



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
 P. O. Box 944246
 SACRAMENTO, CA 95244-2450
 (916) 653-7772
 Website: www.fire.ca.gov



RECEIVED

February 5, 2008

FEB 07 2008

Peg Rein
 Placer County Planning Department
 3091 County Center Drive
 Auburn, CA 95603

ENVIRONMENTAL COORDINATION SERVICES

RE. Bunch Creek Rezone (PREA T20060521)

Dear Ms. Rein,

As the State agency with delegated authority to maintain the state's timberland base, the California Department of Forestry and Fire Protection (Cal Fire) carefully considers any proposal to remove timberland from land zoned Timber Production Zone (TPZ). As repeatedly witnessed in California, once the restrictive TPZ zoning is removed, the timberlands often are rezoned again, parcelized, subdivided or converted into other non-timber growing uses. Cal Fire is very concerned with the reduction of the state's timber base and the increased fire hazard likely to occur following the future development of these lands

The Mitigated Negative Declaration for the Bunch Creek Rezone (PREA T20060521) involves the rezoning of 597.5 acres of TPZ to Residential Forest with a combined 80-acre minimum lot size. It is unclear if the County intends to request an "immediate rezone of TPZ" according to Public Resources Code (PRC) §4621 and Government Code (GC) §51130. This "immediate rezone of TPZ" will require a Timberland Conversion Permit issued by Cal Fire. In order to consider an application for immediate rezone the Board must have the information determined necessary under PRC §4621.2, including the specific requirement that the rezoning would be in the public interest as further described under 14 CCR 1109.2. Please address these public interest concern in the Mitigated Negative Declaration being developed for the subject rezoning.

Please note the proposed Residential Forest zone allows for timberland production but does not mitigate the fact that the rezone will lead to timberland conversion and the future development of incompatible uses. Additionally, current site conditions of the property do not negate the property as timberland and should not be used as mitigation to off-set agricultural impacts. Please contact me with any questions at (530) 889-0111 x 125.

Sincerely,

MATTHEW S. REISCHMAN
 Unit Forester
 Nevada-Yuba-Placer Unit

PLACER COUNTY
APN: 071-330-005-000

Larry Risser
PO Box 11
Colfax, CA 95713
(530) 886-1811

APN: 071-330-005-000, 071-320-002-000, 071-330-012-000

Crystal Jacobsen
Placer County Planning Dept.
3091 County Center Dr.
Auburn, CA 95603

RE: Basquin Rezone

Dear Ms. Jacobsen,

As owner of the aforementioned parcels, I want to express my support for the rezone being requested by Fred Basquin, et al. I am fully in support of his request for several reasons.

As the only existing residence on Gillis Hill, we would like to see the properties maintained and kept up in a fire safe manner. Previous owners had not maintained the properties in a fire safe manner, which resulted in the Ponderosa Fire of 2001 causing considerable damage. With the property occupied, we believe the property will be better maintained and made more fire safe.

Mr. Basquin mentioned that you felt our parcels currently zoned TPZ, 071-330-005-000 and 071-320-002-000, would be zoning "islands" if his rezone is granted. I want to make it clear that we have every intention of seeking a rezone of these parcels from TPZ to Forest Residential. At this time we have no specific plans to seek a rezone but ultimately will do so. Therefore I do not believe the parcels being a TPZ-zoned "island" is an issue.

Lastly, I do not believe Mr. Basquin's land currently represents a proper zoning of TPZ under the Placer County Code, Article 17.16. The land is not currently under timber production and will not be so in five years or more. In fact, if the situation were reversed and Mr. Basquin was requesting a rezone to TPZ from some other zone, you would be forced to deny it because it does not meet the criteria required by the code. I believe the highest and best use, not to mention the safest use, for the property would be as Forest Residential.

Please don't hesitate to call me if you have any questions or need further information. I would also like to be informed of any upcoming hearings regarding the Basquin rezone so I may attend if desired.

Thank you for your time and consideration.

Sincerely,



Larry Risser

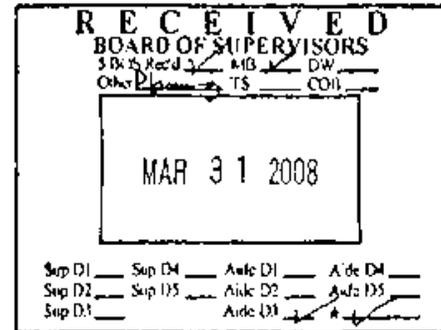
County of Placer
WEIMAR/APPLEGATE/COLFAX
MUNICIPAL ADVISORY COUNCIL

P. O. Box 1025
Colfax, CA 95713
County Contact: Administrative Aide (530) 889-4010



March 20, 2008

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603



Subject: Recommendation on Bunch Creek Rezone (PREA T20060521)

Gentlemen:

On March 19, 2008, the Weimar-Applegate-Colfax Municipal Advisory Council was asked to make a recommendation on a proposal for a revised Tentative Map and a rezone from TPZ to RF-BX-80, as presented to the MAC by County planning staff. This project had been continued from the WAC MAC February 20, 2008 meeting.

WAC MAC Recommendation to Board of Supervisors

On March 19, 2008, the WAC MAC voted 4-0 (with one abstention) to recommend APPROVAL of a revised Tentative Map and rezone from TPZ to RF-BX-80 for the project known as the Bunch Creek Rezone.

Thank you and County staff for bringing this project to us for a recommendation.

Yours truly,

David Wiltsee, Chair

April 16, 2008



Placer County

Planning Commission
 RE: April 24, 2008 10:20 AM Meeting
 Auburn, California 95603
 Fax: 530-745-3080

Attention: Crystal Jacobson – Staff Planner

Dear Commission Members,

My daughter and I cannot attend your meeting of April 24, 2008 regarding the Bunch Creek Rezone, we are faxing our comments. We sincerely hope you will review our comments and our suggestions... I have a very serious medical situation and I am unable to travel at this point in time..

We are opposed to subdividing this property into 80 acre parcels with our reasons listed below: In the past it appeared that the applicants intentions were to increase the parcels to seven, if this were the case, a question would arise, does the March 4,th 1972 Subdivision Map Act, enter the picture?

#1 There are Indian artifacts on these parcels, along with other parcels. It's also quite possible there are burial grounds and should be looked at by an archeologist on the scene. The previous ownership had a Timber Harvest Plan and this information was redacted, however, the owner of record harvested the timber over the parcels aforementioned..

As a real estate agent in Tucson, (Joy) I would want to know that these issues are addressed before I allow my buyers to make an offer and purchase any of these Bunch Creek parcels. As you know, Rocklin, California had some problems with these like issues several years ago and a reasonable resolution was found and the community gained by their efforts.

#2 Factually, Paul Mergen has been forbidden to travel in and out of his property, as a result of the Basquin and Edwards actions, I am unable to keep a road clear of brush and any road maintenance work. The causes of mother nature will impede travel through one side of the ridge to the other, if a forest fire starts in any direction .

Currently, and with the only road route, from Yankee Jim road to the Ward Subdivision ends at this point...Mergen's property.. If one was to follow Outhouse Road, (Basquin) to the top of the ridge the road ends...Mergen's property... Should a forest fire occur in any direction, it appears likely the escape route, would be essential to exit over the Mergen road... Note: The existing County Utility

easement (PUE) would allow a fifty (50ft) easement, however, CURRENTLY the present route is (25ft) wide in a one way direction...(Fire equipment and EMT Vehicles would be impaired)

The U.S. Forest Service has noted this area as a very high fire danger zone. With gold miners, hikers, and river rafting that is occurring thru the eastern corner of our property (10 acres) we are unable to control the access of travel by others ...

We've owned this property since 1964 and there was no one living in this area. About 1980 Allan Edwards was the first resident to build a home. The home was built one hundred yards (100) to the north of Yankee Jim's gate..Larry Risser now lives at the end of Gillis Hill Road in the Ward Subdivision. I have given Larry a easement across my property to the south so he could leave the area if the fire was to occur from the north..

Because this land owned by Basquin/Parker is going to be sold to future buyers, I feel the fire issue is extremely important. A buyer wants to know that in case of a fire, their escape has several options. Our property would be that option. My dad and I (Joy) would be happy to provide Mr. Basquin and Mr. Parker access over our road which crosses the ridgeline heading north and out towards the Iowa Hill area. (Once the tank trap is removed on Edwards property)

Last, but not least, as a group, the commissioners, or a representative should physically travel the route that I have suggested...I am positive that you will see our side of the picture, (Joy & Paul) until then I would like to pay for a copy of the recording taken on the 24th of April 2008 hearing...

Respectfully submitted,


Paul M. Mergen
6362 N Willowhaven Dr.
Tucson, AZ 85704
littledukeb24j@comcast.net


Joy Mergen
8968 N Upper Bluffs Dr
Tucson, AZ 85742
jmergen@att.net

January 28, 2008

My Father and I are protesting the Rezoning of property that is adjacent to our 160 acres.

We feel there are several very important issues that you need to be aware of with regard to this rezone.

We have attached a copy of the letter we sent to Gina Langford along with the "Mitigated Negative Declaration" form.

Please distribute these letters to the Board of Supervisors!!

Please feel free give me an email/call if you have any questions!

Joy Mergen

Joy Mergen

520-219-1425 (Home)

jmergen@att.net

R E C E I V E D			
BOARD OF SUPERVISORS			
51105 Rec'd	ASB	DW	
Ch. 15	15	COB	
JAN 30 2008			
Sup D1	Sup D4	Aide D1	Aide D4
Sup D2	Sup D5	Aide D2	Aide D5
Sup D3		Aide D3	Aide D6

RECEIVED
JUL 18 2007

PLANNING DEPT

July 13, 2007

Placer County Building and Planning Department
Crystal Jacobsen, Planner
3091 County Center Dr
Auburn, CA 95603

Dear Ms Jacobsen,

Currently Jack Remington, A.R. Associates, on behalf of Fred Basquin and Jed Parker(owners) have filed a rezone request to remove TPZ zoning at Bunch Creek (PREA T20060521) and replace it with RF-B-X-80 AC. (See Agriculture Commission Meeting Minutes Attachment #1)

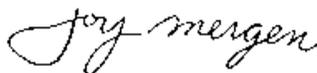
My father, Paul Mergen, and I own 160 acres of land in Colfax just adjacent to the Basquin/Parker land. (See Map Attachment #2) We have filed a lawsuit with the Superior Court of California County of Placer on 4/30/2007 a "Complaint to Quiet Title and for Declaratory and Injunctive Relief." (See Civil Case #3)

We respectfully request that you hold any decisions on this property split until we get this easement issue resolved with Fred Basquin and Jed Parker.

The Mergen family has owned the 160 acres since April 1964 and the easement was never an issue. Our current litigation is directed towards written clarification of our right to access our property. Approval to remove the TPZ zoning and then splitting the property into 6 parcels could greatly impair our access to the property.

We've enjoyed access to our property 43 years and we want our access clarified in writing before we have 6 more people to contend with on the road.

Respectfully Submitted,



Joy Mergen
8968 N Upper Bluffs Dr
Tucson, AZ 85742
jmergen@att.net
520-219-1425

Paul Mergen
6362 N Willowhaven Dr
Tucson, AZ 85704

Cc: Planning Director--Michael Johnson
Placer County Supervisors
Planning Commission Members
Colfax City Manager--Joan Phillippe
Reynolds Maddox LLP

Enclosure--Attachments #1, #2 & #3



**COUNTY OF PLACER
AGRICULTURAL COMMISSION**

CHRISTINE E. TURNER
Agricultural Commissioner
Sealer of Weights & Measures

AGRICULTURAL COMMISSION MEMBERS
Tony Aguilar Richard Johnson
James Brenner William Morebeck
Patricia Beard John Nitta
Paul Ferrari Vicky Morris
Wayne Vineyard

11477 E AVENUE, AUBURN, CALIFORNIA 95603
TELEPHONE: (530) 889-7372
FAX: (530) 823-1698
www.placer.ca.gov

MINUTES

PLACER COUNTY AGRICULTURAL COMMISSION MEETING

May 14, 2007

Members Present: Tony Aguilar, Patti Beard, Jim Brenner, William Morebeck, John Nitta,
Richard Johnson, Vicky Morris, Wayne Vineyard

Members Absent: Paul Ferrari

I. **CALL TO ORDER** – Meeting called to order at 7.00 by Chairman Wayne Vineyard.

II. **APPROVAL OF AGENDA FOR MAY 14, 2007 AND MINUTES FOR APRIL 9, 2007-**
Motion to approve April 9, 2007 Agenda:
Johnson/Aguilar/MPUV

MOTION BY RICHARD JOHNSON:

To change the wording in #5 to replace "excluding" with "including".

MPUV

III. **PUBLIC COMMENT (The Commission does not act on items under Public Comment).**

- Waller Fickworth, rice, walnut, and cattle farmer had copper wires stolen from his agricultural well. He was told by Beamer Pump that he would need a permit from the Placer County Building Department to reconnect to electricity. He was told by PG & E that the fee could cost \$87. Nick Greco and Jarol Moore, local Placer County farmers, have also had agricultural thefts. Pending legislation may require recycling companies to hold items for 5 days before paying the customer, and to video tape the seller. The Commission members would like to invite Sheriff Bonner, or other department staff, to the June 11 Agricultural Commission meeting to address the agricultural theft issues in Placer County.
- Christine Turner extended an invitation to everyone and handed out flyers for the 2007 Agricultural Tour on May 30, 2007 that is being coordinated by Mark White, Resource Conservation District. RSVP by May 25, 2007.

- IV. **BUNCH CREEK TPZ REZONE (PREA T20060521)** – Crystal Jacobsen, Planning Department
This is a rezone request by applicant Jack Remington, A. R. Associates, on behalf of Fred Basquin and Jed Parker (owners) to remove the TPZ zoning and replace it with RF-B-X-80 AC minimum, which is still consistent with the Placer County General Plan. This rezone of 597.5 acres would result in three approved tentative parcels being divided in half with the result of three additional parcels.

The Planning Department will come back at a later date for recommendation from the Agricultural Commission.

V. **COMMITTEE REPORTS**

- A. **Agricultural Marketing Program Activities** – Nancyjo Riekse.
- Report of Ag Marketing activities for April
- B. **Economic Development Board (EDB) Update** – Lyndell Grey. No report
- C. **Livestock and Natural Resources Farm Advisor** – Roger Ingram
- Mobile Poultry Processor handout. Explained how it works. Looking for sponsorships. Bio-security on commercial poultry farms is major concern.
- D. **Horticultural and Small Farms Advisor** – Cindy Fake. No report
- E. **Municipal Advisory Council (MAC) Agendas/Minutes** – Patti Beard. No report
- F. **Placer Parkway Meeting Update** – William Morebeck. No report
- G. **Agricultural Water Supply Subcommittee/Ag Water Waivers** – Christine E. Turner.
- April 23, 2007 article in Auburn Journal talked about possible agricultural water reduction in Placer County Water Agency's Zone 5 in western Placer County.

VI. **AGRICULTURAL COMMISSIONER'S REPORT** – Christine E. Turner, Agricultural Commissioner.

- Tonya Aguilar reappointed for 4 more years
- Richard Johnson appointment expires November 30, 2007, and Wayne Vineyard's expires in December 2007
- No official word from Board of Directors regarding the appointment of Nancyjo Riekse as Placer County Visitors Council Agricultural Representative
- On April 25th, Patti Beard was honored at the Auburn "State of the Community" awards dinner as a "Friend of Agriculture."
- State OES has submitted a letter to USDA requesting Placer County be declared a disaster area due to unseasonable drought affecting over 30% of the county's grazing land
- The Brenner Ranch was highlighted in the May/June "Perspectives" magazine from the Arts Council of Placer County
- Board of Supervisor approved conditional support of a proposal by the City of Roseville to annex 2,172 acres (Sierra Vista Specific Plan) for development

- Heads up that Placer County Environmental Health Department is moving forward to be in compliance with State requirements regarding on farm hazardous materials reporting
- Patterson Sand & Gravel's quarry expansion Environmental Impact Report has supported 1:1 mitigation for mining impacts on agricultural land
- Confirmed that the Agricultural Commission has received the calendar year reports of the Parcel Review Committee's approval of 4-way, or less, parcel splits of agricultural land for 1999 through 2006
- Light Brown Apple Moth (LBAM) in 8 counties to date. Federal and Intra-State quarantines are in place. Feeds on more than 250 different agricultural crops. All nursery stock, cut flowers, greenery, trees & bushes, fruits, vegetables, hay, straw, bulk herbs & spices and more are affected by the quarantines. LBAM native to Australia & in Hawaii since 1800's. So far no countries have banned California fruit.

VII. NEW BUSINESS AND GENERAL COMMISSION COMMENTS – None.

VIII. ADJOURNMENT – There being no further business to come before the Agricultural Commission, the meeting was adjourned at 9:00. The next regular meeting will be held at 7:00 p.m. on Monday, June 11, 2007 at the Planning Commission Hearing Room in Auburn.

Recording Secretary
tr

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Reynolds Maddux LLP
 Phillip Maddux, Esq. SBN 45579 Scott D. Christensen, Esq. SBN 181629
 500 Auburn Folsom Road, Suite 210
 Auburn, CA 95603
 TELEPHONE NO.: 530-885-8500 FAX NO.: 530-885-8113
 ATTORNEY FOR (Name): Plaintiffs Paul and Joy Mergen

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF PLACER

 APR 30 2007

 JOHN MENDES
 EXECUTIVE OFFICER & CLERK
 By P. Bohner, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Placer
 STREET ADDRESS: 101 Maple Street
 MAILING ADDRESS: 101 Maple Street
 CITY AND ZIP CODE: Auburn, CA 95603
 BRANCH NAME:

CASE NAME:
 Mergen v. Edwards, et al

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter Joinder
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER
SCV 20979
 JUDGE:
 DEPT.:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/DWD (23) <p>Non-PIP/DWD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (37) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/DWD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input checked="" type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. monetary b. nonmonetary, declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): six
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 30, 2007
 Scott D. Christensen, SBN 181629
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Allan Edwards, Nancy Edwards, Steven Wolf, Kathy Wolf, Fred Basquin III, Karen Basquin, Jed Parker, all persons unknown claiming any right, title, estate or interest in defendants' property, and Does 1-30, Inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Paul Mergen and Joy Mergen

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLACER

APR 30 2007

JOHN MENDES
EXECUTIVE OFFICER & CLERK
By P. Bohnet, Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

Placer County Superior Court
101 Maple Street
Auburn, CA 95603

CASE NUMBER (Número del Caso): **SCV 20979**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Reynolds Maddux LLP, c/o Scott D. Christensen, Esq., SBN 181629
500 Auburn Folsom Road, Suite 210, Auburn, CA 95603, 530-885-8500

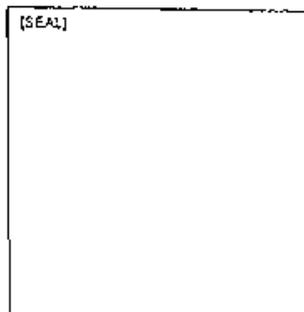
DATE:
(Fecha)

APR 30 2007

Clerk, by P. Bohnet
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify).
3. on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. by personal delivery on (date):

Edwards Family Farm
22801 Gillis Hill Rd.
Colfax CA 95713
(530) 637-4231

February 5, 2008

John Marin, Agency Director
Placer County Community Development resource Agency,
3091 County Center Drive, Suit 190
Auburn CA 95603

re: Comments on the draft negative declaration for the proposed Bunch Creek Rezone (PREA T20060521)

Dear Director Marin,

Below are comments on the draft Mitigated Negative Declaration for the Bunch Creek Rezone (PREA T20060521) issued by County staff on or about January 11, 2007.

Overall, the declaration contains dozens of factual errors and omissions. As a result, the analysis of many of the impact areas, and some of the proposed mitigation measures are significantly flawed. In addition, there are several areas of impacts which are not addressed at all, and for which no mitigation is identified. This document is insufficient and can not be used a basis for concluding that the proposed rezone would have no unmitigated impacts. In addition, by its very nature, this rezone is a major, long-term change in land use. The CEQA document for this proposal needs to include a thorough, long-term cumulative impacts analysis.

Due to the extensive problems with this document, we believe the county needs to correct the factual errors, provide the missing data (including field data) and analyses, reanalyze the impact categories, and reissue the resulting CEQA document for public review and comment.

What follows are detailed comments that are presented in the same order as the related sections in the draft declaration. These comments identify problems in the document as they relate to: Factual errors, Factual omissions, inadequate mitigation, and unmitigated impacts. Attached are documents in support of our comments, specifically an USDA site-specific soils analysis of the applicant parcel, and letters from existing neighbors regarding conflicts between subdivisions and timber harvests.

Detailed Comments

- A. Page 1: Factual error. The language in the declaration indicates that the minor land division was finalized for the applicant's (Basquin/Parker) land. Checking with county planning staff, they report that this subdivision was *tentatively* approved as a subdivision of TPZ land in 2005, but will not be final until the required improvements (road and other) are completed.
- B. Page 1: Factual error. The declaration states that under TPZ, one of the 3 parcels created in the 2005 parcel map could be further subdivided. But since the minimum parcel size in TPZ is 160 acres, the largest of the applicant's tentative parcels (277.5 acres) does not meet the 320 acre minimum size for a 2 split. At the present time, since the 2005 minor parcel split is not final, this land contains only one parcel (597 acres).
- C. Top of Page 2: Factual errors. This section refers to an application for a timberland conversion permit dated August 1992. There is no evidence that permit application exists. In addition, the

following are errors contained in the description of that permit application and other information from CDF:

- I. The site was not harvested in 1990.
 - II. The characterization that the previous owners "split the land and placed (it) in timber production zoning" is incorrect. Actually, the land was put into TPZ under a single ownership (partnership) as single parcel under List A in 1977. The partnership was created in 1946 and partitioned in 1989.
- D. Center of Page 2 - B Factual Errors: "Environmental Setting": Contains the following errors and misrepresentations:
- I. "Site" -- Fails to state that the current Timber Production Zoning is 160 acre minimum parcel size, and fails to state that part of the site is in the American River Canyon.
 - II. "North" -- Fails to mention that 2 of the 3 parcels to the north are Timber Production Zoning with a 160 acre minimum parcel size.
 - III. "East" -- Mischaracterizes this as only have a zoning of FBX 20, and as being "developed with medium density single-family residences ...". In reality, of the 1.25 miles on the eastern boundary of the site, .75 miles is undeveloped TPZ land and .5 miles is owned by BLM (this single parcel is zoned Water influence in the general plan, and is mostly on the steep side of the American River Canyon). The declaration states "Parcels to east are developed with medium density single-family residence, with rear yards containing many oaks which provide a buffer to the project site". In reality, there are no houses on the immediate east side of the Basquin/Parker land, this area is in the American River Canyon - the nearest houses several miles away.
 - IV. "West" -- Mischaracterizes the land as a large parcel along the south line and medium density residential development along the north portion. In reality, the south 1/2 mile is a large undeveloped parcel in Bunch canyon. The middle 1/4 mile has 5 parcels which contain a total of 2 houses. And the north 1/4 mile is Timber Production Zoned land.
- E. Page 3, C. Previous Environmental Documents: Factual errors: The declaration lists the Foresthill Community Plan EIR as a reference EIR. The applicant's land is not within the boundaries of the Foresthill Community Plan EIR.
- F. Page 5 - I. Aesthetics:
- I. Factual error: The discussion section for "Aesthetics" states that this project "does not include any development of the site." This is untrue. The applicant obtained tentative approval for a 3 parcel subdivision in 2005. Once the applicant completes the required improvements this subdivision will be finalized. However, since the land is still in TPZ, the applicant and subsequent owners have no right to build houses on these parcels. Approval of this proposed rezoning will give them that right, allowing 3 homes where none are now allowed, without any further environmental assessment and public review.

