



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NORTHERN REGION HEADQUARTERS REDDING
6105 Airport Road
Redding, CA 96002
(530) 224-2445
Website: www.fire.ca.gov



OFFICIAL RESPONSE OF THE DIRECTOR OF THE CALIFORNIA DEPARTMENT
OF FORESTRY AND FIRE PROTECTION
TO SIGNIFICANT ENVIRONMENTAL POINTS RAISED DURING THE
TIMBER HARVESTING PLAN EVALUATION PROCESS

THP NUMBER: 2-20-00045 PLU

SUBMITTER: Soper Company

COUNTY: Plumas and Sierra

END OF PUBLIC COMMENT PERIOD: August 29, 2020

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: September 1, 2020

The California Department of Forestry and Fire Protection has prepared the following response to significant environmental points raised during the evaluation of the above-referenced plan. Comments made on like topics were grouped together and addressed in a single response. Where a comment raised a unique topic, a separate response is made. Remarks concerning the validity of the review process for timber operations, questions of law, or topics or concerns so remote or speculative that they could not be reasonably assessed or related to the outcome of a timber operation, have not been addressed.

Sincerely,

John Ramaley, RPF #2504
Forester III
Cascade, Sierra & Southern Regions

cc:
Unit Chief
Pete Sundahl, RPF
Dept. of Fish & Game, Reg. 2
Water Quality, Reg. 5
Christine Anderson Mattison, Dominic Dominguez

COMMON FOREST PRACTICE ABBREVIATIONS

CAL FIRE	Department of Forestry & Fire Protection	FPR	Forest Practice Rules
CAA	Confidential Archaeological Addendum	LTO	Licensed Timber Operator
CESA	California Endangered Species Act	NMFS	National Marine Fisheries Service
CEQA	California Environmental Quality Act	PHI	Pre-Harvest Inspection
CIA	Cumulative Impacts Assessment	RPF	Registered Professional Forester
CGS	California Geological Survey	THP	Timber Harvest Plan
CSO	California Spotted Owl	USFS	United States Forest Service
DBH	Diameter at Breast Height	WLPZ	Watercourse/Lake Protection Zone
DFG	Department of Fish & Game	WQ	California Regional Water Quality Control Board
DPR	Department of Pesticide Regulation	PCA	Pest Control Advisor
NSO	Northern Spotted Owl	[SIC]	Word used verbatim as originally printed in another document. May indicate a misspelling or uncommon word usage.
CDFW/DFW	California Dept. of Fish & Wildlife		
AB 32	Assembly Bill 32	ARB	Air Resources Board
NPP	Net Primary Production	BOF	Board of Forestry
NEPA	National Environ. Policy Act	CAPCOA	Calif. Air Pollution Control Officers Assoc.
NEP	Net Ecosystem Production	CCR	Calif. Code of Regulations
NTMP	NonIndust. Timb. Manag. Plan	CESA	Calif. Endangered Species Act
OPR	Govrn's Office of Plan. & Res.		
Pg	Petagram = 10^{15} grams		
PNW	Pacific NorthWest		
CO ₂	Carbon Dioxide	PRC	Public Resources Code
CO _{2e}	Carbon Dioxide equivalent	RPA	Resource Plan. and Assess.
DBH/dbh	Diameter Breast Height	RPF	Registered Professional Forester
DFG	Calif. Department of Fish and Game	SPI	Sierra Pacific Industries
EPA	Environmental Protection Agency	SYP	Sustained Yield Plan
FPA	Forest Practice Act	tC	tonnes of carbon
FPR	Forest Practice Rules	Tg	Teragram = 10^{12} grams
GHG	Greenhouse Gas	THP	Timber Harvesting Plan
ha ⁻¹	per hectare	LBM	Live Tree Biomass
LTSY	Long Term Sustained Yield	TPZ	Timber Production Zone
m ⁻²	per square meter	USFWS	U.S. Fish & Wildlife Service
MAI	Mean Annual Increment	WAA	Watershed Assessment Area
MMBF	Million Board Feet	WLPZ	Watercourse. & Lake Prot. Zone
MMTCO ₂ E	Million Metric Tons CO ₂ equivalent	yr ⁻¹	per year

NOTIFICATION PROCESS

In order to notify the public of the proposed timber harvesting, and to ascertain whether there are any concerns with the plan, the following actions are automatically taken on each THP submitted to CAL FIRE:

- Notice of the timber operation is sent to all adjacent landowners if the boundary is within 300 feet of the proposed harvesting, (As per 14 CCR § 1032.7(e))
- Notice of the Plan is submitted to the county clerk for posting with the other environmental notices. (14 CCR § 1032.8(a))
- Notice of the plan is posted at the Department's local office and in Cascade Area office in Redding. (14 CCR § 1032))
- Notice is posted with the Secretary for Resources in Sacramento. (14 CCR § 1032.8(c))
- Notice of the THP is sent to those organizations and individuals on the Department's current list for notification of the plans in the county. (14 CCR § 1032.9(b))
- A notice of the proposed timber operation is posted at a conspicuous location on the public road nearest the plan site. (14 CCR § 1032.7(g))

THP REVIEW PROCESS

The laws and regulations that govern the timber harvesting plan (THP) review process are found in Statute law in the form of the Forest Practice Act which is contained in the Public Resources Code (PRC), and Administrative law in the rules of the Board of Forestry (rules) which are contained in the California Code of Regulations (CCR).

The rules are lengthy in scope and detail and provide explicit instructions for permissible and prohibited actions that govern the conduct of timber operations in the field. The major categories covered by the rules include:

- *THP contents and the THP review process
- *Silvicultural methods
- *Harvesting practices and erosion control
- *Site preparation
- *Watercourse and Lake Protection
- *Hazard Reduction
- *Fire Protection
- *Forest insect and disease protection practices
- *Logging roads and landing

When a THP is submitted to the California Department of Forestry and Fire Protection (CAL FIRE) a multidisciplinary review team conducts the first review team meeting to assess the THP. The review team normally consists of, but is not necessarily limited to, representatives of CAL FIRE, the Department of Fish and Wildlife (DFW), and the Regional

Water Quality Control Board (WQ). The California Geological Survey (CGS) also reviews THP's for indications of potential slope instability. The purpose of the first review team

meeting is to assess the logging plan and determine on a preliminary basis whether it conforms to the rules of the Board of Forestry. Additionally, questions are formulated which are to be answered by a field inspection team.

Next, a preharvest inspection (PHI) is normally conducted to examine the THP area and the logging plan. All review team members may attend, as well as other experts and agency personnel whom CAL FIRE may request. As a result of the PHI, additional recommendations may be formulated to provide greater environmental protection.

After a PHI, a second review team meeting is conducted to examine the field inspection reports and to finalize any additional recommendations or changes in the THP. The review team transmits these recommendations to the RPF, who must respond to each one. The director's representative considers public comment, the adequacy of the registered professional forester's (RPF's) response, and the recommendations of the review team chair before reaching a decision to approve or deny a THP. If a THP is approved, logging may commence. The THP is valid for up to five years, and may be extended under special circumstances for a maximum of 2 years more for a total of 7 years.

Before commencing operations, the plan submitter must notify CAL FIRE. During operations, CAL FIRE periodically inspects the logging area for THP and rule compliance. The number of the inspections will depend upon the plan size, duration, complexity, regeneration method, and the potential for impacts. The contents of the THP and the rules provide the criteria CAL FIRE inspectors use to determine compliance. While CAL FIRE cannot guarantee that a violation will not occur, it is CAL FIRE's policy to pursue vigorously the prompt and positive enforcement of the Forest Practice Act, the forest practice rules, related laws and regulations, and environmental protection measures applying to timber operations on the timberlands of the State. This enforcement policy is directed primarily at preventing and deterring forest practice violations, and secondarily at prompt and appropriate correction of violations when they occur.

The general means of enforcement of the Forest Practice Act, forest practice rules, and the other related regulations range from the use of violation notices which may require corrective actions, to criminal proceedings through the court system. Civil, administrative civil penalty, Timber operator licensing, and RPF licensing actions can also be taken.

THP review and assessment is based on the assumption that there will be no violations that will adversely affect water quality or watershed values significantly. Most forest practice violations are correctable and CAL FIRE's enforcement program seeks to assure correction. Where non-correctable violations occur, civil or criminal action may be taken against the offender. Depending on the outcome of the case and the court in which the case is heard, some sort of supplemental environmental corrective work may be required. This is intended to offset non-correctable adverse impacts. Once a THP is completed, a completion report must be submitted certifying that the area meets the requirements of the rules. CAL FIRE inspects the completed area to verify that all the rules have been followed including erosion control work.

