

RESOLUTION NO. 13-87

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SISKIYOU
ESTABLISHING A POLICY OF NO NET INCREASE
IN STATE AND FEDERAL LAND OWNERSHIP
IN SISKIYOU COUNTY**

WHEREAS, removal of lands from private ownership removes such lands from the property tax base and further undermines the County's ability to provide vital public services; and

WHEREAS, ever increasing restrictions on other economic uses of public lands, including grazing and mining, continue to impede the economic vitality of much of rural America, and leaving land in private ownership is the best safeguard to ensure the continuation of the land's productive use; and

WHEREAS, when most of the National Forests were reserved against any other uses in the first decade of the Twentieth Century, there was a Compact with the Forest Counties that 25 percent of monies received from activities on the National Forests would be dedicated to support county roads and schools to compensate for the loss of future property tax revenue; and

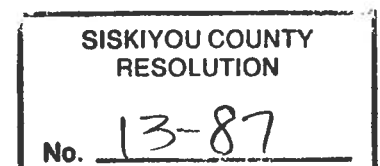
WHEREAS, the severe restrictions imposed on forest management by the listing of the northern spotted owl under the federal Endangered Species Act and the subsequent Northwest Forest Plan have resulted in a drastic decrease in forest receipts and the funding that used to be available to support county roads and schools; and

WHEREAS, the Secure Rural Schools and Community Self-Determination Act of 2000 was adopted by Congress to provide some level of relief for forest communities impacted by changes in forest management and timber harvests, but funding has continued to decrease each year and authorized funding has now completely expired; and

WHEREAS, there have long been promises from the federal government of Payment In Lieu of Taxes to compensate local governments for providing services that benefit public lands while receiving no property taxes to support those services; and

WHEREAS, those promises have never materialized in a substantial way; and

WHEREAS, the agency formerly known as the California Department of Fish and Game has failed perpetually to make promised payments of property taxes to county governments for lands it has converted to fish and game refuges, owing Siskiyou County Five Hundred Sixty Three Thousand Eight Hundred Seventy Eight Dollars (\$565,878) as of the 2012-2013 fiscal year; and



WHEREAS, the stewardship of natural resources has long been of great importance to the economy and well-being of Siskiyou County; and

WHEREAS, private-sector ownership of lands and natural resources affords flexibility and incentive for active and effective management that do not exist on publicly-owned lands, as demonstrated by comparison of the condition of privately-managed forests in Siskiyou County with the condition of National Forest System lands; and

WHEREAS, laws such as the National Environmental Policy Act, the Endangered Species Act, and the National Forest Management Act, which were adopted with good intentions, have become legal tools by which narrow, special interests seek to prevent active and self-supporting stewardship of National Forest System lands; and

WHEREAS, without offsetting mitigation, the conversion of privately-owned lands to publicly-owned lands will increase the total acreage where active management is held hostage to federal and state environmental laws and the paralyzing delays and expenses of continuous judicial review; and

WHEREAS, special interest agendas and misplaced agency priorities continue to cause the state and federal governments to purchase and remove lands from productive use and the property tax base; and

WHEREAS, in recent years there has been increased tendency by state and federal agencies to obtain privately-held water rights or to constrain the exercise of such rights; and

WHEREAS, the Siskiyou County Board of Supervisors has adopted Resolution 08-153 asserting legal standing and formally requesting coordination with all federal and state agencies maintaining jurisdiction over lands and/or resources located in Siskiyou County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Siskiyou hereby adopts as County policy that:

There shall be no acquisition of private property (including any estates in land, any water rights, and any other privately held interests) in Siskiyou County by state or federal agencies

or by agents acting on behalf of such agencies using public or private funds and/or providing a state or federal agency with a right of first refusal to purchase or any management authority or control

without the prior approval of the County of Siskiyou and

the concomitant sale or exchange of public land to a private purchaser of equal or greater market value and equal or greater acreage and

without impacting existing uses by third parties for grazing, mining, or other economic activity; and

each year the County Assessor shall prepare a report on the loss of property tax revenue to Siskiyou County as a result of changes in ownership of lands that renders such lands non-taxable; and

each year a copy of this resolution shall be distributed to state and federal agencies, accompanying the distribution of Resolution 08-153 addressing coordination with all state and federal agencies.

PASSED AND ADOPTED by the Siskiyou County Board of Supervisors at a regular meeting of said Board, held on the 11th day of June, 2013, by the following vote:

AYES: Supervisors Kobseff, Armstrong, Bennett and Criss

NOES: Supervisor Valenzuela

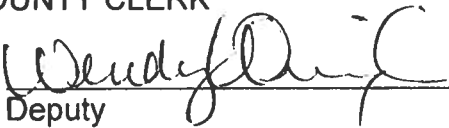
ABSENT: NONE

ABSTAIN: NONE




Ed Valenzuela
Chairman, Siskiyou County Board of Supervisors

ATTEST:
COLLEEN SETZER,
COUNTY CLERK

By 
Deputy

APPROVED AS TO FORM:



Brian L. Morris
County Counsel

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SISKIYOU ASSERTING LEGAL
STANDING AND FORMALLY REQUESTING
COORDINATION WITH ALL FEDERAL AND STATE AGENCIES
MAINTAINING JURISDICTION OVER LANDS AND/OR
RESOURCES LOCATED IN SISKIYOU COUNTY

WHEREAS, Siskiyou County is a public unit of local government and a five member elected Board of Supervisors serves as its chief governing authority; and,

WHEREAS, the Siskiyou County Board of Supervisors is charged with supervising and protecting the tax base of the County and establishing comprehensive land use plans (including, but not limited to, the General Plan) outlining present and future authorized uses for all lands and resources situated within the County; and,

WHEREAS, Siskiyou County is engaged in the land use planning process for future land uses to serve the welfare of all the citizens of Siskiyou County; and,

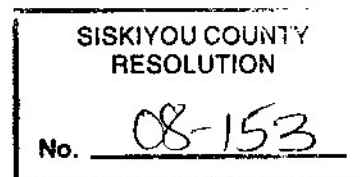
WHEREAS, approximately sixty-eight percent (68%) of lands in Siskiyou County are publicly owned, managed, and/or regulated by various federal and state agencies; and,

WHEREAS, the citizens of Siskiyou County historically earn their livelihood from activities reliant upon natural resources and land which produces natural resources is critical to the economy of Siskiyou County; and,

WHEREAS, the economic base and stability of Siskiyou County is largely dependent upon commercial and business activities operated on federally and state owned, managed, and/or regulated lands that include, but are not limited to, recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits; and,

WHEREAS, Siskiyou County desires to assure that federal and state agencies shall inform the Board of Supervisors of all ending or proposed actions affecting local communities and citizens within Siskiyou County and coordinate with the Board of Supervisors in the planning and implementation of those actions; and,

WHEREAS, coordination of planning and management actions is mandated by federal laws governing land management, including the Federal Land Policy and Management Act, 43 USC § 1701, and 43 USC § 1712, regarding the coordinate status of a county engaging in the land use planning process, and requires that the "Secretary of



the Interior [Secretary] shall . . . coordinate the land use inventory, planning and management activities . . . with the land use planning and management programs of other federal departments and agencies and of the state and local governments within which the lands are located"; and,

WHEREAS, the coordination requirements of Section 1712 provide for special involvement by government officials who are engaged in the land use planning process; and,

WHEREAS, Section 1712 sets forth the nature of the coordination required with planning efforts by government officials and subsection (f) of Section 1712 sets forth an additional requirement that the Secretary "shall allow an opportunity for public involvement" (including local government without limiting the coordination requirement of Section 1712 allowing land or resource management or regulatory agencies to simply lump local government in with special interest groups of citizens or members of the public in general); and,

WHEREAS, Section 1712 also provides that the "Secretary shall . . . assist in resolving, to the extent practical, inconsistencies between federal and non-federal government plans" and gives preference to those counties which are engaging in the planning process over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program; and,

WHEREAS, the requirement that the Secretary "coordinate" land use inventory, planning, and management activities with local governments, requires the assisting in resolving inconsistencies to mean that the resolution process takes place during the planning cycle instead of at the end of the planning cycle when the draft federal plan or proposed action is released for public review; and,

WHEREAS, Section 1712 further requires that the "Secretary shall . . . provide for meaningful public involvement of state and local government officials . . . in the development of land use programs, land use regulations, and land use decisions for public lands"; and, when read in light of the "coordinate" requirement of Section 1712, reasonably contemplates "meaningful involvement" as referring to ongoing consultations and involvement throughout the planning cycle, not merely at the end of the planning cycle; and,

WHEREAS, Section 1712 further provides that the Secretary must assure that the federal agency's land use plan be "consistent with state and local plans" to the maximum extent possible under federal law and the purposes of the Federal Land Policy and Management Act and distinguishes local government officials from members of the general

public or special interest groups of citizens; and,

WHEREAS, the Environmental Protection Agency, charged with administration and implementation of the National Environmental Policy Act (NEPA), has issued regulations which require that federal agencies consider the economic impact of their actions and plans on local government such as Siskiyou County; and,

