

BOARD OF SUPERVISORS

JANUARY 24, 2006

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, January 24, 2006, at 9:31 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, and Brian Dahle; County Counsel Craig Settlemyre, County Administrative Officer (CAO) John Ketelsen and County Clerk Theresa Nagel. Supervisor Hanson is not present at the beginning of the meeting. Following the flag salute, the invocation is offered by Supervisor Chapman.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

Chairman Pyle announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried, with Supervisor Hanson absent, to approve the agenda as posted.

PUBLIC COMMENT

Chairman Pyle asks for public comment and no comments are received.

CONSENT CALENDAR

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried, with Supervisor Hanson absent, to take the noted action on the following Consent Calendar items:

COUNTY CLERK ITEM

Approve Minutes of January 17, 2006.

ADMINISTRATIVE SERVICES - PERSONNEL DIVISION ITEM

Receive and file Personnel Movement report for December, 2005.

COUNTY COUNSEL ITEM

Reject claim of Debi Noel and Larry E. Noel, III, in its entirety, and direct County Clerk to send Notice of Rejection.

OFFICE OF EMERGENCY SERVICES ITEM

Ratify continuation of Declaration of State of Disaster - Flood/Emergency in Lassen County.

PRISON TRIALS COST REIMBURSEMENT PROGRAM ITEMS

Receive and file recaps of High Desert and CCC State Prison Trial Costs Billing for fiscal year of 2004/2005.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Application for Alcoholic Beverage License - Doyle Payless Shell, 745-750 Rachel Drive, Doyle.

UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman will attend the NORTEC quarterly meeting this week and announces an award that NORTEC received for the NORTEC Web.
2. Supervisor Keefer reports on the Economic Development Coordinating Council meeting; reports on calls that he received from residents of the Susanville Mobile Home Park complaining they were going to be evicted by the new owner (49 spaces with 60 families) - notes the story in today's newspaper is accurate as to what is happening and notes the eviction claims were not completely accurate; announces he will run for a third term as District Three Supervisor.
3. Supervisor Dahle reports on the Fair Board meeting he attended and notes that he will loan his cattle squeeze chute to the fair; met with the Bieber Fire District regarding financial difficulties - they plan to send an educational letter to residents on the cost of training and the tight funding situation they are in; reports on a meeting with Congressman Doolittle's staff - talked about Rural Schools Funding, PILT, and Wilderness Study Areas (Board needs to define these areas); announces he attended the Seattle Seahawks game and is very happy they are going to the Super Bowl. (Supervisor Hanson enters at 9:46 a.m.)
4. Supervisor Hanson also reports on the Economic Development Coordinating Council meeting; adds the updating of the Energy Element to his 2006 Goals and Objectives list.

INFORMATION FOR THE BOARD

1. CAO Ketelsen announces the annual Irene Doyle Excellence in Service Award application period is now open.
2. CAO Ketelsen states he has contacted Modoc County Administrative Officer Michael Maxwell regarding the Likely Fire Protection District no longer responding to any requests for fire or medical aid in Lassen County. He told Mr. Maxwell there is an opportunity for negotiations and sharing of revenue.

Recess 9:51 - 10:01 a.m. Supervisor Chapman is not present.

QUINCY LIBRARY GROUP (QLG)

QLG Forester Frank Stewart is very happy with the Ninth Circuit Court of Appeals ruling in the Sierra Nevada Forest Protection Campaign vs. Forest Service, which involves an Environmental Assessment on the Meadow Valley Project on the Plumas National Forest (a project that implements the Quincy Library Group Forest Recovery Act). The court ruled in the Forest Service's favor on all issues - cumulative effects for past, present, and future actions; direct and indirect effects to the California Spotted Owl; and risks associated with logging slash. The decision is very good for the Forest Service in terms of deference to the agency. Unfortunately, but not surprisingly, the decision is not for publication. He notes this is a positive return on the investment the county has made in supporting the QLG Lawsuit Fund.

Mr. Stewart presents an update on the status of lawsuits:

- > Meadow Valley DFPZ in Plumas County - 9th Circuit Court of Appeals ruling in favor of Forest Service/QLG.
- > Battle Creek DFPZ in Tehama County - Enviro withdrew Battle Creek DFPZ from the lawsuit; project was completed in 2005.
- > North 49 DFPZ in Shasta County - Enviro won lawsuit and Supplemental EIS to be completed in 2006.
 - > Basin Group Selection/Sierra Nevada Framework; Sierra Nevada Framework (2 lawsuits) - all three lawsuits combined under Judge England with a Summary Judgment hearing March 20, 2006.

Information is provided on QLG Pilot Project Lawsuit Fund collections and expenditures and the remaining program of work on the Pilot Project which will be updated to meet the 2009 deadline. (Supervisor Chapman enters at 10:11 a.m.) There is a crisis in obtaining federal funding for projects - a lot of money has gone to Southern California Forests because they have such big problems. In regard to the Creeks EIS on the Almanor Ranger District, an appeal was filed and the Regional Forester denied it - so the next step is the filing of a lawsuit. It will be interesting to see if the Enviro do so - their focus is to stall projects.