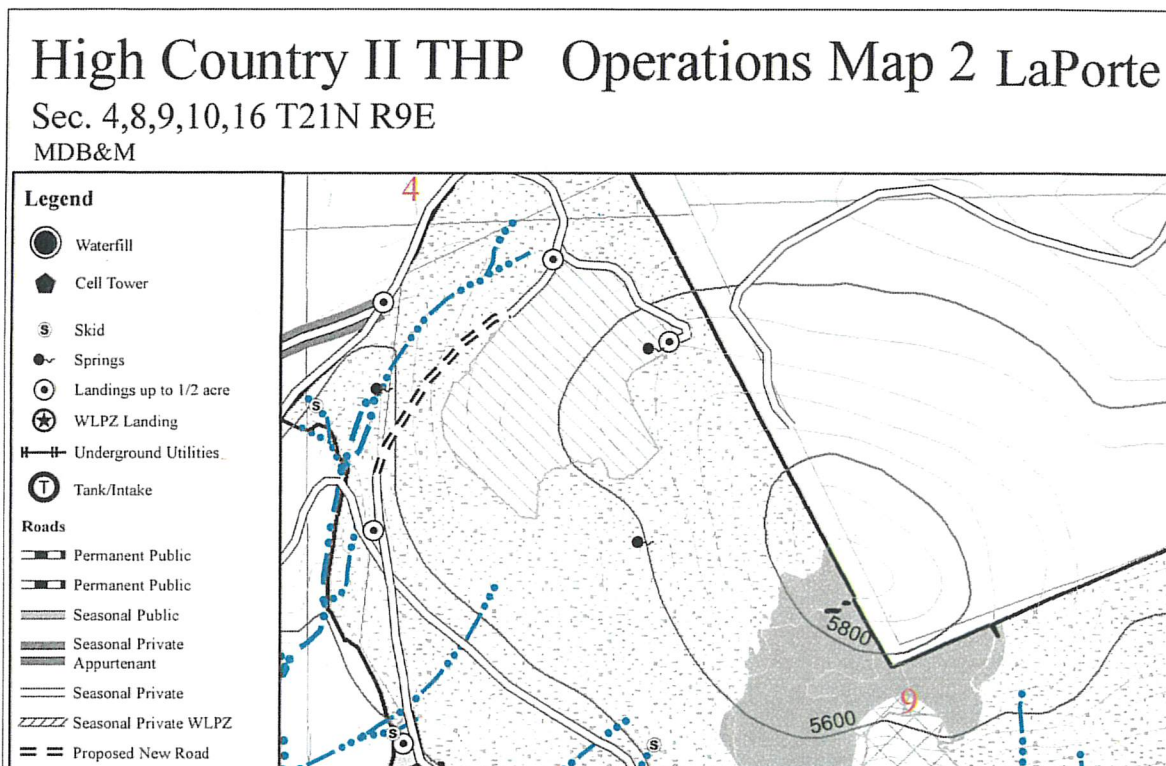
Depending on the silvicultural system used, the stocking standards of the rules must be met immediately or in certain cases within five years. A stocking report must be filed to certify that the requirements have been met. If the stocking standards have not been met, the area must be planted annually until it is restored. If the landowner fails to restock the land, CAL FIRE may hire a contractor to complete the work and seek recovery of the cost from the landowner.

Public Comment

Public comment for this plan came in the form of a letter, included for reference at the end of this document.

Comment #1: The map seems to indicate that the top of Bald Mountain shown on Section 9 is on Soper-Wheeler property, rather than on our own parcel 024. When my mother and father, Mr. and Mrs. W.C. Anderson, sold property to Soper-Wheeler in the 1970's, they did so with the express purpose of preserving the top of Bald Mountain as part of our family's heritage since the 1860's. We request a more detailed survey map and to arrange an on-site review of those boundary lines for clarification and revision as necessary based on actual survey lines.

Response #1: As mapped in the plan (page 53 of the THP) the plan boundary appears not to include the top of Bald Mountain



Location of property lines is civil matter outside of CAL FIRE's jurisdiction. CAL FIRE must regulate within their judicial bounds of authority and cannot adjudicate disputes outside

such limits. The judicial system has the authority to deliver judgment regarding property boundary disputes and specifically exists to resolve matters such as these.

CAL FIREs approval of a THP in no way authorizes a landowner to trespass, or cause damage to the property or resources of another person. The Department must restrict themselves to items which fall under its' jurisdiction and issues related to property lines are beyond our jurisdiction to control.

While it may seem harsh when a state agency advises that one's only recourse in a civil dispute is court action, it is not out of concern such statements are made. CAL FIRE must regulate within their judicial bounds of authority and cannot adjudicate disputes outside such limits.

Please keep in mind that mapped locations of property lines are not necessarily 100% accurate due to a number of factors, such as contour intervals, the projection utilized to display the mapped locations, possible subtle errors in the original mapping, etc. If the property line has been successfully established through licensed land surveyors and the line has been established with corners and possible blaze marks, these are what is used to establish the true property line, not the maps themselves.

Comment #2: This project seems to envision a possible massive logging effort on all sides of our properties, which include four private homes and gathering spaces. We request that buffer zones on Soper Wheeler property of standing trees be included in your plan to help avoid trespassers on new and existing Soper-Wheeler roads and skid trails that lead to our properties. Trespassing has been a recurring problem for us over the years as we have tried to accommodate Soper, and the addition of more roads and access trails nearby will only make us more vulnerable to trespassing and corresponding theft.

Response #2 The majority of the proposed silvicultures adjacent the property in question is group selection. By definition Group selection retains tree, specifically the plan requires the following (page 9 of the THP)

Group Selection	Site Class I, II, III	<ul style="list-style-type: none"> On Site I lands at least 100 sq.ft. per acre of basal area shall be retained. On Site II lands at least 75 sq. ft. per acre of basal area shall be retained. At least 80% of the stocked plots must meet the Basal Area stocking standards of 14 CCR § 933.2(a)(2)(A) Not more than 20% of the stocked plots may meet stocking standards utilizing the 125 point count standard with trees that are at least 10 (ten) years old. The post harvested residual stand shall contain at least 15 square feet of basal area per acre of seed trees at least 18 inches dbh or greater for timber sites I, II or III; or 18 square feet of basal area per acre of seed trees 18 inches dbh or greater for timber sites IV or V. Unless obviously stocked, these basal area requirements will be determined from sampling averaged across each harvested area required in 14 CCR § (1)[953.2(b)(1)]. Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to 14 CCR § [953.11(a) or (b)], where present in the preharvest stand, disease free, undamaged seed trees 18 inches dbh or greater shall be retained post harvest until the stand exceeds the minimum seed tree requirements of 14 CCR § 933.1(c)(1)(A) [953.1(c)(1)(A)]. The seed trees shall be full crown, capable of seed production and representative of the best phenotypes available in the present stand.
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Additional adjacent silvicultures include Alternative Prescription closest to clearcut and rehabilitation. The Alternative prescription is not a clearcut because of the desire to retain trees (page 13.1 of the THP)

C5 *How alternative prescription will differ in securing regeneration, aesthetics, protection of soil, water quality, wildlife habitat, and insect and disease protection –Retention of wildlife trees and advanced regeneration will increase genetic diversity in the new stand, will increase wildlife habitat through the retention of perch trees and escape trees, will retain more trees for aesthetics than a clear cut would. Protection of soil, water quality, insect and disease protection will be similar to clear cut silviculture.*

A small portion of the adjacent boundary silviculture is rehabilitation which the THP describes as (page 76 of the THP)

Rehabilitation 30 acres

Two units are proposed for the Rehabilitation Prescription. Both units are currently covered with brush with a few scattered White fir and do not meet stocking. After site preparation and replanting the units will meet stocking.

Although trees are being left along the property line, there are no regulations for placing buffer strips, or leave trees, along property lines. A landowner must “consider” the potential impacts their harvest operations may have on adjacent properties, in some instances, however no mandatory buffers or leave tree requirements have been established in the Forest Practice Rules. Requests for additional tree retention is outside of CAL FIRE’s jurisdiction and should be taken up between the two landowners.