Furthermore, while not part of the current project, this rezoning could result in a total of 7 houses that are not allowed under the current zoning. This CEQA review is the correct place for assessing the cumulative impacts of the full development that will result from this rezoning.

- II. Unmitigated impacts. The Discussion "All Items:" on page 5 acknowledges that the Placer County General Plan considers the ridges west of the North fork of the American river to be scenic resources. If this rezone is approved, 3 houses will be immediately allowed, and up to 7 houses will be eventually allowed on this property without further rezoning. The only flat, accessible, buildable land on the property is on the ridgetops. So the rezone will likely result in compromising the scenic resource with residential development.

G. Page 5 & 6, Agricultural Resources:

- I. Factual error: The discussion section, item II-1,3, refers to a conclusion that the land has poor growing conditions for conifer forests. This is part of the economic justification for rezoning the land from Timber production to a residential zoning. However the "poor growing conditions" conclusion is factually incorrect. This land was part of a detailed soils analysis conducted by US Department of Agriculture in 1966. This analysis found 23 separate soils areas on what is now the applicant's land (see attachment A). While the study showed 2 small areas that were too rocky for commercial forests, it also showed that approximately ½ the land has soils with 100 year Ponderosa pine site indices of 95 to 100 (considered a medium site class) and approximately ½ has soils with 100 year indices of 118 to 120 (considered medium to high site class). In addition, according to the same soils analysis, the 520 acre TPZ parcel immediately to the north of this land has a very similar mix of soil types – and it is currently growing excellent quality pine and Douglas fir timber. All of this, along with historical information indicating that the applicant's land has produced several million board feet of timber in the last 60 years, contradicts the conclusion in the item II-1,3 that the Basquin/Parker land is poorly suited for growing forest.
- II. Factual omission: The discussion for sections 1 & 3 also concludes that restocking the land and growing timber will be economically infeasible. While the discussion refers to a forest management report, neither this reference report nor the discussion offer real economic analysis to substantiate the conclusion.
- III. Unmitigated Impacts: As discussed above, this rezoning would result in conversion of medium to medium-high site timberland to non-timber uses. As discussed below, it is likely that, if rezoned, this land will never be returned to the forest that it once was. In addition, if rezoned to residential uses, the 200 acres that was not burned and is stocked will likely not be maintained as productive forest. Yet despite these likelihoods, the document offers no mitigation for the agricultural and environmental impacts of this conversion.

Support for the statement that a rezoning will likely result in a permanent conversion of this land from its former status as mixed conifer forest to bushland with some oaks is as follows:

- i. The brush and vegetation which have come to dominate the land since the Ponderosa fire are aggressive excluders of native conifers, particularly Ponderosa pine. This, and the lack of conifer seed trees in the immediate area, means that it will be difficult for this land to naturally reforest. Reforesting will take affirmative management in the form of site preparation and replanting.
 - ii. Post-wildfire restocking is standard forestry practice throughout the forest regions of the Western US. There was (and is) government money available to share the cost of replanting/restocking. Neighboring land also burned in the Ponderosa fire was successfully restocked with commercial conifers immediately after the fire. However, there was no attempt to reforest the applicant's land after the Ponderosa fire.
 - iii. There is no discussion in the negative declaration about replanting the land to conifers, and so presumably no plans to do so.
 - iv. In addition, this rezoning would take this land out of the timberland market and put it in the high-end residential market. With the resulting change in land values, growing a forest for the production of timber will truly become uneconomic. And as a result of the change in land price, the land will likely come to be owned by people whose priorities and land investment activities are residential, not forest. So it is not likely that future residential owners would do the replanting necessary to restore conifer forest on the burned portions of the applicant's land.
- IV. Unmitigated Impacts: The negative declaration does not adequately address impacts on

neighboring TPZ and does not provide adequate mitigation. The result is significant unmitigated impacts.

The discussion on page 6 of the negative declaration states that the rezoning may result in land-use conflicts between future residents of the applicant's land and adjacent forest and agricultural operations. But the declaration only considers only noise and dust issues. There are other issues that have caused significant conflicts when residential development was allowed next to existing TPZ land. (See attached letters from neighbors to a TPZ parcel regarding potential conflicts with a permitted harvest.) The areas of conflict that must be addressed in the CEQA document include:

- Residential neighbors objecting to permitted timber harvests,
- Residential neighbors objections to harvesting trees that may change their view
- Residential neighbors objecting to logging trucks using the county road
- Residential neighbors living more than 100 feet from the TPZ boundary objecting to the noise and other aspects of harvesting activities.
- Residential neighbors' dogs harassing livestock on the TPZ land
- Residential neighbors regularly trespassing on TPZ land
- Lawsuits by neighbors attempting to gain access through TPZ land for development purposes.

These conflicts have arisen due to the subdivision the county approved on our western boundary. Adding another subdivision that runs along our southern boundary will make the economics of growing timber all the more difficult. The negative declaration offers a 100' setback from the remaining TPZ parcels as sole mitigation for conflict impacts. Yet most of the conflicts between the TPZ owners and neighboring subdivisions were from subdivision people who lived more than 100 feet from our boundary. Therefore, the negative declaration does not include adequate mitigation for impacts to neighboring TPZ.

- V Unmitigated impact. County-Wide Impacts – Rezoning this parcel could encourage conversion of TPZ parcels throughout the eastern half of the county. The negative declaration offers no mitigation for this broader impact.

Placer County landowners are facing great pressure to convert their working land for real estate developments. Within the County's forested areas, many of the remaining parcels are Zoned TPZ. Up until now, the severe restrictions associated with TPZ have left these parcels largely untouched by development pressure. But this rezoning proposal is a test case that will set a precedent, and may determine the eventual fate of much of the County's forest.

The Discussion page 6 of the negative declaration offers arguments as to why the rezoning and conversion of the Basquin/Parker land is justified. Those arguments include the following key elements:

- the property was heavily logged,
- 2/3 of the property was burned in a wildfire (at least in part because the historic fuel breaks had not been maintained)
- the owners failed to even minimally replant to conifers following the fire.
- there is no near term expectation of commercial timber harvests on this site
- Overall the economics of keeping this land in forest is less attractive than the economics of rezoning and subdividing.

These same arguments for rezoning could be applied to other TPZ land, particularly if the owners are willing to log heavily, manage poorly, and allow, if not encourage,

wildfires. The negative declaration did not address this impact.

H. Page 6 & 7, Air quality: The table and discussion on pages 6 and 7 conclude in error that this rezoning proposal would have no impacts on air quality.

I. Unmitigated impact -- This is a Transportation-generating project. When built-out with 7 residences, this project will generate a large number of additional trips a year, we estimate approximately 7000 trips per year. This would be a considerable addition to the transportation-generated air pollution, particularly since the residents may need to commute long distances to jobs in the Sacramento valley

II. Unmitigated impacts -- In addition, because this is a precedent setting project, the broader air quality implications could be great.

There is no mitigation offered in the negative declaration for these impact.

I. Pages 7 & 8, Biological Resources: The table and discussion concludes in error that this proposed rezoning would have no impacts on biological resources. This erroneous conclusion is partly based on incorrect information, and partly on information and analysis that is absent from the document.

I. Factual error -- The discussion on page 8 concludes that the rezoning proposal would not include any development of the site. But as pointed out in section F.I above, the approval of this proposal would immediately allow 3 houses where they are not currently allowed. In addition, the proposal would ultimately result in at least 7 residential parcels on land that now allows no residences. Therefore the conclusions are based on incorrect information.

II. Factual omissions --

a. This section of the negative declaration concludes that the proposed rezone and conversion would have no impact on sensitive species or their habitats. But there is no information or analysis presented or referenced to support this conclusion.

b. Further, as discussed in section G above, the applicant argues against restoring the land to its former status as a mixed conifer forest. By implication, this means that the land will continue in its current status as a wildfire-induced brush field with scattered oaks that survived the fire rather than its former status as conifer forest and mixed conifer forest. In addition, this proposed rezoning would fragment what is now a large block of undeveloped land. Overall, this would mean the permanent loss of a large block of conifer and mixed conifer forest. But there is no analysis presented to conclude that this would have no impacts on Biological Resources.

III. Unmitigated Impacts --

a. Without information and analysis to support the conclusion of no Biological Resource impacts, this document must conclude that impacts to Biological Resources are possible. As a result, the document needs to either provide such information and analysis, or offer mitigations for any impacts that may be possible (for example, impacts on sensitive amphibians and raptors). Yet this document offers no such mitigations.

b. More broadly, because this project is precedent setting, it could well encourage other timberland owners to strip and/or burn their land, and rezone for development. The overall impacts on forest habitats in Placer County could be devastating. Yet this document offers no mitigation for this possibility.

J. Page 8, Cultural Resources:

I. Factual error -- As discussed in sections F & I above, this negative declaration ignores the fact that the Rezoning automatically allows 3 houses on a parcel that here-to-fore did not have the right to residences. Therefore the conclusions are based on incorrect information.

II. Factual omission -- This document does not reference either site specific studies or broader studies to support the conclusion that the proposed rezoning would have no impact on cultural resources. Such a study would certainly find historic mining artifacts (stamp mill,

mining dump sites, etc). And since neighboring land holds the site of a Native American village, this land is likely to contain Native American artifacts.

III. Unmitigated impacts – There is no discussion of mitigating impacts the rezoning may have on cultural resources

K. Page 9 & 10, Hazards and Hazardous Materials:

I. Factual error -- The discussion item VII-4 mentions 2 mine tunnels - one exposed and one covered. In fact, there are at least 8 historic mines and a stamp mill on this property. If mining activity creates concerns about hazardous materials, all of these should be examined

II. Factual error – The discussion item VII-7 states that this proposed rezoning would not include the development of the site. But as shown in sections F & I above, this is factually incorrect. Therefore these conclusions are based on incorrect information.

