
**PLUMAS COUNTY
PLANNING COMMISSION**

Minutes of the Meeting of February 21, 2013

PLANNING COMMISSION MEMBERS

Mark Dotta, *Commissioner* (District 1) **Larry Williams**, *Vice-Chair* (District 4)
Betsy Schramel, *Commissioner* (District 2) **John Olofson**, *Chair* (District 5)
Richard Rydell, *Commissioner* (District 3)



I. CALL TO ORDER

The Plumas County Planning Commission (*the Commission*) convenes in a meeting on February 21, 2013, at 10:00 a.m. in the Planning and Building Services Conference Room, Quincy, CA; Chair Olofson, presiding.

II. SALUTE TO THE FLAG

III. ROLL CALL

Commissioners Present: Schramel, Olofson, Williams, Rydell (by telephone)

Commissioners Absent: Dotta

Also in attendance (Supervisors, Consultants, County Staff):

Terry Swofford, *Supervisors, District 1*

Randy Wilson, *Director - Planning*

Rebecca Herrin, *Senior Planner*

Steve Mansell, *Deputy County Counsel*

IV. CONSENT ITEMS:

A. ITEMS TO BE CONTINUED OR WITHDRAWN FROM THE AGENDA –none
M/S/C to approve agenda: Schramel/Williams/4-0

B. APPROVAL OF MINUTES -none

V. COMMISSIONER REPORTS / COMMENTS

A motion is made at this time to move the Planning Director's report (Item VIII A.) to this place holder on the agenda (Item V).

M/S/C to so move the item up in the agenda: Williams/Schramel/4-0

Planning Director Wilson distributes the handout on the Plumas County General Plan Update process as of February 20, 2013. This handout will be posted on the County website, will be sent to everyone on the Planning Commission's email distribution list, including the Board of Supervisors and the press.

Wilson reads the handout to the Commission: The following is a summary of some key points:

"The purpose of this handout is to provide some guidance to the public on the General Plan Update process and the Environmental Impact Report (EIR) process for the proposed General Plan Update."

The CEQA guidelines sections pertaining to preparation and adoption of an EIR are summarized in the handout.

"There will be at least two more public hearings where interested members of the public will be able to address both the Final EIR and the proposed General Plan Update. When the Final EIR is complete the Planning Commission will hold a public hearing on the Final EIR and proposed General Plan Update and make a recommendation to the Board of Supervisors. The Board of Supervisors will also hold a public hearing on the Final EIR and proposed General Plan Update. The Board of Supervisors is the decision making body to certify the Final EIR prior to adopting the General Plan Update."

"As mentioned, when the Board of Supervisors considers the Final EIR there will be a public hearing. The Board of Supervisors must be satisfied with the Final EIR and must make the legal findings in accordance with CEQA Guideline Section 15090.

"The Board of Supervisors after certification of the Final EIR may adopt the proposed General Plan Update. The Board of Supervisors may disagree with the analysis of the Final EIR and may direct other actions, such as changes to the General Plan Update or changes to the Final EIR.

"The Final EIR is the environmental analysis of the proposed General Plan Update. The Final EIR may propose new policies in the proposed General Plan Update through the analysis contained within the EIR. The EIR is not the update of the General Plan, rather is the legally required environmental analysis of the proposed General Plan Update. The overall purpose of an EIR is to provide the decision-makers with factual information upon which to make an informed decision."

Wilson explains that the Planning Department has received an application for a proposed new gold mining operation in Seneca (shows large application package). Staff has started review of this operation. Commissioner Williams inquires if the property is in the boundaries of the Chips Fire. Wilson responds that he does not know yet. Herrin adds that it is a patented gold mine. The zoning of the property is R-10 (Rural) and so the Permit to Mine and Reclamation Plan also needs a Special Use Permit.

Chair Olofson asks Wilson if he intends to comment on the Board of Supervisors meeting. Wilson responds that he does not.

The Zoning Administrator agenda has a continued hearing for a Special Use Permit for a storage facility located at Lake Almanor Peninsula. The applicant agreed to a two month continuance. Commissioner Rydell questions the lack of information. Wilson responds that the project, when it came to hearing, did not have a lot of information.

Chair Olofson explains to Commissioner Rydell (on telephone) that there are approximately 30 to 35 persons in attendance, as well as Supervisor Swofford.

VI. COMMISSIONER REPORTS/COMMENTS

Commissioner Schramel presents a newspaper article about a new "cutting edge" fodder using a type of hydroponically grown sprouts. She requests some of the ranchers respond if they have information.

Barley seeds are used to produce the sprouts and the result is an incredibly healthy feed source. The seeds ripen in several days. The method is being used in 45 states and requires special growing facilities.

Public member Heather Kingdon responds to Commissioner Schramel's question. The fodder is being used mostly to feed race horses at racetracks without access to fresh grass.

Another person in the audience adds that there is a high startup cost for the growing facility. Kingdon adds that the cost of electricity and high startup cost may outweigh the delivery costs of feed/hay.

No other Commissioners have reports or comments.

VII. PUBLIC COMMENT OPPORTUNITY

Chair John Olofson explains the public comment procedure. The Commissioners cannot respond to the comments due to Brown Act considerations.

He asks the large crowd if there are one or two spokespeople who could make a succinct presentation as he considers there to be a timing issue if everyone speaks individually. Several people indicate, through a show of hands, that they want to speak. Deputy County Counsel Steve Mansell indicates that each person has up to three minutes to speak.

The Commission agrees to allow each person up to three minutes to speak.

Chair Olofson asks each person to identify themselves by their name and address prior to speaking.

Carol Viscarra, Diamond Mountain Road: Viscarra wants to reiterate the information she presented at the last Planning Commission meeting. There is considerable debate about Agenda 21, whether it has really infiltrated our plan, whether it is a good thing or whether it is destructive to personal rights. There has been no clear answer. The Plumas County public is deeply divided. Those in favor of the updated plan have ties to NGOs (non-governmental organizations). She has received many messages, phone calls and emails from those who are deeply disturbed or who want more information about Agenda 21, although her phone number was not provided in the presentation. She states that there is no question that the language in the plan supports and codifies Agenda 21. She asks the Commission if they as a Board or as individuals instructed the contract planners to construct the general plan in accordance with Agenda 21; she would surmise that the answer is no. Now that she has hung out the laundry on the County clothesline, everyone knows it and the Commission is now responsible.

"I do not believe any of our public officials, including the members of this planning commission, want the legacy of their public service, the one thing for which they will forever be remembered, to be that of ushering Agenda 21 into Plumas County." From a letter submitted to the commission.

Greg Perkins, Quincy Junction Road: questions Commissioner Rydell's qualification to serve on the Commission and his attendance by telephone from Colorado. Commissioner Rydell responds that he lives in Lake Almanor, CA. Perkins responds that his zip code is Westwood. Herrin explains that everything on the Lake Almanor Peninsula has a Westwood zip code. There was an effort many years ago to change that situation, but the Post Office declined to give the Lake Almanor area a new zip code.

Kristine Gorbet, Indian Valley resident: She calls for a delay of the plan. This is a thirty-year plan. Slow down and delay the plan so that the public can provide input. We don't need a plan that supports regulations that already have a choke hold on people in the County. We need a local plan tailored to Plumas County.

Rhonda Perkins: Process is moving too fast; needs to be slowed down so everyone has input.

J.P. Harrison, Sierra Valley and Lake Almanor: The plan has needed to be updated since the 1980s. She has been involved in the update of the plan for many, many years. The process has not been rushed. There were numerous meetings held and she did not see any of the people now in the room at those meetings. She supports the general plan. A professional consultant was needed to write the plan.

Gary Snodgrass, Genesee Road: Some disturbing things have come to light late in the General Plan process. The County should not go ahead just because of money and time expended on the plan. The plan should be compatible with people in the County's views; need to go back and reconstruct the plan to make people comfortable.

Sheila Grothe, Grizzly Road: The County is financially in dire straights. Things in this plan are not commensurate with the County's financial status. Items that may work in urban areas such as bike lanes and electric vehicles would be cost prohibitive and nonsensical in Plumas County because no one rides bikes and it would be cost prohibitive for County personnel to drive electric vehicles because they would need to be charged all the time. She can't imagine law enforcement personnel using electric vehicles.

Lynn DesJardin, Grizzly Ranch: Her experience is as a technical writer. She reads from a letter submitted to the Commission. Words have meaning, meaning has consequences and context is critical. Every word in a proposal is scrutinized, so you are extremely cautious on what you commit to do. She is disturbed at the use of Agenda 21 language in the plan. She feels that the plan is loaded with hidden consequences. She suggests changing the definition of "sustainable development". She is concerned with the use of the word "shall" and suggests instead using "can", so that the Board is not obliged to the action.

Mia Van Fleet, Diamond Mountain Road: How is "sustainability" to be defined? This word is a foundation for many more laws to come. Who will enforce and monitor the plan? She feels that the plan infringes on private property rights. She has an organic

ranch and maintains her land with the best and highest standards. Don't need someone to tell us what sustainability means.

Heather Kingdon, Slate Drive: Her husband, Brian Kingdon, was a working group member but he didn't go to many meetings. She would say that 60% of the meetings were cancelled. She submitted comments on the plan language that indicated that stream degradation was caused by ranching, logging and mining. She feels that the plan blames humans for causing all of the watershed impacts, and doesn't agree. Many of the ranchers are threatened by lawsuits and forced to put out more money. Stop pushing us.

Father (unknown last name), Seattle, Washington: The plan is the foundation for more laws to come. Make sure it is a good foundation. He tells a parable about flawed construction and the impacts of a flawed plan leading to horrible embarrassment.

David Guidici, Dotta-Guidici Lane: Concerned about the cost to ranchers. How are they going to pay for everything in the plan?

J.P. Harrison: Responds that she is Mr. Guidici's neighbor and has been looking out for his interests. There is nothing in the plan that will cost ranchers money.

Jon Kappleman, Rush Creek Road: Personal private property rights should be sacrosanct. We are the County, you are the servants of the people of the County. He feels that the Commission is more interested in the time allotted than the comments from the people in the County.

Jane Roberti, Dyson Lane: She expresses great concern and has been actively involved in the process, but does not feel that she has been heard. She has read the general plan and has many questions and requests more clarity, responsibility and accountability. She is not vested in the general plan as it is; she states that she likes the old general plan better. County needs to listen to the people. The taxpayers have a vested interest in the issues; should be listened to more than others from outside. We are here because we have issues.

Seeing no more hands, Chair Olofson closes the public comment period. He tells the audience that the Commission appreciates their participation and reiterates that the Commission cannot respond to comments expressed during the public comment period. Wilson further clarifies that the Commission cannot comment during the period while responses to comments are being prepared for release in the Final EIR. If one group submitting comments gets special treatment from the Commission, it may skew the process.

Deputy Counsel Mansell adds discussion to clarify the process. Wilson refers to the handout provided at today's meeting.

VII. PRESENTATION/DISCUSSION

Presentation and discussion of Federal Energy Regulatory Commission (FERC) licenses and the relicensing of Hydropower Facilities within Plumas County – *Leah Wills and Randy Wilson*.

Wilson passes around map of the North Fork Feather River Development (FERC projects). Two documents are presented for discussion: "Rock Creek-Cresta Project, FERC Project No. 1962, Rock Creek – Cresta Relicensing Settlement Agreement" and "Upper North Fork Feather River Project, FERC Project No. 2105, Project 2105 Relicensing Settlement Agreement".

Wilson explains map and points out the different FERC projects. He anticipates that Bucks Powerhouse will be next after the other licenses. The applicant is Pacific Gas and Electric (PG&E). Wills states that Almanor is in a different stage of the process.

Wills summarizes the process; the applicant obtains a license for a certain number of years after which the applicant files for a renewal. In the case of Bucks Powerhouse, the applicant is PG&E, but there is also another applicant, which is the City of Santa Clara. Once the application process starts, the applicant has to perform studies to show that the applicants are capable of operating the facility for the next license period. Whatever laws have been enacted in the period of the license must also be addressed.

The oldest FERC license that they have had to deal with is FERC 1962, Rock Creek-Cresta. These licenses are an ongoing process. The connection between the licenses is not really covered.

Almanor is the last step of the process. The license has been accepted by the Federal Energy Regulatory Commission. The next step is the certification by the State Water Resources Board which must certify that the project will not deteriorate downstream water quality in the river. The question is how does Lake Almanor hurt or help the downstream Feather River.

Wilson explains that the basin plan designates the lower Feather River as a cold water fishery. Our reservoirs, Almanor, Butt, and Bucks, are designated warm and cold water fisheries. This is important due to the thermal curtain issue. The water in the river below Cresta must meet 20^o C all the time. Wills and Wilson are involved, through the Cresta relicensing, with the ERC (Ecological Resources Committee) that meets with PG&E. Also, there is a population of foothill yellow legged frogs below the Cresta dam, which have to be managed for because they are a listed species.