Mr. Stewart provides information on Congress wanting to look at revisions to NEPA to improve efficiency of the process. Extensive discussion is held with suggestions for investigating the groups that file frivolous environmental lawsuits; look at recovery of costs for these lawsuits from the Enviro when they do not prevail; require a deposit from the plaintiffs in an amount adequate to cover the costs of defending the lawsuit

(these are taxpayer dollars being spent).

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to adopt Resolution No. 06-007, calling upon Congress and the Administration to adopt the Findings and Recommendations of the Task Force on Improving and Updating the National Environmental Policy Act (NEPA) dated December 21, 2005.

PUBLIC HEARING - APPEAL #2005-086, FORREST MacDONALD

The public hearing is opened at 10:31 a.m. to consider appeal of the Planning Commission's denial of a design review and side setback waiver request for a proposed carport. The appeal was filed by Forest MacDonald, pursuant to County Code Section 18.118.060(3). The project site is located at 213 Lassen Drive in Westwood. APN: 125-020-17.

Maurice Anderson presents the staff report. No one speaks in opposition to the appeal. Forest MacDonald states he is willing to make it work and meet the County Codes by setting the carport back five feet from the property line.

The hearing is closed at 10:48 a.m.

Maurice Anderson states the absolute minimum setback for a carport is three feet and also notes the structure is still subject to design review and Mr. MacDonald will have to obtain a building permit.

Robert Sorvaag states Mr. MacDonald could resubmit an application and notes that major structural modifications would be required to the existing structure.

It is moved by Supervisor Hanson and seconded by Supervisor Keefer to adopt Resolution No. 06-006, denying the appeal.

Supervisor Chapman asks if the Board is going to resolve the setback size today.

Public Works Director Larry Millar feels that a five foot setback is adequate.

Building Official Steve Fuller states there may be some structural issues that could mean this structure will have to be an enclosed garage rather than a carport which would mean different setback requirements than for a carport.

The maker and second of the motion amend the motion to include the minimum setback for this carport is five feet. The motion carries unanimously on a roll call vote.

(Supervisor Chapman departs)

LASSEN COUNTY FAIR BOARD

The Board of Supervisors recess and convene as the Lassen County Fair Board.

Fair Manager Jim Wolcott submits and reviews the County Fair Budget.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried, with Supervisor Chapman absent, to approve the Lassen County Fair Budget for the period of January 1, 2006 to December 31, 2006 with the total "Proposed" Resources Available of \$687,787 and total "Proposed" Expenditures of \$626,985, with a "Proposed" Reserve Percentage of 7.6%.

The Board of Supervisors reconvene. (Supervisor Chapman returns)

Recess 11:02 - 11:30 a.m.

LASSEN COUNTY FIRE SAFE COUNCIL

Tom Esgate presents information on the Fire Safe Council Projects (Susanville area) for 2006:

- > Archery/Childrens - expect fall start-up (\$90,000)
- > Cheney Creek - expect July completion (\$115,000)
- > River Bench - expect June start-up (\$120,000)
- > Susanville Indian Rancheria (an SIR/LCFSC assisted project) - planned 2006 (\$254,850)
 - > Janesville Fire Safe Council - project began September 2005, work to continue through 2006 (\$181,000 fuelbreak and adjacent to fuelbreak treatments)
 - > Cooperative Sagebrush Steppe Restoration Initiative - scoping and landowner participation/solicitation underway and making initial implementation funding applications/ \$2 million goal (\$145,000 planning project)
 - > Lassen Day Bench - Lassen Phase is substantially complete at over 220 treated acres - project management continues in Modoc and Shasta counties - management fees go to the match fund for Lassen County projects - expect to treat over 400 acres this year (over \$300,000 remains for 2006-2007 treatments)

Tom Esgate presents an update on Lassen County Fire Safe Council activities and revisions to the Lassen County Fire Safe Plan (FSP). The changes include:

1. Includes a revised MOU as part of

the Community Wildfire
Prevention Plan
(CWPP)/FSP

2. Adds Tribes and private forest industry partners to the MOU
3. Ties all Lassen County Community FSPs to the CWPP/FSP
4. Gives the communities and the MOU participants the ability to expand and amend the individual FSPs as better planning evolves
5. Defines the Wildland Urban Interface (WUI) boundaries in Lassen County
6. Gives the MOU participants the ability to modify the WUI boundaries as planning is improved
7. Amends the CWPP/FSP to include the new California 100' clearance requirements
8. Establishes a procedure for developing Annual and Future Work Plans, including a March 1 date for assembling the information

County Fire Warden Don Posten commends Tom Esgate, Dorine Beckman, Frank Stewart, along with the Board of Supervisor's support, for getting us where we are - we have set the high-bar for others to look to in preparing their plans.

It is moved by Supervisor Keefer, seconded by Supervisor Chapman and carried to approve changes to the 2002 Memo of Understanding (MOU) and 2004 Fire Safe Plan (FSP).

There being no further business, the meeting is adjourned at 12:00 p.m.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD