



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: 2-20-00098-SHA

SUBMITTER: Shasta Cascade Timberlands, LLC

COUNTY: Shasta

END OF PUBLIC COMMENT PERIOD: September 7, 2020

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: September 25, 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,

A handwritten signature in blue ink that reads "John Ramaley".

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

cc:
Unit Chief
Sarah Oldson, RPF
Dept. of Fish & Game, Reg. 1
Water Quality, Reg. 6
Jerry Moreland, Moreland Family Trust

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	Govm'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 _{2E}	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. Comments have been combined into similar topics

Comment #1: In 2016 a THP was approved by your office for Sierra Pacific clear cutting just outside the 300 ft. boundary for me to be notified. It was performed uphill from my parcel and resulted in several issues to follow. I had graveled my road in 2009 in order to get my Father into the cabin for our last hunt together prior to his death. The THP destroyed my road and I was forced to have gravel again delivered to repair access. A spring on that road which had always dried up in the Summer now seeps water all year. It also now comes out on the road about 50 feet from its original location. The largest concern is the "rapid snow melt" which now occurs each Spring. Since 1974 I have seen 4'-5' snow packs and our 24" culvert pipe at my cabin had always handled the water. Now that the forest canopy has been removed that snow can melt at a very high rate and in the Spring of 2018, it washed a 3 foot deep path down the road in front of my cabin. I again hauled in gravel and equipment to repair the road.

Erosion occurs for years following a clear cut until new growth can slow the snow melt.

Topographic maps of this THP indicate 80-90' of elevation difference from the top of the planned clear cut down to my cabin. The acreage cut and amount of snow received over the next five-10 years awaiting re-growth will determine the amount of water I will be contending with each spring. This plan as written will increase the very potential of washing both the road and my cabin with it.

How will I know there will be no adverse environmental impact to my property? History has shown that my property is significantly impacted.

Response #1: After further consideration the Plan Submitter has revised the plan in two ways to specifically address these concerns.

1. Most of the areas previously proposed as clearcut, in the drainage directly above the crossing in question, have been changed to Selection silviculture. Selection silviculture leaves many mature trees after harvest as compared to a clearcut. A small portion (approximately 2-3 acres) that is still proposed as clearcut will remain in the drainage area up towards the top of the ridge, however the majority of the acres within the problem drainage area that drains into the culvert have been changed to partial cut. Selection silviculture is a partial harvest, retaining trees, providing canopy that will mediate the rate of snow melt and reducing the likelihood of the culvert overtopping during

snow melt.

It should be noted that a large storm event, regardless of harvest, may cause the crossing to be overtopped as it is undersized when compared to the standard sizing for a 100-year event. As discussed in the Water Quality PHI report the crossing would require a 60" culvert for the 100-year storm event and it is currently a 24" culvert.

2. In regards to the access road, Shasta Cascade will not use the road for hauling from the area just south of where the road enters Shasta Cascade Ownership (Road point #9).

Selection Silviculture is defined in the FPR as

a) Selection *Under the selection regeneration method, the trees are removed individually or in small groups sized from one-quarter (.25) acres to two and one-half (2.5) acres.*

(1) *Trees to be harvested or trees to be retained shall be Marked by or under the supervision of the RPF prior to felling operations. When openings greater than one-quarter (.25) acres will be created, the boundaries of the Small Group(s) may be designated in lieu of marking individual trees within the Small Group areas. A sample area must be Marked prior to a preharvest inspection for evaluation. The sample area shall include at least ten (10) of the Harvest Area up to a maximum of twenty (20) acres per stand*

(2) *Post-harvest stand stocking levels shall be stated in the THP. The level of residual stocking shall be consistent with maximum sustained production of high quality timber products. In no case shall stocking be reduced below the following standards:*

(A) Selection System.

1. [Northern, Southern] *On Site I lands at least one hundred (100) square feet per acre of basal area shall be retained.*

2. *On Site II and III lands at least seventy-five (75) square feet per acre of basal area shall be retained.*

3. *On Site IV and V lands at least fifty (50) square feet per acre of basal area shall be retained.*

4. *Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to 14 CCR § 913.11 [933.11, 953.11] (a) or (b), the residual stand shall contain sufficient trees to meet at least the basal area, size, and phenotypic quality of tree requirement specified under the Seed Tree method.*

(3) *Within any THP, small group clearings under the selection method shall be separated by a logical logging area.*

(4) *Following completion of Timber Operations (including Site Preparation) not more than twenty (20) percent of the THP area harvested by this method shall be covered by small group clearings.*

(5) *Exceptions to stocking standards in 14 CCR § 913.2(a)(2), [933.2(a)(2), 953.2(a)(2)] above may be granted only when proposed by the RPF and explained*

and justified in the plan, but in no case will the exceptions be less than specified in 14 CCR § 912.7 (b)(2), [932.7(b)(2), 952.7(b)(2)]. Exceptions may only be granted when the RPF clearly demonstrates that the existing stand will grow substantially less than both the potential site productive capacity and the proposed post-harvest stand.

With these changes to the plan, the potential for increased snow melt and its potential impacts have been reduced as compared to the original proposal.

Basal Area Per Acre, pursuant to PRC § 4528(a), means the sum of the cross-sectional areas at breast height of the tree stems of commercial species per acre.

The location of the crossing and cabin were reviewed during the PHI and as per page 10 of the PHI report the inspector concluded impacts will not occur to the road or cabin because of the proposed harvest.

Comment #2 Will easement from FW Line to end of harvest plan be maintained with gravel throughout and at end of harvest?

Response#2 The portion of this road that is within the ownership or control of the Timber Owner, Timberland Owner or Plan Submitter of the THP is considered either a plan area or an appurtenant road and is subject to the requirements of the Forest Practice Rules. The portion of the road, as mapped on page 58 of the THP, from road point 9 south to the crossing is an appurtenant road by definition. The Plan Submitter has revised the plan to preclude hauling south of road point 9. This section of road, as described in the PHI report, will be well drained with water breaks as per the Forest practice rules (page 10).

The Department, along with their cooperating agencies, has monitoring programs which are implemented by statute to assure that the plan is being implemented consistent with the FPR's and the FPA's.:

PRC 4586 Requires inspection of completed work to determine that operations are consistent with the THP and the law:

4586. Inspection of completed work. Within six months of the receipt of the work completion report specified in Section 4585, the director shall determine, by inspection, whether the work described in the report has been properly completed in conformity with the rules and regulations of the board and the standards of this chapter. If the work has been so completed, the director shall issue a report of satisfactory completion of the work. If not, the director shall take such corrective action as he or she determines to be appropriate in accordance with Article 8 (commencing with Section 4601).

PRC 4604 Requires and authorizes the Department to inspect areas covered by a THP to determine compliance with the THP and the law:

4604. *Inspection of timber operation; periodic inspections; operative date.*
(a) *The department shall provide an initial inspection of the area in which timber operations are to be conducted within 10 days from the date of filing of the timber harvesting plan or nonindustrial timber management plan, or a longer period as may be mutually agreed upon by the department and the person submitting the plan, except that the inspection need not be made pursuant to the filing of a timber harvesting plan if the department determines that the inspection would not add substantive information that is necessary to enforce this chapter. The department shall provide for inspections, as needed, as follows:*
(1) *During the period of commencement of timber operations.*
(2) *When timber operations are well under way.*
(3) *Following completion of timber operations.*
(4) *At any other times as deemed necessary to enforce this chapter.*

14CCR 943.4(a) prescribes a maintenance period for erosion control structures:

(a) The prescribed maintenance period for erosion controls on permanent and seasonal roads and associated landings and drainage structures which are not abandoned in accordance with 14 CCR 923.8 [943.8, 963.8] shall be at least one year. The Director may prescribe a maintenance period extending up to three years in accordance with 14 CCR 1050.

In addition, 14CCR 1050 further described the requirements for erosion control maintenance:

1050 Erosion Control Maintenance

(a) Where necessary to minimize soil erosion or slope instability or to prevent degradation of the quality and beneficial uses of water, the department may require that erosion controls be maintained prior to the beginning of a winter period and prior to filing of a work completion report.
(b) The Director may deem completion report as described in PRC 4585 to have been filed upon the date of receipt if the Department finds that all erosion controls have been constructed and maintained in compliance with the Forest Practice Rules upon the first inspection after receipt of the completion report. Otherwise, the Director shall accept a work completion report for filing only after the Department finds that all erosion controls have been constructed in compliance with the Forest Practice Rules.
(c) The LTO is responsible for proper construction, inspection and maintenance of erosion control during the prescribed maintenance period until the work completion report as described in PRC 4585 is approved by the Director. The landowner is responsible for inspection and any needed repair and maintenance of erosion controls during the remainder of the prescribed maintenance period. Responsibility for erosion control maintenance may be assumed at an earlier date by the landowner or can

be delegated to a third party, provided that the assuming party acknowledges such responsibility in writing to the Director.

(d) Upon approving a work completion report, the Director may prescribe a maintenance period which extends for as much as three years after filing the work completion report based on physical evidence (such as location of erosion controls in disturbed areas with high or extreme erosion hazard, on steep or unstable slopes, or within or adjacent to the standard width of a water course or lake protection zone) that erosion controls need to be maintained for the extended maintenance period in order to minimize soil erosion or slope instability or to prevent degradation of the quality and beneficial uses of water.

(e) After approving the work completion report, the Director may extend the prescribed maintenance period for as much as three years after filing of the work completion report if subsequent inspections by the department during the prescribed maintenance period show that erosion controls have failed or are likely to fail to minimize soil erosion or slope instability or to prevent degradation of the quality and beneficial uses of water.

If violations to the FPR or FPA are observed during these inspections, corrective actions are instigated to address the issues.

Additional maintenance beyond the Forest Practices rules (i.e. maintained with gravel) is between the affected parties of the easement.

The portion of the road that is not owned or controlled by the Timber Owner, Timberland Owner or Plan Submitter is outside the Jurisdiction of CAL FIRE.

Issues regarding the use of roads outside of Timber Harvesting activities, those roads that are not "appurtenant" to the plan, are not under the jurisdiction of CAL FIRE. Issues that CAL FIRE has no authority over are of a Civil nature, beyond CAL FIRE jurisdiction, and must be pursued by the actual parties who have been damaged because of actions of another.

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

Comment#3 Page 9. 10 acres Selective Cut. Is this by my cabin along the waterway? 374 acres Commercial Thin Is this a clear cut, or does it leave trees?

Response #3 Yes the selection is the proposed harvest that is immediately to the north of your cabin and adjacent to the west of your property line.

Commercial Thinning, and Selection, are not clear cuts. Page 10, Item 14 b., describes the required minimum stocking that will be left post harvest, 100 square feet per acre or 75 square feet per acre of basal area if 50% of the basal area is pine. The selection standards have been provided above under response #1.

Commercial Thinning is defined in the Forest Practice Rules as;

913.3, 933.3, 953.3 Intermediate Treatments [All Districts, Note variations by District in (a)(1)(A), (a)(1)(B)]

(a) Commercial thinning. Commercial thinning is the removal of trees in a young-growth stand to maintain or increase average stand diameter of the residual crop trees, promote timber growth, and/or improve forest health. The residual stand shall consist primarily of healthy and vigorous dominant and codominant trees from the preharvest stand.

(1) Post harvest stand stocking levels shall be stated in the THP. The level of residual stocking shall be consistent with maximum sustained production of high quality timber products. Generally stands will develop stand structures with considerably higher levels of basal area than provided in these minimum standards as stand age increases. In no case shall stocking be reduced below the following standards:

(A) Where the preharvest dominant and codominant crown canopy is occupied primarily by trees greater than fourteen (14) inches d.b.h.:

[Northern, Southern]:

1. On Site I mixed conifer lands, at least one hundred twenty-five (125) sq. ft. per acre of basal area shall be left, and on Site I land where greater than fifty (50) percent of the basal area is pine, at least one hundred (100) sq. ft. per acre of basal area shall be left.
2. On Site II mixed conifer lands, at least one hundred (100) sq. ft. per acre of basal area shall be left, and on Site II lands where greater than fifty (50) percent of the basal area is pine, at least seventy-five (75) sq. ft. per acre of basal area shall be left.
3. On Site III mixed conifer lands, at least seventy-five (75) sq. ft. per acre of basal area shall be left, and on Site III lands where greater than fifty (50) percent of the basal area is pine, at least seventy-five (75) sq. ft. per acre of basal area shall be left.
4. On Site IV and V mixed conifer lands, at least fifty (50) sq. ft. per acre of basal area shall be left, and on Site IV and V lands where greater than fifty (50) percent of the basal area is pine, at least fifty (50) sq. ft. per acre of basal area shall be left.

(B) [Northern, Southern] Where the preharvest dominant and codominant crown canopy is occupied primarily by trees less than fourteen (14) inches d.b.h., a minimum of sixty-five (65) trees per acre over four (4) inches d.b.h. shall be retained.

(2) Exceptions to these Stocking Standards may be proposed by the RPF when explained and justified in the plan, but in no case will the standards be below those specified in 14 CCR 912.7(b)(2) [932.7(b)(2), 952.7(b)(2)].

(3) For stands harvested in compliance with 14 CCR 913.3(a)(1)(A) [933.3(a)(1)(A), 953.3(a)(1)(A)] the trees to be harvested or the trees to be retained shall be Marked by or under the supervision of an RPF prior to felling operations. For all thinning proposals, a sample area must be Marked prior to a preharvest inspection for evaluation. The sample area shall include at least ten (10) percent of the thinning area up to a maximum of twenty (20) acres per stand type which is representative of the range of conditions present in the area. The Director may waive the marking requirements for the remainder of the THP area when explained and justified in the THP.

(4) Within six (6) months following completion of Timber Operations as described in the plan, a report of stocking shall be filed as stated in PRC Section 4587.

Basal Area Per Acre, pursuant to PRC § 4528(a), means the sum of the cross-sectional areas at breast height of the tree stems of commercial species per acre. Commercial thinning is designed to grow bigger trees over time by leaving the best trees and harvesting the smaller and intermediate trees. Larger trees are also thinned to increase spacing between them to allow those left to grow faster.

Comment #4 Does the THP include the killing of all black oak in area by use of hand crews with hatchets to girdle the trunks? This method has been performed in the past. Many of those trees now stand as lightning fire hazards. No follow up treatments are specified to plan such as herbicide. Review of the SP clear cut will reveal the brush and berry vines now growing throughout the harvest which increases the fire hazard.

Response #4 The use of herbicides is regulated by the Shasta County Agriculture Commissioner and the California Department of Pesticide Regulation. Page 11 of the THP does not indicate that future herbicides treatments because of this Timber Harvest Plan will be necessary to maintain the relative site occupancy of Group B species. Although not a part of this proposed timber harvest plan, the plan does address (pages 125-138) any future potential cumulative impacts because of the use of herbicides. As noted in the recent comment from the commenter, the Plan Submitter has started to pre-treatment of hardwood via direct stem injection (hack and squirt). This hardwood treatment is not required to be completed to ensure the maintenance of species diversity, but it is being done for Shasta Cascade's internal reasons. The Plan Submitter has indicated they plan to harvest the larger hardwoods, thereby reducing the fuel loading.

Page 38, Item 30 discloses the plans proposal for hazard reduction (slash treatment) within 100' of a public road and within 200' of a permeant structure maintained for human habitation.

Pages 124-125 are a Cumulative Impacts Analysis for Wildfire Risk and Hazard. The analysis concluded that as a result of the Timber Harvest, total fuel loading will be reduced and the transportation network (access) will be improved.

After review, including a PHI, CAL FIRE finds the measures in the plan are in conformance with the Forest Practice Rules and concurs with the Impact Analysis..

Comment #5 Page 14, C-10, Refer back to page 9. 182 acres of Alternative Prescription Clear cut directly uphill from my cabin according to the harvest map.

Response #5 As mapped on page 58, selection harvest is proposed immediately upslope of the cabin. With the recent revisions, the alternative prescription upslope of the cabin, the one that directly drains into the problem culvert area, has been changed to selection. Refer to the Response #1 for discussion on Selection Silviculture.

Comment #6 Page 15, [X] “Low” erosion hazard rating chosen in plan. How was this determination made?

Response #6 Erosion Hazard Ratings are a sum of different factors based upon soil characteristics, slope, post-harvest vegetation and rainfall. Pages 145-146 of the THP are the erosion hazard rating calculation rating worksheet which depicts how the rating was arrived at. Also included is an excerpt from the NRCS Web Soil Survey (page 147 to 157), which describes the soils in the plan area and are used to determine some of the factors used for the erosion hazard rating.

Page 66, Item 44 of the PHI report notes that the EHR was correctly calculated.

Comment #7 Pages 22-23, (Yes) Allows for alternative practice to erosion rules along with allowing for winter operations to build roads and landings. Will this obstruct access to my property and increase siltation of water runoff?

