



**County Administrative
Office
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One
PETE VANDER POEL
District Two
PHILLIP A. COX
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: September 10, 2013

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Debbie Vaughn PHONE: 636-5005				

SUBJECT: Letter of Opposition

REQUEST(S):

That the Board of Supervisors:
Approve sending a letter of opposition to U.S. Fish and Wildlife's proposed California Foothills Legacy Area which could place up to 325,000 acres of private rangeland in the Central Valley counties of Merced, Mariposa, Stanislaus, Tulare, Kern, and San Benito into permanent federal conversation easements.

SUMMARY:

U.S. Fish and Wildlife Service (FWS) is proposing a new federal conservation easement program, the California Foothills Legacy Area (CFLA) to establish permanent conservation easements on up to 325,000 acres of foothill rangelands in the Central Valley. The stated purpose of CFLA is to "conserve working rangelands that are of high value to wildlife." CFLA's three goals are as follows: 1) Conserve and maintain the existing diversity of grasslands, oak woodlands, vernal pools, riparian areas, and wetlands in the foothill rangelands surrounding the Central Valley and the diversity of migratory birds and other wildlife they support, 2) Contribute to the recovery of threatened and endangered species on California rangelands, and reduce the likelihood of future listings under the Endangered Species Act, and 3) Support the long-term viability of the ranching industry by promoting opportunities for ranchers to participate in voluntary rangeland conservation efforts and provide incentives for cooperation.

CFLA includes three alternatives. Under Alternative A, the CFLA would not be established. Under Alternative B, FWS would acquire up to 200,000 acres of easements in Merced (70,000), Mariposa (35,000), Stanislaus (60,000), and Tulare

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(35,000) counties. Under Alternative C, FWS would acquire up to 325,000 acres of easements in Merced (70,000), Mariposa (35,000), Stanislaus (60,000), Tulare (35,000), Kern (55,000), and San Benito (70,000) counties.

Under the proposed conservation easements, all land would remain in private ownership with the conservation easement managed by FWS. The CFLA draft Environmental Assessment states that "easement restrictions could include, but would not be limited to significant alteration of the natural topography, conversion of rangeland vegetation to cropland, construction of structures unrelated to ranching, and subdivision of ranch parcels."

FWS proposes to fund the program with Land and Water Conservation Fund monies which derive from federal oil and gas leases on the Outer Continental Shelf, motorboat fuel taxes, and the sale of surplus federal property.

FISCAL IMPACT/FINANCING:

N/A

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Opposition to the California Foothills Legacy Area aligns with the County's Strategic Initiative of Organizational Performance through opposition of measures which attempt to remove local control and local decision-making authority.

ADMINISTRATIVE SIGN-OFF:

Debbie Vaughn
Senior Administrative Analyst

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s) Letter of Opposition

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF LETTER OF
OPPOSITION

) Resolution No. _____
) Agreement No. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Approved sending a letter of opposition to U.S. Fish and Wildlife's proposed California Foothills Legacy Area which could place up to 325,000 acres of private rangeland in the Central Valley counties of Merced, Mariposa, Stanislaus, Tulare, Kern, and San Benito into permanent federal conservation easements.

September 10, 2013

Mr. Dan Ashe, Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, D.C. 20240

RE: Opposition to California Foothills Legacy Area

Dear Mr. Ashe:

Tulare County Board of Supervisors oppose the California Foothills Legacy Area (CFLA) which proposes to include up to 35,000 acres of land in Tulare County for the purpose of permanent conservation easements.

The CFLA will impact our ability to develop and zone land use activities for the purpose of guiding growth, as appropriate to our County, in the future. As the program will deny development on easement lands in perpetuity, impacting not only easement lands, but also adjacent lands, we are extremely concerned about the immediate and long term effects the program will have on all future landowners.

Additionally, whereas local, third party conservation entities provide a reasonable balance between environmental conservation, management, and property rights, we believe that CFLA, managed by the U.S. Fish and Wildlife Service (FWS), will ultimately result in increased Federal oversight, regulatory requirements, and land-use restrictions. Identifying the proposed 200,000 – 325,000 acres as areas with high-valued wildlife can be a signal to environmental groups to increase scrutiny on these lands regardless of whether or not they are enrolled in CFLA and may result in increased regulation or costly legal actions to protect private property rights.

Ranchers in our County demonstrate a high level commitment to the preservation of rangeland and the County is satisfied with its own capability to protect and promote foothill conservation, as the U.S. Fish and Wildlife has pointed out in its consideration of our Goals and Objectives under our 2030 General Plan Update. It is precisely because of our great agriculture history and industry that we recognize the necessity of balancing all the interest of the County.

We are also concerned that FWS should not endeavor to implement a new and costly program given the current Federal deficit and the unmet needs of existing programs.

For these reasons, the County of Tulare opposes CFLA and respectfully requests its immediate withdrawal or the selection of Alternative A. Should you fail to withdraw the program or to remove Tulare County from the CFLA program, we request that you immediately initiate preparation of an EIS pursuant to NEPA and duly keep Tulare County informed and involved throughout the EIS process (contact: Mr. Hector Guerra, Chief, Environmental Planning Division, Tulare County Resource Management Agency, 5961 S. Mooney Blvd., Visalia, CA 93277).

Sincerely,

Pete Vander Poel, Chairman
Tulare County Board of Supervisors

Phillip A. Cox, Vice-Chairman
Tulare County Board of Supervisors

J. Steven Worthley, District Four
Tulare County Board of Supervisors

Mike Ennis, District Five
Tulare County Board of Supervisors

Allen Ishida, District One
Tulare County Board of Supervisors

cc: Congressman Kevin McCarthy
Congressman Devin Nunes
Mr. Ren Lohoefer, Regional Director, Pacific Southwest Region
Mr. Mark Pelz, Region 8 Refuge Planning
Tulare County Cattlemen's Association