CDP process and not have onerous mitigation requirements for these types of activities.

I've attached the addendum which has the changes to CC staff's recommendations.

Maintenance type vegetation management, defensible space, and reducing requirements to mitigate for forest management activities are addressed in the addendum in a way that addresses both County concerns and CC staff concerns.

I expect that the other issues including the timber permits and timber operations exemptions, which CC staff weren't willing to budge on, is something we can address in the implementation plan and find ways to streamline, since those are more interpretation issues.

Feel free to reach out if you'd like to chat more about it.



Robert Agiero, RPF #3062
Senior Environmental Specialist
2550 Wilbur Avenue, Santa Rosa, CA 95403
www.permitsonoma.org
tel: (707) 546-1900
tel: (707) 546-3715
Robert.Aguero@sonoma-county.org

Lobby hours: Monday, Tuesday, Thursday, Friday 8:00 AM to 4:00 PM - Wednesday 10:30 AM to 4:00 PM

From: Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>
Sent: Thursday, November 14, 2024 2:14 PM
To: Farmer <farmer@sonoma.org>; Matt Greene <calforestry@gmail.com>; Robert Agiero <Robert.Aguero@sonoma-county.org>
Cc: Marshall Turbeville <Marshall.Turbeville@fir.ca.gov>; Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; Che Casul <The.Casul@sonoma-county.org>
Subject: Re: Looks like much of our forest fuels language was stricken from LCP

That is correct, but the new addendum (which was released yesterday and approved by the Coastal Commission unanimously today) addresses our needs and concerns in a different way. I was able to talk with Permit Sonoma staff on the ferry ride over to the hearing about this. I admit that after reading the strike-throughs, I was about ready to ask the Commission to give us an extension so we could work on vegetation management! But it turns out that Cecily, Robert, and Claudette were able to work some magic and find a solution in the addendum. I'm CC'ing Robert to follow up with y'all and explain it in greater detail.

4.

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From: Farmer <farmer@sonoma.org>
Sent: Thursday, November 14, 2024 8:49 AM
To: Matt Greene <calforestry@gmail.com>
Cc: Marshall Turbeville <Marshall.Turbeville@fir.ca.gov>; Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; Che Casul <The.Casul@sonoma-county.org>
Subject: Looks like much of our forest fuels language was stricken from LCP

EXTERNAL

Upon a quick review, much of our forest fuels language is taken out. Am I reading this correctly?
Scott

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Policy C-OSRC-7o: The identification of native trees and woodlands through site assessment, and their preservation and protection of native trees and woodlands shall be required. To the maximum extent practicable, the removal of native trees and fragmentation of woodlands and forests shall be minimized; any trees removed shall be replaced, preferably on the site at a greater than 1:1 ratio (and at a greater than 3:1 ratio for riparian trees); and permanent protection of other existing woodlands and forests shall be provided where replacement planting does not provide adequate mitigation. ~~This policy shall not apply to fire risk reduction projects, restoration projects, or forestry projects overseen by a Registered Professional Forester.~~

Policy C-OSRC-7p: Identify important oak woodlands; and assess current protection of oak woodlands; identify options to provide greater enhanced protections of oak woodlands, including identification and removal of trees infected with *Phytophthora ramorum*, and their Where they occur, consider the oak woodland's role in connectivity, water quality, and scenic resources; and develop recommendations for regulatory protection and voluntary

if development does not conflict with the primary use of timber production. A land use amendment shall be required for conversion of timberlands to other uses.

Policy C-OSRC-11g: Consistent with Public Resources Code section 30106, no coastal development permit shall be required for (1) any timber harvesting permit approved by CALFIRE through the Forest Practice Rules, or (2) vegetation management that does not amount to the removal or harvesting of major vegetation. This includes projects for the treatment of forest cover or vegetation on forested landscapes, together with all the incidental work including, but not limited to, fire hazard abatement and site preparation, as well as removal of vegetation not resulting in type conversion of existing vegetation community.

Policy C-OSRC-11h: Exclude projects undertaken by a Registered Professional Forester that treat the forested cover or vegetation on forested landscapes, together with all incidental work including, but not limited to, timber operations, fire hazard abatement, site preparation, and the removal of vegetation, from the requirements of a Coastal Development Permit.

24 **Policy C-PS-5i5j:** Encourage and assist private individuals and communities on the Sonoma coast to construct small-scale water storage facilities for back-up use in the case of fire and for back-up non-potable water demand.

Policy C-PS-5j: Exclude vegetation removal associated with defensible space activities consistent with state or local guidelines from the requirements of a Coastal Development Permit, when such activities are done in conjunction with an allowed or permitted use and will not result in type conversion of the existing vegetation community.

Policy C-PS-5k: Some vegetation removal activities may qualify for exemptions or exclusions from permitting requirements (see LCP Implementation Plan: Section 26C-340.1).

Policy C-PS-5k5l: Where other streamlining options are not available consider joint or programmatic Coastal Development Permit opportunities or similar tools to minimize the burden on individual properties for activities intended to reduce risk to existing resources, structures, or uses.

5.2 Programs

Program C-PS-5-P1: Where necessary and where public funding is available, develop streamlined

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Matt Greene Forestry & Biological Consulting
P.O. Box 24
Jenner CA 95450
Phone (707) 847-3761
Fax (707) 847-3905
<https://www.facebook.com/MattGreeneForestryBiologicalConsulting/>

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Matt Greene Forestry & Biological Consulting
P.O. Box 24
Jenner CA 95450
Phone (707) 847-3761
Fax (707) 847-3905
<https://www.facebook.com/MattGreeneForestryBiologicalConsulting/>

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