The plan does not propose any new road construction near the property lines of concern. Skid trails may be constructed or re-opened near the property line. Skid trails will need to have erosion control (typically water bars) installed after use. Issues regarding trespass should be taken up between the landowners

CAL FIREs approval of a THP in no way authorizes a landowner to trespass, or cause damage to the property or resources of another person. The Department must restrict themselves to items which fall under its’ jurisdiction and issues related to trespass are beyond our jurisdiction to control.

While it may seem harsh when a state agency advises that one’s only recourse in a civil dispute is court action, it is not out of lack of concern such statements are made. CAL FIRE must regulate within their judicial bounds of authority and cannot adjudicate disputes outside such limits.

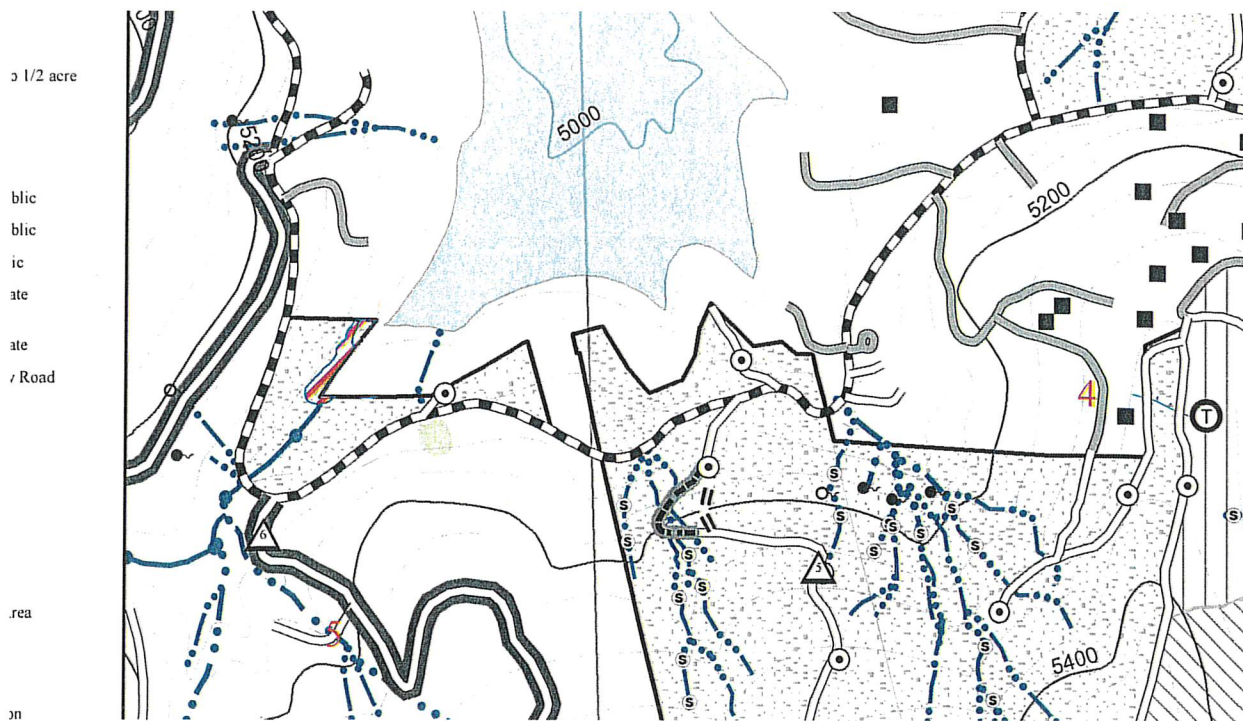
Comment #3: Comments regards to THP # 2-20-00045-PLU to add a creek identified as Tooms Creek within the scope of harvest located next to parcel 003-310-002-000 (2826 Little Grass Valley RD) Please see attachment of previous TPH 2-09-067-PLU (2) which identifies Tooms Creek and map.

Response #3 CAL FIRE considered named watercourses to be those identified on a USGS quad. All the USGS quad maps used for the THP are designated as “1994”. The 1994 USGS

quadrangle maps do not show Tooms Creek on the map. Soper-Wheeler owns the parcel that includes both sides of what the commenter refers to as Tooms Creek until it enters the Little Grass Valley Reservoir, so they own everything downstream of the parcel that includes Tooms Creek. The downstream impacts to potential domestic water use is what the Forest Practice Rule is determining to ascertain, and the impacts from the harvest will be to Little Grass Valley Reservoir proper, not to any other adjacent landowners. In addition, a no harvest strip has been designated along the western portion of the stream as shown on map page 56.1.

Comment #4: Also included is the information on 50 ft. easement for foot traffic trail along the area of proposed harvest area adjacent to Little Grass Valley Reservoir (recorded document of easement).

Response #3: Based upon this public comment the plan was revised to include a no harvest area around this easement. Map on page 56.1 depicts the no harvest area



SUMMARY AND CONCLUSIONS

The Department recognizes its responsibility under the Forest Practice Act (FPA) and CEQA to determine whether environmental impacts will be significant and adverse. In the case of the management regime which is part of the THP, significant adverse impacts associated with the proposed application are not anticipated.

CAL FIRE has reviewed the potential impacts from the harvest and reviewed concerns from the public and finds that there will be no expected significant adverse environmental impacts from timber harvesting as described in the Official Response above.

Mitigation measures contained in the plan and in the Forest Practice Rules adequately address potential significant adverse environmental effects.

CAL FIRE has considered all pertinent evidence and has determined that no significant adverse cumulative impacts are likely to result from implementing this THP. Pertinent evidence includes, but is not limited to the assessment done by the plan submitter in the watershed and biological assessment area and the knowledge that CAL FIRE has regarding activities that have occurred in the assessment area and surrounding areas where activities could potentially combine to create a significant cumulative impact. This determination is based on the framework provided by the FPA, CCR's, and additional mitigation measures specific to this THP.

CAL FIRE has supplemented the information contained in this THP in conformance with Title 14 CCR § 898, by considering and making known the data and reports which have been submitted from other agencies that reviewed the plan; by considering pertinent information from other timber harvesting documents including THP's, emergency notices, exemption notices, management plans, etc. and including project review documents from other non-CAL FIRE state, local and federal agencies where appropriate; by considering information from aerial photos and GIS databases and by considering information from the CAL FIRE maintained timber harvesting database; by technical knowledge of unit foresters who have reviewed numerous other timber harvesting operations; by reviewing technical publications and participating in research gathering efforts, and participating in training related to the effects of timber harvesting on forest values; by considering and making available to the RPF who prepares THP's, information submitted by the public.

CAL FIRE further finds that all pertinent issues and substantial questions raised by the public and submitted in writing are addressed in this Official Response. Copies of this response are mailed to those who submitted comments in writing with a return address.

ALL CONCERNS RAISED WERE REVIEWED AND ADDRESSED. ALONG WITH THE FRAMEWORK PROVIDED BY THE FOREST PRACTICE ACT AND THE RULES OF THE BOARD OF FORESTRY, AND THE ADDITION OF THE MITIGATION MEASURES SPECIFIC TO THIS THP, THE DEPARTMENT HAS DETERMINED THAT THERE WILL BE NO SIGNIFICANT ADVERSE IMPACTS RESULTING FROM THE IMPLEMENTATION OF THIS THP.

Japp, Jeannie@CALFIRE

From: christine mattison <campmatt@pacbell.net>
Sent: Tuesday, June 23, 2020 1:37 PM
To: Redding Public Comment@CALFIRE
Cc: McKillop, Ryan@SoperWheeler
Subject: Timber Harvesting Plan No: 2-20-00045-PLU and Anderson Tree Farm LLC La Porte

Warning: this message is from an external user and should be treated with caution.

June 23, 2020

Dear Forest Practice Program Manager •

My name is Christine Anderson Mattison and I am the Managing Member of the Anderson Tree Farm LLC that owns three parcels contiguous to your planned Timber Harvesting Plan No: 2-20-00045-PLU. Our properties are recorded in Plumas County as APN: 003-390-033, APN: 003-430-001, and APN: 003-390-024, properties that our family has owned and enjoyed for more than 150 years.

Upon review of your High Country II THP Project Map, our concerns are the following:

1• The map seems to indicate that the top of Bald Mountain shown on Section 9 is on Soper-Wheeler property, rather than on our own parcel 024. When my mother and father, Mr. and Mrs. W.C. Anderson, sold property to Soper-Wheeler in the 1970's, they did so with the express purpose of preserving the top of Bald Mountain as part of our family's heritage since the 1860's. We request a more detailed survey map and to arrange an on-site review of those boundary lines for clarification and revision as necessary based on actual survey lines.