III. Factual omission – This property has been given the highest wildfire hazard ranking in the California Fire Plan. In the past 50 years it has experienced 3 major wildfires, culminating in the destruction of approximately 2/3 of the forest on the land in the 2001 Ponderosa fire. Rezoning this land from TPZ to residential uses would seem inappropriate without an expert's analysis of the health and safety impacts from the standpoint of future wildfires. Unfortunately no such analysis has been referenced or offered

IV. Factual omission – The Mitigation measures – Item VII-7 mentions mitigation measures designed to reduce the threat of wildland fire damage. But the language in measures 1 & 2 are not specific as to the details, location, and timing of the installation and maintenance of the shaded fuel breaks and access roads. Measures 3 & 4 do not identify which roads will be so treated. Measure 8 does not specify when, where, and how many water storage tanks will be installed.

V. Unmitigated Impacts – This section of the document fails to mitigate, or fails to adequately mitigate the following impacts:

- toxic hazards from mine tailings and mine mill tailings
- physical hazard of open mines (the negative dec mitigates one open tunnel, but there are several more that would still be open.)
- the wildfire hazard mitigations, as described, are inadequate, and it is possible that allowing houses on the ridgetops of this property would create wildfire risks that are not mitigatable

L. Page 11 & 12, Hydrology and Water quality

I. Factual Error -- The discussion item VIII-1 states that this proposed rezoning would not include the development of the site. But as shown in sections F & I above this is factually incorrect. Therefore the conclusions are based on incorrect information

II. Unmitigated Impacts –

- The applicants will need to prove a potable water supply is available for the three houses that will be immediately approved if this rezoning proposal is approved.
- there may be other unmitigated hydrologic impacts that have not been discussed because of the incorrect conclusion discussed in section L.I above

M. Pages 12, 13 & 14, Land Use and Planning.

i. Factual errors

- The discussion – Item IX-3,4,5 is incorrect. The site was not legally harvested for marketable timber in 1990.

II. Inadequate mitigation –

- Mitigation Measures-Items IX3,4,5 are inadequate. As discussed in section G.III.b above, the 100' buffer is not sufficient to prevent conflict between residential development and TPZ operations

III Unmitigated impacts –

- a. As discussed in section G III.c above, if approved, this rezoning proposal could encourage conversion and development in forestland throughout the county.
- b. The discussion Item IX-7 erroneously concludes that the proposed rezoning will not result in a substantial alteration of the present and planned land use of the site. As discussed in section G III.a above, the proposed rezoning would permanently convert the land use of the site. For this impact, the negative declaration offers no mitigation.

N. Page 15, Public Services:

- I. Factual error – The discussion item at the bottom of page 15 states that this proposed rezoning would not include the development of the site. But as shown in sections F & I above this is factually incorrect. As a result, this document incorrectly concludes that the proposed rezoning will have no impact on fire protection services, and on the maintenance of public roads.
- II. Unmitigated Impacts --
 - a. Fire protection – the project certainly has the long term impact of increasing the demand for protecting houses during wildfires. Yet those impacts are not mitigated.
 - b. Maintenance of public roads – In the long term, the project will increased traffic, and resulting wear and tear, on Yankee Jim's road. This issue is unlikely to be raised in subsequent minor parcel splits. Now is the time to analyze it, particularly if there is any move toward increasing the area's density in the community plan update. The declaration did not do this.

O. Pages 16 & 17, Transportation:

- I. Factual error -- The discussion item at the top of page 17 states that this proposed rezoning would not include the development of the site. But as shown in sections F & I above this is factually incorrect. As a result, this document incorrectly concludes that the proposed rezoning will have no impact on traffic.
- II. Unmitigated impacts -- As discussed above in section G, there has already been significant conflicts between the Edwards family and residents of existing neighboring subdivisions in regard to periodic timber harvests on the Edwards TPZ parcel. Some of the most significant of those conflicts concerned the unwillingness of subdivision neighbors to share public roads with trucks hauling logs to market. The proposed subdivision would add residential neighbors along our southern boundary. They would share the same county road with our haul trucks; and, in addition, share an easement road as well. It is reasonable to expect traffic conflicts between these future neighbors and the Edwards haul trucks. But the negative declaration does not discuss these significant impacts, nor does it identify any mitigation measures.

P. Page 17, Utilities and services issues:

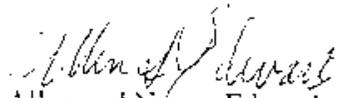
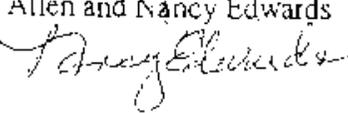
- I. Factual error -- The discussion item at the bottom of page 17 states that this proposed rezoning would not include the development of the site. But as shown in sections F & I above this is factually incorrect. Therefore the conclusions are based on incorrect information.
- II. Unmitigated impacts – Because of the factual error discussed above, the mitigated negative declaration fails to propose mitigations for the impacts of residential water supply and on-site sewage disposal.
 - a. According to the environmental questionnaire, there have been no wells dug for the 3 parcels created by the 2005 minor parcel split – for which this rezoning would allow houses.
 - b. Neither have there been perc and mantle tests for the three parcels.

Q. Page 18, Mandatory Findings of Significance: Environmental issues -- As discussed in sections A through P above, the mitigated negative declaration document suffers from

significant factual errors and omissions. As a result, the declaration comes to a number of unsupported conclusions regarding the need for mitigations, and the adequacy of proposed mitigations. In additions, there are several impacts and potential impacts of the proposed rezone that the document does not attempt to mitigate. As a result, the conclusion in this section are unsupported.

Please feel free to contact us if you have any questions about the above comments.

Sincerely,


Allen and Nancy Edwards


Attachment A

Rezoning - Soils map

The listing below shows the soils Types on Basquin/Parker land, as taken from the February 1965 site-specific soils map - compiled by the Staff from the USDA's Soil Conservation Service. Overall, based on the 1965 site-specific soils survey, approximately 1/2 of the Basquin/Parker land is medium site land (site index 95 - 100) and half is higher site land (site approximately site index of 120), with a very small portion in rocky land. The specific soil types found on this land are as follows:

Soils in areas that were not burned in the Ponderosa Fire

<u>Soil Symbol on Map</u>	<u>Soil Type</u>	<u>Pine Site Index(100 yr)</u>
4M4E/70G-2	Mariposa Loam	95 - 100
5VVME/46G-1	Rockland	-----
2M43E/55G-1	Sites Loam	120
4M4E/50F-1	Mariposa Loam	95 - 100
3M4YE/19E-1	Josephine Loam	118
4M4E/51G-1	Mariposa Loam	95 - 100
4RM4YE/40F	Sutherland Loam	about 120 (4)
3M4YE/54G-1	Sutherland Loam	about 120 (4)
3M4YE/32F-1	Sutherland Loam	about 120 (4)

Soils in areas that were burned by the Ponderosa Fire

<u>Soil Symbol on Map</u>	<u>Soil Type</u>	<u>Pine Site Index(100 yr)</u>
3M4YE/ 54G-1	Sutherland Loam	about 120 (4)
5VVMB/62G-2	Rockland	-----
3M4YE/32F-1	Sutherland Loam	about 120 (4)
4M4E/60G-2	Mariposa Loam	95 - 100
2M4YE/40F-1	Sutherland Loam	about 120 (4)
3M34E/38F-1	Sites Loam	120
4M43E/38F-1	Mariposa Loam	95 - 100
3M43E/15D-1	Sites Loam	120
4M4E/35F-1	Mariposa Loam	95 - 100
4rM4E55G-1	Mariposa Loam	95 - 100
4rMC/25E-1	Dubakella	60
3rM4E/65G-1	Josephine Loam	118
4rM4E/15D-1	Mariposa Loam	95 - 100
3rM43E/43F-1	Sites Loam	120

Notes 1) the soil classifications were read off the soil map from left to right and top to bottom

- 2) The Soil classifications came from the Table that accompanied the soils map in the 1965 study.
- 3) The 100 year pine site indexes came from Table 4 of the Soils Survey of Placer County, California - Western Part. By USDA Soil Conservation Service, issued 1980
- 4) The Soil Survey ... cited in # 3 above did not list Sutherland Loam site indexes. Given the soil depth and texture, they should be approximately the same as Sites Loam

SOIL SURVEY SUMMARY

23

Cooperator: James E. Edwards - #10 (Residence)

Date: February - 1965

Land Capability Unit	Symbol on Map	Correlated Soil Name	Effective Depth	Soil Profile			Average Slope in %	Erosion	Suitable Land Uses	Limiting Factors or Remarks
				Texture		A.W.C. Inches				
				Surface	Subsoil					
III c 1	3M43E 15E-1	SITES	20-36"	Loam	Clay Silt	6-10"	7-8%	SLIGHT	PASTURE, RANGE, WOODLAND, WILDLIFE	light gray woodland group 4
III c 3	3M4YE 8C-1	SUTHERLIN	20-36"	Loam	clay	4-6"	8-10%	SLIGHT TO MOD	PASTURE RANGE WOODLAND WILDLIFE	light woodland group 4
III c 4	3M43E 6C-1 15D-1	SITES	20-36"	Loam	Clay Silt	2-10"	6-15%	SLIGHT	PASTURE RANGE WOODLAND WILDLIFE	light woodland group 4
III c 8	3M4E 2B± 5C-1 10D-1	JOSEPHINE	20-36"	Loam	Loam	4-6"	2-10%	"	PASTURE RANGE ORCHARD WOODLAND WILDLIFE	light woodland group 4
IV c 1	2M43E 25E-1	SITES	36-60"	Loam	Silt Clay	8-12"	25%	"	RANGE PASTURE WOODLAND WILDLIFE	light woodland group 4
IV c 8	3M43E 25E-1	SITES	20-36"	Loam	Silt Clay	6-10"	25%	"	RANGE PASTURE WOODLAND WILDLIFE	light woodland group 4

SOIL SURVEY SUMMARY

94

Operator: _____

Date: _____

Land Capability Unit	Symbol on Map	Correlated Soil Name	Effective Depth	Soil Profile			Average Slope in %	Erosion	Suitable Land Uses	Limiting Factors or Remarks
				Texture		A.W.C. Inches				
				Surface	Subsoil					
IV e8	3M4YE 16E-1 19E-1	SUTHERLIN	20-36	Loam	Clay	4-6	16-19	slight Mud to surface	RANGE PASTURE WOODLAND	Depth slope
IV e8	3M4E 20E-1 25E-1	JOSEPHINE	20-36	Loam	Loam	4-6	20-25	"	RANGE PASTURE WOODLAND	WOODLAND group 9
IV e8	4M4E 30E-2	PHRIDOSA	10-20	Loam	Heavy Loam	2-4	30	"	WOODLAND RANGE wildlife	"
VI c1	2M43E 32F-1	SITES	31-60	Loam	Clay loam	8-12	32	"	RANGE WOODLAND wildlife	WOODLAND group 5
VI e1	3M43E 33F-1 33F-1 35F-1 35F-1	SITES	20-36	Loam	Clay loam	6-10	32-38	"	RANGE WOODLAND wildlife	" WOODLAND group 5
VI c81	3M43E 33F-1	SITES	20-36	Loam	Clay loam	6-10	33	"	RANGE WOODLAND wildlife	" WOODLAND group 5