WHEREAS, NEPA requires federal agencies to consider the impact of their actions on the customs of the people as shown by their beliefs, social forms, and "material traits," it reasonably follows that NEPA requires federal agencies to consider the impact of their actions on the rural, land and resource-oriented citizens of Siskiyou County who depend on the "material traits" including recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits for their economic livelihoods; and,

WHEREAS, NEPA requires federal agencies to consider the impact of their actions on the customs, beliefs, and social forms, as well as the "material traits" of the people; and,

WHEREAS, it is reasonable to interpret NEPA as requiring federal agencies to consider the impacts of their actions on those traditional and historical and economic practices, including commercial and business activities, which are performed or operated on federally and state managed lands (including, but not limited to, recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits); and,

WHEREAS, 42 USC § 4331 places upon federal agencies the "continuing responsibility . . . to use all practical means, consistent with other considerations of national policy to . . . preserve important historic, culture, and natural aspects of our national heritage"; and,

WHEREAS, Webster's New Collegiate Dictionary (at 227, 1975) defines "culture" as "customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations"; and,

WHEREAS, In 16 USC § 1604, the National Forest Management Act, requires the Forest Service to coordinate its planning processes with local government units such as Siskiyou County; and,

WHEREAS, federal agencies implementing the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the Outdoor Recreation Coordination Act (16 USC § 4601-1(c) and (d)) are required by Congress to consider local plans and to coordinate and cooperate directly with plans of local government such as Siskiyou County; and,

WHEREAS, the coordinating provisions referred to in the resolution require the Secretary of the Interior to work directly with local government to resolve water resource issues and with regard to recreation uses of the federal lands, and,

WHEREAS, the regulations issued by the federal agencies in this resolution are consistent with statutory requirements of coordination and direct cooperation and provide implementation processes for such coordination and direction consideration and communication; and,

WHEREAS, the California Constitution has recognized Siskiyou County's authority to exercise its local, police and sanitary powers, and the California Legislature has recognized and mandated exercise of certain of those powers in specific statutes; and,

WHEREAS, the California Legislature has mandated in Government Code Section 65300 that each county shall prepare a comprehensive plan, and stated legislative intent in Section 65300.9 that the county planning shall be coordinated with federal and state program activities, and has mandated in Section 65103 that county local plans and programs must be coordinated with plans and programs of other agencies; and,

WHEREAS, the California Legislature has stated its intent in Section 65070 that preparation of state and regional transportation plans be performed in a cooperative process involving local government; and,

WHEREAS, the California Legislature has mandated in Section 65040 that the State Office of Planning and Research shall "coordinate, in conjunction with . . . local agencies with regard to matters relating to the environmental quality of the state"; and,

WHEREAS, in Water Code §§ 8125-8129, the California Legislature has placed planning for non-navigable streams within the authority of county supervisors, and since such planning activities must be coordinated with natural resource planning processes of federal and state agencies; and,

WHEREAS, in Streets and Highways Code §§ 940-941.2, the California Legislature has placed the general supervision, management, and control of county roads and highways - including closing such roads (Section 901) and removing and preventing encroachment of such roads and highways, and since planning and actions with regard to such roads by any federal or state agency must be coordinated with the county; and,

WHEREAS, in Public Resources Code § 5099.3, the California Legislature has mandated coordination by the state with Siskiyou County since it is a county "having interest in the planning, development, and maintenance of outdoor recreation resources

and facilities,"

NOW, THEREFORE, BE IT RESOLVED that the Siskiyou County Board of Supervisors does hereby assert legal standing and formally requests coordination status with all federal and state agencies maintaining jurisdiction over lands and/or resources located within Siskiyou County.

BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a copy of this Resolution to be transmitted annually to local, regional, state, and/or national offices of all federal and state agencies maintaining jurisdiction of lands and/or resources located within Siskiyou County and to all federal and state elected representatives serving Siskiyou County.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is authorized and hereby directed to publish a copy of this Resolution in the Siskiyou Daily News, a newspaper of general circulation printed and published in Siskiyou County, California.

PASSED AND ADOPTED this 12th day of August, 2008, by the following vote:

AYES: Supervisors Overman, Erickson, Armstrong, Kobseff and Cook

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



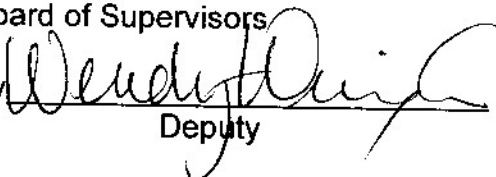
Chair, Board of Supervisors
W.R. Overman

ATTEST:

COLLEEN SETZER, CLERK

Board of Supervisors

By


Deputy