2• This project seems to envision a possible massive logging effort on all sides of our properties, which include four private homes and gathering spaces. We request that buffer zones on Soper Wheeler property of standing trees be included in your plan to help avoid trespassers on new and existing Soper-Wheeler roads and skid trails that lead to our properties. Trespassing has been a recurring problem for us over the years as we have tried to accommodate Soper, and the addition of more roads and access trails nearby will only make us more vulnerable to trespassing and corresponding theft.

We respect Soper-Wheeler's right to log and manage their property in a responsible manner. They have been good neighbors to us over the years, and we look forward to working with you at Cal Fire and Soper Wheeler as you move forward on your plans, while respecting the needs of nearby neighbors.

Best Regards •

Christine Anderson Mattison
 Managing Member
 Anderson Tree Farm LLC

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JUN 23 2020
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Reviewed by	<i>[Signature]</i>
Dist by	<i>[Signature]</i>
Dist Date	6-23-2020
BU	PS
FD	FO
WD	TLQ
ARCH	LTO
JPP	DMG
MSD	BCE
OTHER	
FPS	<i>[Signature]</i>
Status	<i>[Signature]</i>

This is only showing the first of 4 pages for the second Letter of Concern. The email contained a "Conveyance and Agreement" document that can be viewed in CalTREES

Japp, Jeannie@CALFIRE

From: Dominic <dtdtoe@yahoo.com>
Sent: Tuesday, June 23, 2020 4:04 PM
To: Redding Public Comment@CALFIRE
Cc: Ramaley, John@CALFIRE
Subject: THP # 2-20-00045-PLU Comments

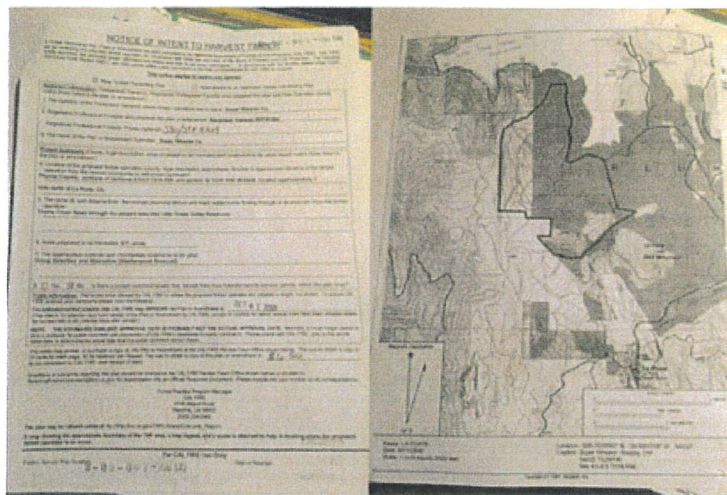
PC 2

Reviewed by	620
List by	620
Dist. Date	6/21/20
RU	FS
TU	TD
AD	TL
ARCT	TD
UP	DM
UP	DM
Other	UNIT
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Status	LOC

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Comments regards to THP # 2-20-00045-PLU to add creek identified as Tooms Creek within the scope of harvest located next to parcel 003-310-002-000 (2826 Little Grass Valley RD) Please see attachment of previous TPH 2-09-067-PLU (2) which identifies Tooms Creek and map. Also included is the information on 50 ft. easement for foot traffic trail along the area of proposed harvest area adjacent to Little Grass Valley Reservoir (recorded document of easement).

Respectfully,
 Dominic Dominguez
 530-320-6515



RECEIVED

JUN 23 2020

**REDDING
 FOREST PRACTICE**

This is only showing the first of 5 pages for the second Letter of Concern – the email contained a “Conveyance and Agreement” document that can be viewed in CalTREES

PC 3

Japp, Jeannie@CALFIRE

From: Dominic <dtdtoe@yahoo.com>
Sent: Tuesday, June 23, 2020 10:09 PM
To: Redding Public Comment@CALFIRE
Subject: Fwd: THP # 2-20-00045-PLU Comments

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Here is a better copy of the easement document.

Processed by:	
Dist. by:	
Dist. Date:	
TO:	PS
TO:	TO
TO:	TLO
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TO:	IMG
TO:	ACE
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Status:	W

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