SOIL SURVEY SUMMARY

95

Cooperator: _____

Date: _____

Land Capability Unit	Symbol on Map	Correlated Soil Name	Effective Depth	Soil Profile			Average Slope in %	Erosion	Suitable Land Uses	Limiting Factors or Remarks
				Texture		A.W.C. Inches				
				Surface	Subsoil					
VI e1	3M41E 32F-1	SUTHERLIN	20-36	Lean	Clay	4-6	32	woodland to brush	Range woodland with brush	depth slope
VI c1	4M4E 35F-1 50F-1	Mariposa	10-20	Lean	Heavy lean	2-4	35-50	"	Range woodland with brush	depth wood group 7
VI e8	2M41E 42F-1	SUTHERLIN	36-60	Lean	Clay	4-6	40	"	Range brush woodland with brush	depth slope
VI e8	3M41E 19E-1 32E-1 54G-1	SUTHERLIN	20-36	Lean	Clay	4-6	19-54	"	Range woodland with brush	depth slope
VI e8	3M4E 40F-2	JOSEPHINE	20-36	Lean		4-6	40	"	Range woodland with brush	depth wood group 7
VI c81	3M4E 40F-1	JOSEPHINE	20-36	Lean		4-6	40	"	Range woodland with brush	depth wood group 7

SOIL SURVEY SUMMARY

Cooperator: _____

Date: _____

Land Capability Unit	Symbol on Map	Correlated Soil Name	Effective Depth	Soil Profile		Average Slope in %	Erosion	Suitable Land Uses	Limiting Factors or Remarks	
				Texture						A.W.C. Inches
				Surface	Subsoil					
VI c 8	4M4E 31F-1	MARIPOSA	10-20	Loam to heavy loam	2-4	21	mod to severe	large woodlands	depth slope	
VI c 8	4M4E 50F-1	MARIPOSA	10-20	Loam to heavy loam	2-4	50	"	woodland	depth slope	
VI 84	4M4E 50F-1 40F-1	MARIPOSA	10-20	Loam to heavy loam	2-4	40-50	"	woodland	depth	
VI 51	2M43E 31E-1 42F-1	SITES	36-60	Loam Clay loam	8-12	31-40	"	large woodlands	slope depth	
VI 51	2M43E 50F-1	SITES	36-60	Loam Clay loam	8-12	50	"	large woodlands	depth	
VI 51	3M43E 43F-1	SITES	20-36	Loam Clay loam	8-12	43	"	large woodlands	depth	

SOIL SURVEY SUMMARY

17

Cooperator: _____

Date: _____

Land Capability Unit	Symbol on Map	Correlated Soil Name	Effective Depth	Soil Profile		A.W.C. Inches	Average Slope in %	Erosion	Suitable Land Uses	Limiting Factors or Remarks
				Texture						
				Surface	Subsoil					
VI S 1	3m 4E 16E-1	Tidepine	20-36	Loam		4-6	16	None	Range Pasture Woodland Wildlife	Depth Rock Slope
VI S 1	3m 4E 3B±	Tidepine	20-36	Loam		4-6	3	Slight	Range Pasture Woodland Wildlife	Depth Rock Slope
VI S 8	4.9m 4E 3B±	Mixed Land	10-20	Gravelly Loam		4-6	3	"	Range Pasture Woodland Wildlife	Depth Slope Variability
VI S 8	4m 4F 4CF-1	Sutherland	10-20	Loam	Clay	4-6	40	Mod to Severe	Range Pasture Woodland Wildlife	Depth Rock Slope
VI S 84	4m 4E 15D-2	Mariposa	10-20	Loam	Heavy Clay	4-6	15	Mod	Range Pasture Woodland Wildlife	Depth Rock Slope
VI S 9	3m 4C 15G-1	Dubakella	20-36	Loam	Clayey Loam	4-6	15	"	Range Pasture Woodland Wildlife	Depth Slope

SOIL SURVEY SUMMARY

Cooperator: _____

Date: _____

Land Capability Unit	Symbol on Map	Correlated Soil Name	Effective Depth	Soil Profile		A.W.C. Inches	Average Slope in %	Erosion	Suitable Land Uses	Limiting Factors or Remarks
				Texture						
				Surface	Subsoil					
VII c1	3M43E 576-1	SITES	20-36	Loam	Clay Loam	6-10	51	Mod to Sev	Woodland wildlife	Slope depth
VII c1	4M4E 556-1 706-2	MAZIP084	10-20	Loam	Heavy Loam	2-4	55-70	SH	Woodland wildlife	Slope depth
VII e7	4M4E 706-2	WALY084	10-20	Rocky Loam		2-4	70	"	Woodland wildlife	Slope rockiness depth
VII c3	2M4YE 496-1	SUTHERLIN	36-60	Loam	Clay	4-6	49	SH	Woodland wildlife	Slope depth
VII c6	3M4YE 546-1	SUTHERLIN	20-36	Loam	Clay	4-6	54	"	Large wood wildlife	Slope depth
VII c8	4M4E 606-2 706-1	MAZIP084	10-20	Loam	Heavy Loam	2-4	60-70	"	Woodland wildlife	Slope depth

SOIL SURVEY SUMMARY

Cooperator: _____

Date: _____

Land Capability Unit	Symbol on Map	Correlated Soil Name	Effective Depth	Soil Profile		A.W.C. Inches	Average Slope in %	Erosion	Suitable Land Uses	Limiting Factors or Remarks
				Texture						
				Surface	Subsoil					
VII e 81	4M4E 50F-1 60G-1 70G-2	MARIPOSA	10-20	Loam	Heavy clay	2-4	50-70	Slight mod.	Woodland wildlife	Slope Depth
VII e 81	3M4E 55G-1	JOSEPHINE	20-36	Loam		4-6	55	Slight mod to severe	Woodland wildlife	Slope Depth
VII c 81	3M4E 55G-1	JOSEPHINE	20-36	Loam		4-6	55	"	Woodland wildlife	Slope Depth
VII 50	5XZ 2A-B	RIVERWASH	2-10	Variable		0-2	2	"	River wildlife	Stoniness Rockiness
VII e 7	4M4E 70G-2	MARIPOSA	10-20	Rocky loam		2-4	50	mod to severe	Woodland wildlife	Slope Depth Rockiness
VII 58	4M4E 57G-1	MARIPOSA	10-20	Loam	Heavy clay	2-4	51	"	Woodland wildlife	Slope Depth

SOIL SURVEY SUMMARY

100

Cooperator: _____

Date: _____

Land Capability Unit	Symbol on Map	Correlated Soil Name	Effective Depth	Soil Profile		A.W.C. Inches	Average Slope in %	Erosion	Suitable Land Uses	Limiting Factors or Remarks
				Texture						
				Surface	Subsoil					
VII S8	4Am4E L56-1 800-1	MAMPORA	10-20	Light Yellow	Heavy Green	2-4	25-30	Wd Wd to SWS	Range woodland wildlife	Depth slope rockiness
VII S84	4Am4E 150-1	MAMPORA	10-20	"	"	2-4	15	Wd	Range woodland wildlife	Depth slope rockiness
VII S84	4Am4E 90-1	MAMPORA	10-20	Rocky Green	"	2-4	9	"	Range woodland wildlife	Depth rockiness slope
VII S8	3Am43E 556-1 654-1	SITES	20-36	Rocky Green	Rocky Clay Green	2-10	55-65	Wd to SWS	Range woodland wildlife	Depth slope rockiness
VII S81	3Am43E 858-1	SITES	20-36	"	"	6-10	45	Severe	Range woodland wildlife	Slope depth rockiness
VII S81	3Am4E 656-1	JOSEPHINE	20-36	Light Yellow	"	2-4	65	Severe	Range woodland wildlife	Depth slope rockiness

SOIL SURVEY SUMMARY

101

Cooperator: _____

Date: _____

Land Capability Unit	Symbol on Map	Correlated Soil Name	Effective Depth	Soil Profile			Average Slope in %	Erosion	Suitable Land Uses	Limiting Factors or Remarks
				Texture		A.W.C. Inches				
				Surface	Subsoil					
VII S8	4V1M46 706-1	Duvalstein	10-20	Very Rocky lean	Very Rocky clay loam	2-3	70	light or mod to severe	Range to woodlands	Slope depth rockiness
VII S8	4FMC 25E-1	Duvalstein	10-20"	"	"	2-3	25	"	Range to woodlands with grazing	Depth slope rockiness
VIII S1	5V1M3E 466-1	Rockland	0-10"	Very Rocky loam		0-2	46	"	Large woodlands with grazing	Depth rockiness slope
VIII S1	5V1M3E 606-1	Rockland	0-10"	"		0-2	60	"	Large woodlands with grazing	"
VIII S1	5V1M3 626-2 704-1 706-2	Rockland	0-10"	"		0-2	62-70	"	Large woodlands with grazing	"
VIII S8	5V1M4E 626-2	Rockland Hexagon	0-10"	"		0-2	62	"	Large woodlands with grazing	"

Fred & Karen Basquin, III
22057 Porcupine Ridge Road
Colfax, California 95713

May 25, 1993

Department of Forestry
13760 Lincoln Way
Auburn, California 95603

Dear Ken Neilson,

This letter is being written in opposition of the proposed logging operation taking place on Yankee Jims Road, Colfax, California. As residents and concerned citizens, we very much object to the problems a project of this magnitude would create. We have lived on Porcupine Ridge Road for the past 12 years and seen the development of land all around us, including our own. We have no objection with development. We do object to stripping the land and ruining natural habitat for our wildlife. We happen to know that Camels Hump, one of the proposed areas for clearing, is the home for 2 black bears, which we have seen on occasion while hiking in that area. We don't feel it is our position to tell the owner of his property how to manage it. It is, however, our business when his capitalization infringes upon our safety when traveling on Yankee Jims Road. As we are sure you are aware, Yankee Jims Road is a narrow, curvey road, only 16 feet across in some areas, barely allowing ordinary cars to pass safely in the opposite directions. If large logging trucks are allowed to travel on this narrow road, our safety, our families safety, friends and neighbors safety, and even strangers safety will be in jeopardy. Logging trucks have quite a reputation for driving faster than the law and conditions permit. Not to mention, Placer County will not get involved with this project, however, they will make a profit from its harvest of timber. In the meantime, the owner of the property being logged makes a profit and no provisions or responsibility of road maintenance is even a consideration. We feel the burden and responsibility for road maintenance and safety should be placed on the project land owner and we fully support our neighbors who are pushing to at least see some safety measures taken. If these steps are not taken,

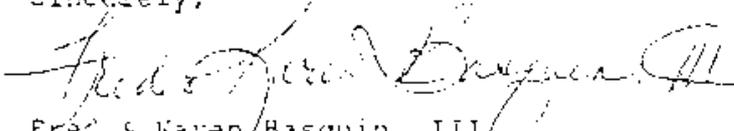
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104

who would be responsible if there was a serious accident? We urge you to please review this project more carefully.

We thank you kindly for your attention regarding this matter.