Wills explains that the basin plan is established under the Clean Water Act to set standards to maintain water quality for beneficial uses. Drinking water and fisheries carry the most stringent standards. Uses must be reconciled and all uses are equal in status. PG&E must demonstrate to the Water Board that this can occur. The information and the evidence about the beneficial uses must be monitored by the County during this process.

Wills and Wilson monitor weekly temperature readings taken by PG&E. In 2012, interim control measures were developed that kick in when the temperatures exceed 20^o C. They have learned more about Rock Creek-Cresta. Basically they are silted up and barely function as reservoirs. Only have 3 hours power generation. PG&E basically calls the river "bypass flows".

Cold water can be taken out of Butt Lake into Caribou Powerhouses 1 and 2. The cold water pools in Rock Creek and Cresta are not substantial. The cold water pool in Almanor is approximately 14 to 16 inches deep in the summer. There is oxygen in the cold pool. Level 3 report for the thermal curtain which lists various options and

alternatives in the 401 permitting. These would need to be addressed in an Environmental Impact Report (EIR).

The Water Board is scheduled to release the EIR for FERC 2105 looking at the alternative of draining the cold water pool through the use of the thermal curtain. PG&E must demonstrate that they are addressing beneficial uses as well. The County (Wills and Wilson) must provide analysis if another alternative is to be developed.

Cold water fisheries were studied and determined before projects. The North Fork of the Feather River (NFFR) used to carry 800,000 cfs, now carries 200,000 to 400,000 cfs. Less water tends to warm the water. Powerhouses warm the water. Once the water is warmed, it favors warm water species, which then dominate. The river is also full of rocks, mud and sediment. Fires release sediment. Vegetation is removed in flood events; vegetation which provides cover for fish and cools the water.

PG&E studied dredging the reservoirs, but it did not happen.

“Controllable factors” include trying to recreate a more natural disturbance system by recreating the hydrograph (flow). Seeds (vegetation) are set on bars at the end of the hydrographic flow. What can be done to recreate the hydrograph through regulation of the flows while balancing the hydroelectric needs. How should the vegetation be managed.

The foothill yellow legged frog has a breeding cycle window from April 1st to August 15th. The population has declined from hundreds to two. The rivers must be ramped down in order to protect the yellow legged frog. Studies are taking place and the ERC is focusing on “adaptive management” strategies.

Harry Reeves adds that the western grebes in Lake Almanor use floating nests from May to October. If the water level drops, predators can access the nests. Western grebes are protected under the Migratory Bird Treaty Act.

Discussion about mercury disturbance associated with the thermal curtain. Wilson discusses the possibility of changing the basin plan to reflect a warm and cold water fishery rather than just a cold water fishery.

Settlement agreement is recognized by the FERC. FERC and the Water Board craft conditions and try to reach agreement with constituents. License conditions are based on the settlement agreement. Wills also monitors out-of-county licensing procedures.

USFS authority is tied to their land management. Water Board is granted independent authority under the Clean Water Act. PG&E is the operator/licensee. Caltrans and the railroads activities present issues with barriers to fish. The barriers need to be identified and removed. Department of Water Resources schedules water deliveries based on flows in the NFFR.

VIII. INFORMATIONAL ITEMS

Discussion about water banking, Delta issues, having Integrated Regional Water Management as a standing agenda item. Wills indicates that there will be a lot of outreach during the IRWM process. Wilson indicates that Debbie Spangler of the

Department of Water Resources has been a helpful contact and is working with the County and our "lack of administrative capacity".

IX. CORRESPONDENCE - None

X. FUTURE AGENDA ITEMS

Wilson states that he has a meeting on March 6th in Sacramento which will conflict with the March 7th Planning Commission meeting. Chair and Wilson will work on agenda items for the March 7th meeting.

- Leah Wills and Randy Wilson – presentation given in Sacramento on the missing 400,00 acre feet of water
- Water based recreation/tourism promotion
- The Brown Act – County Counsel give presentation
- Public lands used for development of solar
- Update on the Genesee-Beckwourth Road FHA project

XI. ADJOURNMENT

There being no further business, Olofson calls for a motion to adjourn the meeting of February 21, 2013.

M/S/C: Williams/Schramel /4-0 to adjourn the meeting
Meeting is adjourned at 12:15 p.m.

The next regularly scheduled Planning Commission meeting is set for March 7, 2013, at 10:00 a.m., in the Planning & Building Services Conference Room.

John Olofson, Chair
Plumas County Planning Commission



Rebecca Herrin, Senior Planner
Plumas County Planning Department