Sincerely,


Fred & Karen Basquin, III

cc: Rex Bloomfield
Jack Warren
Jon Witter
Kathleen Schori

May 27, 1993

Kathleen Schori
Dept. of Forestry & Fire Protection
6105 Airport Road
Redding, CA 96002
FAX#224-4341

Re: NTMP Plan No. N-2-93-1
Colfax Logging

Dear Ms. Schori,

As nearby neighbors of the Edwards' Yankee Jim property we have some real concerns regarding the impact of their logging operation (and logging trucks) on the terrain and our roads.

Has an environmental impact study been performed on this operation? How would we best find out the results of this?

Measures we would like to see CDF take include:

- 1) Require the use of flagmen on Yankee Jims Road to prevent head-on collisions.
- 2) Prohibit log hauling during commute and school business hours.
- 3) Prohibit logging operations on weekends and holidays and limit the use of power equipment to the hours between 6:00 a.m. and 5:00 p.m.
- 4) Require the posting of a Performance Bond to help cover the cost of road repairs.

We live 1/2 mile West of Yankee Jims Road on Sierra View Drive, off Canyon Way. Canyon Way between our road and Yankee Jims Rd. claims a life every 8 months to 2 years due to the dangerous curve. Our approach to Canyon Way from Sierra View Drive is already hazardous due to this blind curve. If we need to worry about logging trucks flying around that curve I fear the fatalities will increase.

If they approach Highway 80 from the other direction on Canyon Way, the curve prior to Yankee Jims merging onto Canyon Way is tricky, too, and someone could easily run right into a big, slow merging lumber truck as they clip along Canyon Way.

Please keep us apprised of this situation, or let us know how we can stay informed.

Robert C. Fisher Linda L. Fisher

COPIED 29 JUN 93
Info
cc: R
R
amb-
mailed
6/10/93

Robert C. Fisher, Jr.
222 Sierra View Drive, Colfax, CA 95713
(916) 637-4180

Linda L. Fisher

To: Kathleen Schari

Re: NTPM plan No. N-2-93-1

From: Teresa Root

NY 25 AM 11:50
CCLF RECD II

FILED
w/o
cc: [unclear]
RS
[unclear]

I am writing regarding a timber harvest plan that will affect people living on or around Yankee Jims Rd. It is my understanding that a timber harvest operation will begin this summer.

I am requesting an evening public hearing for people in the ~~log~~ Yankee Jims area who will be affected by these logging trucks, specifically families living on Yankee Jims Rd, Pine Lake Drive, Porcupine Ridge, Pine Hollow Rd. and Tree Farm Rd.

All of these roads exit on to Yankee Jims Rd. My concerns include those submitted to you by Steve and Lorraine Reigel (Timberlake Estate). I would ask you to give me written clarification of CDF's plan regarding:

- access of emergency vehicles when fire or drownings occur (Ambulances use Yankee Jims Rd. approximately 2 weekend per month during the rafting season, there was a drowning down Yankee Jims (May 1st) 1993)

- written agreement from the Smuthers
Paine property owner to have logging
trucks abide by safety provisions
and use of a pilot car
- Clarification of county posted sign at
intersection of Canyon Way and
Yankee Jims that reads:

Tractor trailer and truck
combinations prohibited. Not recommended
for autos with trailers. ~~Ⓟ~~

(How does CDF / Placer County justify
permitting logging ^{trucks} that can legally
weigh up to 40 tons?)

Respectfully submitted,

Teresa K. Root

Teresa K. Root

705 Yankee Jims Rd.

Colfax CA 95713

(916) 637-5515

652-1836 (wk)

cc: Jack Warren, Director

Rex Bloomfield

Ken Neilson

May 25, 1993

Kathleen Schori
Dept of Forestry & Fire Protection
6105 Airport Road
Redding, CA 96002

Re: NTMP plan No. N-2-93-1

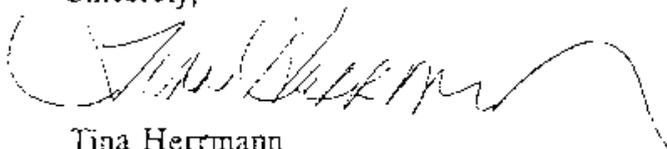
Dear Ms. Schori:

My family and I live on Maplewood Lane which is accessed off of Yankee Jim's Road in Weimar/Colfax California. It has recently come to my attention that a nearby property owner is petitioning to harvest lumber and that the access to this operation will also be Yankee Jim's Road.

Yankee Jim's is a county road, but it narrows in many places. Large vehicles could greatly impede traffic, block emergency vehicles and possibly cause accidents. This road is also in marginal condition and I believe it will be damaged further by heavy equipment fully loaded. We urge you to consider these factors when hearing and ruling on the above referenced plan:

- *Require the use of flagmen on Yankee Jims
- *Prohibit log hauling during commute and school busing hours
- *Prohibit logging operations on weekends and holidays
- *Limit the use of power equipment to the hours between 6:00am & 5:00pm
- *Require the posting of a performance bond to help cover the cost of road repairs

Sincerely,



Tina Herrmann
971 Maplewood Lane
P.O. Box 682
Colfax, CA 95713

cc: Ken Neilson, Dept of Forestry Auburn, CA
Supervisor Rex Bloomfield
Jack Warren, Placer County Public Works

3
info:
RPF
LO
RPF
mailed
5/10/93

May 7, 1993

Ms. Kathleen Schori
California Department of Forestry
6105 Airport Road
Redding, CA 96002

RECEIVED
MAY 11 11 03 AM '93
CALIFORNIA DEPARTMENT OF FORESTRY
REDDING OFFICE

Info
cc: [unclear]
[unclear]
[unclear]

Re: NTMP No. N-2-93-1

Dear Ms. Schori:

We are writing in response to the proposed implementation of NTMP No. N-2-93-1. As residents of a housing development immediately adjacent to the area covered by the plan, with some of our homes within 150 feet of the harvest area, we are very concerned that the plan be implemented with the proper safety precautions and respect for the surrounding community.

In the nearly quarter of a century since this property was last logged, the nature of the surrounding area has changed a great deal. Homes have been built all along the four roads that enter Yankee Jims in the area that will be used for log hauling. Timberlake Estates, a residential development of 19 homesites, has been built on property adjoining the Edwards Tree Farm. Commuters now use Yankee Jims on a daily basis as they travel to and from Interstate 80. Yankee Jims is also a favorite access route for kayakers, rafters, and other recreational users of the North Fork of the American River.

One thing that has not changed despite an increase in traffic volume is Yankee Jims Road, the only access local residents have into the area. Yankee Jims is a lightly constructed county road which does not meet present county width requirements for a two lane road (please see enclosed copy of letter to the Placer County Public Works Department). This road is bordered by a steep cut bank on one side and a stream on the other, and contains several blind corners. The shoulders of the road are crumbling in several places and the road itself is subject to annual flooding.

We urge you and your review team to delay approval of NTMP No. N-2-93-1 until the following concerns have been addressed:

- Improvements need to be made to the affected area of Yankee Jims to increase both the road's width and load-carrying capacity before operations begin. This will avoid the possibility of serious head-on accidents and a continuous patchwork of repairs. At present, a single truck breakdown could have the effect of eliminating fire fighting and other emergency services to anyone living south of that location, as well as block all access to Interstate 80 for commuters.
- A Performance Bond or other financial security should be posted to cover the cost of road repairs.

- Log hauling should not be permitted during commute hours or during school busing hours to prevent a serious hazard to traffic flow and safety. This would prevent school children walking to and from the bus stop at the intersection of Canyon Way and Yankee Jims from having to compete for space with logging trucks.
- Because of the close proximity to residential dwellings, logging operations should not be permitted on Saturdays, Sundays, or legal holidays. In addition, the operation of power equipment, including chain saws, should be limited to the hours between 6:00 a.m. and 5:00 p.m.
- A maximum limit on the length of the harvest should be set at two months, or 60 days, per year (as estimated by Mr. Edwards).

It is our understanding that NTMP's have no expiration date. With this in mind, we feel that the plan approved for the harvesting of timber on the Edwards Tree Farm should be carried out with the safety and residential nature of the community in mind.

Sincerely,

Timberlake Estates Homeowners Association
P.O. Box 1079
Weimar, CA 95736
(916) 637-4192

Board of Directors:

Maureen Kleppe, President
Judy Wilming, Secretary
Helen Reese, Treasurer
Toby Hirning
Steve Ort
Steve Reigel
Ted Wilming

cc: Supervisor Rex Bloomfield, Placer County - District 5
Ken Neilson, Department of Forestry, Auburn Office
Jack Warren, Director, Placer County Department of Public Works
Jack White, California Department of Forestry



10402-10



**NORTH FORK
AMERICAN
RIVER
ALLIANCE
(NFARA)**

P.O. Box 252
Gold Run, CA
95717
info@nfara.org
www.nfara.org

*To protect the
wild, scenic and
cultural heritage
within the
watershed of the
North Fork
American River*

Officers 2007

*President
De Barber*

*Development
Rep. Council*

*Treasurer
Ted Soto*

*Secretary
Catherine O'Reilly*

*Board Members
Derek Johnson
Bob Soto*

*Honorary Board
Member
Rene Fournier*

February 5, 2008

County of Placer
Community Development Resource Agency
Environmental Coordination Services
3091 County Center Dr., Suite 190
FAX (530) 745-3003
Attention: Maywan

RE: Bunch Creek Rezone (PREA T20060521) Mitigated Negative Declaration

Dear Maywan,

Thank you for the opportunity to comment on the Bunch Creek Rezone Project. Please accept these comments on behalf of NFARA.

The Mitigated Negative Declaration for this project is inadequate. It cannot be used as a basis for concluding the rezone will have no unmitigated impacts. The Declaration contains factual errors, inconsistencies, insufficient analysis of environmental impacts and inadequate mitigation measures. This rezone is a permanent, major change in land use.

An EIR may not be necessary. However, the County needs to correct the errors, review the impact categories, provide sufficient data and analysis on all impacts including those from potential development, strengthen mitigation measures and reissue the document for public review and comment. The CEQA document needs to include a thorough, long term analysis of cumulative impacts. A Mitigated Negative Declaration cannot be used when it relies on the presumed success of further mitigation measures that have not been formulated at the time of project approval (*Sundstrom v. County of Mendocino* (1988) 202 Cal App 3d 296, 306-314).

The most obvious factual error is on page 3 under Previous Environmental Documents. Applicant's land is not within the boundaries of the Foresthill Community Plan EIR. The background information on Page 1 is inconsistent and confusing. Does applicant's land consist of three parcels? Is the 2005 Minor Land Division of TPZ land final or must required improvements be in place first? It appears the 2005 Minor Land Division has not been finalized and applicant's land presently consists of one 597 acre parcel. In addition, on bottom of page one, the Declaration states that under TPZ, one of the three parcels "created" in the 2005 Minor Land Division can be further subdivided. This is incorrect. Under TPZ the minimum parcel size is 160 acres so a 277.5 acre parcel cannot be split.

Throughout the entire document there is very little analysis on the impacts of development. In discussions under the various impact categories, there is a common statement that the "project includes the rezoning of the site from TPZ to Residential Forest, and does not include any development of the site." This statement is ludicrous. The whole purpose of this rezone is to create parcels that allow for residential development. Applicants, through the 2005 Minor Land Division, have already tried to

create additional parcels with the hope of building residences on each. The intent of the applicants is clear. The impact of this development will be significant. A thorough analysis of these impacts and a detailed list of measures to mitigate the impacts to less than significant must be addressed in the Mitigated Negative Declaration. This rezone will permanently change the land use on the site. Where there were once no homes, there will be seven.

There are inconsistencies in the analysis of the impacts. Under Hazards and Hazardous Materials on pages 9 and 10, development is acknowledged and several specific mitigation measures are listed. In most other categories there is minimal acknowledgment of development which results in minimal analysis of its impact. For example, on page 5 under Aesthetics, it states "The proposed rezoning will result in the potential for eventually creating 4 additional parcels, totaling 7. All of these parcels could create the potential for future residential development. In the event that a proposal for such development will occur, further review will be required by the County. However, because of the small scale of the potential residential development in relation to surrounding land, it is considered fairly benign." North Fork American Alliance does not consider the impact, especially the visual impact, of 7 houses on 597 acres where there are currently zero, to be insignificant or benign. Residential development of this land is not just potential, it is probable, indeed it is inevitable. This Declaration, this CEQA review, is the appropriate place for assessing the impacts, including cumulative impacts, of the development resulting from this rezone.

The viewshed of the N F American River canyon may suffer the most significant impacts from resulting development. Even one house if improperly located and screened can ruin an otherwise pristine view. The Mitigated Negative Declaration acknowledges that "portions of the site are located along ridges west of the NF American River, which is considered a scenic resource within the Placer County General Plan." The North Fork American River Canyon in this area is part of the Auburn State Recreation Area. Potential significant visual impacts exist, especially for members of the public using the river or biking the Windy Point-Indian Creek Trail.

A thorough, detailed analysis of potential impacts from residential development in the viewshed is necessary. Mitigation measures that reduce the impacts to less than significant must be developed and specified. Topographic map overlays with location of building sites, roads, cut banks and graded areas are needed. Line of site studies from the river, the trails, the picnic areas, or anywhere in the recreation area that may be visually impacted by project's potential development, must be conducted. The parcels created must identify potential building sites, pad locations and graded areas, that do not impact the viewshed. Building sites must be set back from the ridgeline. Specific language is needed for set backs, for natural screening, for unobtrusive and glare free building materials, for lighting that preserves the night sky, maybe even size limits on houses; for whatever mitigation measures necessary that reduce the impacts to less than significant. The above is obviously not a complete list.

All other impact categories need similar detailed analysis of impacts from potential development and a detailed list of mitigation measures.

There is a major discrepancy or conflict of opinion regarding Agricultural Resources. In 11-1, 3 discussion, the Forest Management Plan prepared by RPF Doug Ferrer states

the site has "naturally poor growing conditions" Yet a 1966 soils analysis by the US Department of Agriculture shows the land is half Medium Site Class, and half Medium to High Site Class. Since this is a major justification for the rezone, a more thorough analysis is needed to resolve the different conclusions. There has also been no detailed economic analysis, only a forest management report, that can substantiate the conclusion that restocking and growing timber are economically unfeasible. In fact, the owners of the adjacent TPZ land argue that growing timber is economically viable. The justification for rezoning the land is therefore questionable.

This Mitigated Negative Declaration is inadequate as it stands. Its scope of impacts too narrow and its mitigation measures insufficient to reduce all impacts to less than significant. To meet CEQA requirements, this Declaration must consider all impacts including those from probable development of each of the seven parcels created and must list the specific mitigation measures in detail. This rezone proposal will change the land use of the area permanently and an adequate CEQA document is mandatory.

Sincerely,



Jim Ricker - President
North Fork American River Alliance
P O Box 536
Alta, CA 95701
530-389-8544

Please send correspondence to the above address. It is my personal address and I'll get you responses in a more timely manner. Thanks,

Jim



February 7, 2008

RECEIVED

FEB 07 2008

County of Placer
 Community Development Resources Agency
 3091 County Center Drive, Suite 190
 Auburn CA 95603
 FAX 530-745-3003
 Attention: Peg Rein

ENVIRONMENTAL COORDINATION SERVICES

Re: Bunch Creek Rezone (PREA T20060521)

Dear Ms. Rein:

Please consider and include in the public record the following comments on the Mitigated Negative Declaration for the proposed Bunch Creek Rezone, submitted on behalf of Protect American River Canyons (PARC). As set forth below, we disagree with the Planning Department's conclusion that the subject mitigated negative declaration includes legally sufficient mitigation measures; instead we believe the proposed project continues to have potentially significant environmental impacts. As a result, unless additional legally adequate mitigation measures are incorporated into the proposed mitigated negative declaration (MND), preparation of an environmental impact report (EIR) will be mandated by the California Environmental Quality Act (CEQA).

As you are aware, this project proposes rezoning a 597 acre parcel that lies within the North Fork American River Canyon from TPZ (Timberland Production) to RF-BX-80 (Residential Forest with 80 acre minimum lot sizes). If approved, the project will result in the creation of seven buildable parcels on historically forested canyon slopes that are surrounded by other forested, undeveloped lands within the pristine North Fork American River Canyon.

In a deeply flawed, disingenuous, and legally deficient analysis, the MND repeatedly ignores and fails to consider the very real environmental impacts the contemplated rezone and subsequent residential development will have on the North Fork Canyon. The MND consistently avoids any meaningful consideration of the likely impacts of the proposed project with the often-repeated assertion that the proposal is simply a rezone request and as such "does not include any development of the site." Such a skirting of the obligation to analyze and adequately mitigate potential impacts of a rezone request such as this violates CEQA requirements.

Under CEQA, a lead agency (in this case, the Planning Department) must prepare an EIR whenever substantial evidence in light of the entire record supports a "fair argument" that

a proposed project may have a significant adverse impact on the environment. [Pub. Resources Code, §21080, subds (c) & (d); CEQA Guidelines, §§15064 subd. (a)(1); 15070, subd. (a); *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151.]

Preparation of an EIR may be avoided under such circumstances only if: 1) a mitigated negative declaration is prepared that includes revisions agreed to by the project applicant that avoid the impacts to the environment or mitigate those impacts to the point where clearly no significant effects on the environment will occur, and 2) there is no substantial evidence in light of the entire record that the project, as revised, may still have a significant effect on the environment. (Public Resources Code section 21064.5)

If there is substantial evidence in the record that the proposed project, even as modified, may have a significant effect on the environment, the lead agency must either further modify the project to eliminate or reduce the potential significant environmental effect or prepare an EIR for the proposed project prior to approving or carrying out the project. (CEQA Guidelines, section 15070, subd. (b)(2).)

Moreover, mitigated negative declarations cannot be used when they rely upon the presumed success of future mitigation measures that have not been formulated at the time of project approval (*Sundstrom v. County of Mendocino* (1988) 202 Cal App 3d 296, 306-314.)

Because the construction of seven homes is a reasonably foreseeable consequence of the proposed project (indeed, it is the very reason for the rezone request), an analysis of the potential impacts of such construction, along with legally adequate mitigation measures, must be included in the MND.

What follows is a discussion of some of the proposed MND's deficiencies.

AESTHETICS

Incredibly, the MND concludes the project will result in no significant impacts to the scenic resources of the American River Canyon, and proposes no mitigation measures whatsoever to address potential scenic impacts.

As noted above, the 597 acres in question lie within the North Fork American River Canyon. The North Fork canyon in this location is part of the Auburn State Recreation Area (ASRA), a 42,000 acre wilderness and recreational treasure comprising nearly 50 miles of the canyons of the North and Middle Forks of the American River. The North Fork canyon is particularly pristine, having been found eligible for federal Wild and Scenic River status as well as National Recreation Area designation, in no small measure due to its outstanding and largely unspoiled scenic qualities.

Fortunately, the Placer County Board of Supervisors recognized the value of preserving the scenic qualities of places like the North Fork canyon when it adopted the current county general plan in 1994. General Plan Policy 1.K.1 reads as follows:

"The County shall require that new development in scenic areas (e.g., river canyons, lake watersheds, scenic highway corridors, ridgelines and steep slopes) is planned and designed in a manner which employs design, construction, and maintenance techniques that:

- a. Avoids locating structures along ridgelines and steep slopes,
- b. Incorporates design and screening measures to minimize the visibility of structures and graded areas;
- c. Maintains the character and visual quality of the area "

General Plan Policy 1.K.1 was enacted to help achieve General Plan Goal 1.K, which states as its goal:

"To protect the visual and scenic resources of Placer County as important quality-of-life amenities for county residents and a principal asset in the promotion of recreation and tourism."

Thus the General Plan expressly recognizes the value of preserving Placer County's scenic resources, and mandates the application of clear and specific guidelines when considering development proposals that may impact these resources.

Much of the acreage on the seven parcels to be created under this proposal are on steep canyon-facing slopes. As a practical matter, the only relatively flat, accessible, and buildable land on these proposed parcels is located on the ridge tops. Homes built in those locations have the potential to cause substantial visual impacts, particularly for members of the public using the river, hiking the Windy Point-Indian Creek Trail, or driving into or out of the canyon on Yankee Jim Road or Ponderosa Way.

The MND's conclusion that the "small scale" of the contemplated residential development will result in "fairly benign" impacts is a wild guess at best. Even a single poorly placed home in a visually prominent canyon rim location can have a devastating impact on scenic qualities, as a number of canyon rim homes built in recent years attest.

To pass legal muster, a thorough, detailed analysis of potential impacts to the viewshed is necessary, and specific, detailed mitigation measures must be articulated. The proposed MND contains neither.

AGRICULTURAL AND BIOLOGICAL RESOURCES

Because this land has been extensively logged, burned, subsequently salvage-logged and firewood-logged, it is in desperate need of a restoration plan that includes replanting of the conifer species and selection for the hardwood oak species on the property. To allow the owners to rezone this land without a restoration plan that addresses wildlife habitat loss and forest agricultural loss would reward the current owners for years of mismanagement. Their apparent agenda, to deplete the land of its wilderness and timber values in exchange for conversion to residential home sites, sets a dangerous precedent in

the American River canyon and could lead to the conversion of other TPZ lands to residential uses.

The MND's conclusion that reforestation of the project site is not economically viable is also suspect. That conclusion appears to be based solely on a Forest Management Plan prepared for the project proponent in 2006 that apparently relied heavily on the erroneous assumption that the site had poor soils and poor growing conditions. In fact, a 1966 soils analysis by the U.S. Department of Agriculture showed that the project site had excellent timber-growing soils, a fact confirmed by the project site's history of timber production.

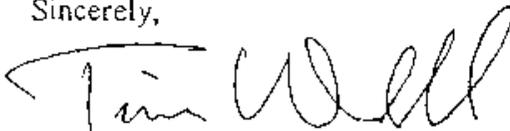
Historically, the land in question has provided much needed contiguous habitat refuge for forest flora and fauna as well as producing high quality pine and Douglas Fir timber. Current mismanagement practices have reduced much of the area to brushland that makes it difficult for conifers to reforest naturally. The rezone application offers no mitigation for the agricultural and environmental impacts that will result from subdividing. Taking this land out of agricultural production and into residential home sites will likely result in the permanent loss of the land's wildlife and timberland values. The land will become too expensive to manage for wildlife habitat and timber production. This rezone plan could have adverse impacts on surrounding properties such that neighboring property owners may also try to convert to residential subdivisions resulting in an even greater loss of wildlife habitat and mixed conifer forest.

The rezone application offers no survey of sensitive species or their habitats yet concludes that there will be no impacts to wildlife. Forest dependent species, especially those in need of large tracts of land to hunt and forage, will experience fragmentation. Other species of plants and animals that rely on sensitive macro-ecosystems may disappear entirely. Certainly, to meet CEQA requirements, a study or baseline survey must accompany such a statement of no impacts.

CONCLUSION

As noted, the project as proposed may have significant environmental impacts that have not been adequately mitigated. To meet CEQA requirements, the MND must include specific, meaningful mitigation measures that will reduce the potential impacts to a less than significant level. Unless the MND is revised to include such measures, California law compels the preparation of an EIR for this proposed project.

Sincerely,



Tim Woodall
Board President
Protect American River Canyons



SIERRA
CLUB
OF CALIFORNIA

PLACER GROUP
P.O. BOX 7167, AUBURN, CA 95604

February 6, 2008

Placer Co. Comm. Development
Resource Agency
3091 County Center Dr.
Auburn, CA 95603

Ladies and Gentlemen:

RE: Bunch Creek Rezone

Thank you for the opportunity to comment on the Bunch Creek Rezone. Although CEQA may allow a mitigated negative declaration by incorporating specific mitigation measures to reduce impacts to less than significant, it also very clearly states that an Environmental Impact Report (EIR) is required if any aspect of the project, "...either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial..." We believe this project easily meets the threshold to require that a full EIR be prepared.

This zoning change proposal represents a piecemeal approach to further zoning changes, with each subsequent request citing another's approval as precedence. Furthermore, some zoning change impacts are dismissed with the erroneous assumption that because no project is being proposed, then certain impacts do not exist and therefore do not have to be addressed. We respectfully disagree. CEQA encompasses growth-inducing impacts (which is the essence of this zoning change) and requires that impacts must be addressed if there is a potential for adverse impacts on the environment. Thus we request that an EIR be prepared for the Bunch Creek Rezone proposal.

I. AESTHETICS

A great deal of community effort has been undertaken to reject any residential building on scenic ridges of the canyons of the American River and its forks. These types of structures have been referred to as "vulture houses." The Bunch Creek Rezone may have a significant impact on the scenic resources of the North Fork of the American River. Thus, especially with community concern already expressed on other scenic ridges, this potential impact of structures or fuel breaks on any ridges along the North Fork would be Significant and requires the preparation of an EIR.

The fact that the proposed rezoning will result in the potential for eventually creating seven future residential developments, which would in turn degrade the existing visual character or quality of the site, also meets the CEQA threshold for preparation of an EIR as this is certainly a significant future impact. Although the Initial Study refers to the impacts as being "fairly benign" due to the scale, scale is not justification to lessen the impact. In fact, it brings up a significant "cumulative impact" threshold -- which parcels will be next?

II. AGRICULTURAL RESOURCE

Rezoning should not be decided on the basis of a natural disaster (fire), unless it was further restrictive for public health and safety. The fact that a fire did occur in TPZ lands simply means that the site should have been managed for continued timberland use and replanted. It is our

understanding that governmental forestry agencies provide the resources for replanting. Should a land owner choose to not replant, that should not be the basis for changing the zoning. The fact is that replanting can result in commercial harvesting of timber on the project site. If the soils were good enough to allow a TPZ designation, surely a replanting is called for. A natural disaster should not be an impetus to allow rezoning (especially to residential zoning in such a high fire prone area).

IV. BIOLOGICAL RESOURCES

Whether residences are ever built on the parcel(s) is irrelevant as far as CEQA is concerned. The project's impacts that are being created, or potentially created, by changing the zoning is what must be addressed. The impact cannot be dismissed by claiming the zoning change does not include development on the site; the impacts of a zoning change from timber to residential are significant and must be analyzed to inform the public. One purpose of CEQA is to provide individuals with the opportunity to participate effectively in all steps of the environmental review process. We request that an EIR be prepared for this zoning change, and that all the potential biological impacts (especially with regard to wildlife) inherent in changing from timberland production to residential forestry be analyzed.

VI. GEOLOGY & SOILS

Again, changing the zoning from timberland to a residential creates potential impacts, not a physical project, and that is what needs to be analyzed.

VII. HAZARDS & HAZARDOUS MATERIALS

7. We strongly agree that the zoning will result in exposing new residents and structures to wildfire hazards. We also believe that a shaded fuel break on ridge tops or anywhere else on steep-sloped landscapes will have to be of such a magnitude as to create a variety of impacts with erosion, wildlife corridors, etc. Whether fuel breaks are 100' wide or 200,' they will have tremendous environmental impacts and must be analyzed in an EIR. Grading for secondary roads will also have environmental impacts.

Requiring the fuel reductions on both sides of roadways 50' to 100' from centerline, 15' vertical clearances, and defensible space would help mitigate the hazard, but who will enforce the maintenance of these measures? The following section also mentions in the mitigation measure that the "method and mechanism for guaranteeing the maintenance of this land in a safe and orderly manner shall be established at the time of the development approval." In effect, an important mitigation measure for a significant zoning change impact is deferred. Such a mitigation deferral is unacceptable and violates CEQA.

IX. LAND USE & PLANNING

Because a previous owner chooses not to reforest a site after a timber salvage operation is not grounds for a zoning change. If anything, to allow this type of zoning change could provide an incentive for intentional burning of timberland. If a residence burns, and the homeowner chooses not to rebuild, that is his/her choice. It should not trigger a zoning change based upon speculative opportunities.

The incompatibility uses and subsequent conflicts with existing surrounding timberland logging practices create impacts that must be studied in more depth. The fair argument here is that this zoning change will potentially create significant compatibility and cumulative growth-inducing impacts in an area that is not conducive to such development. To argue otherwise, or try to avoid a

discussion of the inherent growth-inducing impacts this zoning change will create, is to avoid the true scope and purpose of CEQA. An EIR must be prepared that allows the public to review the impacts and make meaningful comments.

MANDATORY FINDINGS OF SIGNIFICANCE

2. We disagree that this zoning change has no impacts. It is cumulatively a growth-inducing change that has the potential to be initiated on any timberland parcel that has burned or been damaged due to natural or man-made causes. There is a reasonable probability that this rezone will trigger additional proposal/requests to change other TPZ's, resulting in more land splits and leap frog development. This rezone needs to be analyzed for public review in an EIR.

Cordially,

Marilyn Jasper, Chair

Email: mjasper@accessbee.com

Daniel K. Macon
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(530) 305-3270

February 5, 2008

Received
FEB 11 2008
CDRA - Admin.

County of Placer
Community Development Resource Center
3091 County Center Dr.
Auburn, CA 95603

RECEIVED

FEB 07 2008

ENVIRONMENTAL COORDINATION SERVICES

To Whom It May Concern:

I am writing to express my concern regarding the proposed mitigated negative declaration for the Bunch Creek Rezone (PREA T20060521). Based on my review of the supporting documentation, I believe that the mitigated negative declaration contains factual errors and omissions and suggests substantial unmitigated impacts on neighboring properties and on the community in general.

Rezoning the property, and the resulting development of as many as seven residential lots, will have unmitigated impacts on surrounding public and private lands. Specifically, this type of wildland-urban interface development has been shown to increase the likelihood of catastrophic wildfire, as well as the cost of suppressing such wildfires. Furthermore, this development is likely to make timber and agricultural operations on surrounding properties more difficult because of conflicts over road use, management activities and other factors.

I am most concerned about the precedent this rezoning will set. In essence, the county is justifying this decision by stating that burned and mismanaged timberland should be converted to residential uses. This will encourage other timber landowners to mismanage their land by conducting timber harvest operations without reforestation, all with the understanding that the county will allow the land to be converted to residential uses after the harvest. The California Environmental Quality Act, as I understand it, requires decision-makers to analyze all impacts, including cumulative impacts. This document fails to do so.

Thank you for considering my comments. I urge you to reject this mitigated negative declaration and to require a complete environmental impact report.

Sincerely,



Daniel K. Macon

January 26, 2008

RECEIVED

JAN 29 2008

ENVIRONMENTAL COORDINATION SERVICES

County of Placer
Community Development Resource Agency
Environmental Coordination Services
3091 County Center Drive
Auburn, CA 95603

Re: Bunch Creek Rezone Plus# PREA T20060521

Attn: Gina Langford, Coordinator

Dear Ms Langford,

This letter is in response to the "Mitigated Negative Declaration" you sent to us postmarked January 9, 2008.

My father and I own 160 acres just adjacent to the property recently purchased by Basquin and Parker. Our family has owned our property for almost 44 years.

We are hereby commenting on your document. We question several items that you have indicated, "no impact" as you see it.

Cultural Resources Section V numbered 1 thru 6 as "no impact".

We believe there is the potential impact to cultural resources within this 597.5 acre site.

We do not want anything to substantially disrupt or adversely affect any area of possible historic or cultural significance to an ethnic group.

This property has never been subject to any previous cultural resource field surveys but we believe this is an activity area and could be an archeological site. We believe this area should be monitored by qualified archeologists before any proposed changes in the land use designations.

Because this land was previously owned by one family since 1950, the site areas should be in great condition, which will aid in finding subsurface historic period deposits. My Dad has seen evidence of this archeological site.

Mandatory Findings of Significance Section E

#1 "Does the project have the potential to degrade the quality of the environment or eliminate important examples of the major periods of California history or prehistory?"

Our answer is stated in the Cultural Resources above. We believe that Senate Bili 18 in 2004 needs to be addressed with regard to this property.

#3 "Does this project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?"

The road through our property gives the future 3 to 7 parcel owners an emergency access route in case of a wild fire... to escape north. Because fire in this area is quite possible and has occurred recently, having another access road for escape is imperative in the division of the 597.5 acres of property. Besides emergency access to escape a fire, it would also enable the fire district to access through our property to defend the future parcel owners lives, homes or animals.

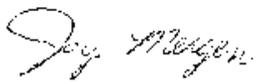
To avoid the demise of any future parcel owners or the destruction of valuable real estate, we emphatically implore you to make this road easement a mandatory requirement with the Basquin/Parker and the Mergen family. The safety of the future land owners is an issue you can't ignore.

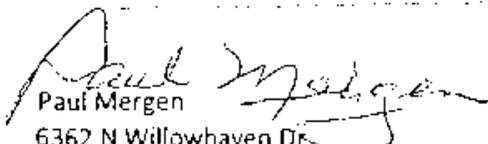
It should also be noted, the property located on the very north end ridge top (heading towards Iowa Hill) has an enormous "tank trap" in the road along with a gate which prevents anyone exiting the area due to a fire. There is no reason to have this fire escape exit blocked. Your immediate attention is needed with this issue.

Please address the issues stated above before you do anything else. Past projects such as Clover Valley Lakes had pinpointed the need for careful review of areas with valuable history.

We thank you for your time!

Respectfully Submitted,


Joy Mergen
8968 N Upper Bluffs Dr
Tucson, AZ 85742


Paul Mergen
6362 N Willowhaven Dr
Tucson, AZ 85704

- Cc:
Placer County Board of Supervisors
Placer County Agriculture Committee
Placer County Planning Committee
Placer County Fire/CDF, Bob Eicholtz/Brad Albertazzi
UAIC Tribal, Jessica Tavares
UAIC Tribal, Shelly McGinnis, PhD
Native American Heritage Commission