Response #7 Pages 24-25 of the THP include the Winter Operating Plan. Included in this plan is specific measures related to the use of roads during the winter. Use and construction of the roads and landings is limited to roads that are hydrologically disconnected from watercourses, exhibit a stable operating surface and will not result in significant sediment discharge. In following the operational measures of the plan, use of the road should not be restricted as a result of timber operations.

Issues regarding to the use of roads outside of Timber Harvesting activities (access to the cabin) on those roads that are not “appurtenant” to the plan, are not under the jurisdiction of CAL FIRE. Issues that CAL FIRE has no authority over are of a Civil nature, beyond CAL FIRE jurisdiction, and must be pursued by the actual parties who have been damaged as a result of actions of another.

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

Comment #8 Page 30, w. [No] No erosion sites on the THP. 2016 SP clear cut proved that erosion occurred on my property.

Response #8 Page 30, Item 24 w refers to significant existing or potential erosion sites. 14 CCR 895.1 defines this as a location where soil erosion is currently, or there are visible physical conditions to indicate soil erosion may be in the future, discharged to Watercourses or lakes in quantities that violate Water Quality Requirements or result in significant individual or cumulative adverse Impacts to the beneficial uses of water. No such sites were identified in the THP or during the PHI.

After additional review the Plan Submitter decided to change the proposed silviculture upstream of the crossing from clear cut to selection. The change should reduce the potential for increase snow melt and associated erosion problems. Refer to the response to #1 above.

Comment #9 Page 32 How will the THP address seep springs which have opened up by the SP THP from 2016. This area will become a bog with abundant traffic and is included in the mapped area.

Response #9 During the PHI, the inspector reviewed the access road to the cabin and did not find any evidence of a seep or spring in the road (Page 10 of the PHI Report). The RPF has upgraded the watercourse that drains from the SPI property, where a spring has developed, to a class II Watercourse, resulting in additional protection measures for the watercourse (Page 10 of the PHI report). In addition, the RPF has revised plan to state that no log hauling will occur on the access road south of Road Point R9, limiting the disturbance to the road. Also, the clear cut directly upstream of the crossing has been changed to selection silviculture. Upon completion of operations the road will be well drained with water breaks as per the Forest Practice Rules.

Comment # 10 Page 37, C2 doesn't not allow any future mitigation if erosion in the future occurs. As written my property and improvements are not protected by this plan.

Response #10 Page 37, Item 28, C2 specifically refers to protection for domestic water sources. One domestic water source was identified outside of the plan. Proposed harvest operations are well away from the domestic water source. Additional mitigation measures were not necessary. Pages 16-18, Item #18 of the THP provides for soil stabilization and erosion control measures. These measures were found to sufficient to meet 14 CCR 934 - Harvesting practice and erosion control – Timber Operations shall be conducted Meet the goal... to prevent degradation and beneficial uses of water and maintain site productivity by minimizing soil loss.

No other domestic water sources were noted.

Comment #11 Page 38d. Mentions burning, removal or chipping. Will slash around my property be chipped and cleaned up?

Response #11 Page 38, Item 30 provides for the required treatment of slash from the timber operations within 100' of the edge of a public road (portions of Big Bend Road that run through the plan area) and within 200' of any permanently located structures maintained for human habitation (your cabin). Removal, pile and burning, lopping and chipping are methods that may be used to meet this requirement.

Comment #12 Page 39g [yes] Only burning will be in the slash issue. Based upon 39h, which states only burning, all prior mentions of chipping for fuel and clean chips are negated off the plan.

Response to #12 Page 39, Item #30 g states "Is the RPF proposing in alternative to piling and burning from those required in 14 CCR 937.2 (a)(1-2). 14 CCR 937.2 (a)(1-2) states

937.2 Treatment of Slash to Reduce Fire Hazard [All Districts]

Except in the [High-Use Subdistrict of the Southern Forest District,] Southern Subdistrict of the Coast Forest District and Coastal Commission Special Treatment Areas of the Coast Forest District, the following standards shall apply to the treatment of Slash created by Timber Operations within the plan area and on roads adjacent to the plan area. Lopping for fire hazard reduction is defined in 14 CCR 895.1.

(a) Slash to be treated by piling and burning shall be treated as follows:

(1) Piles created prior to September 1 shall be treated not later than April 1 of the year following its creation, or within 30 days following climatic access after April 1 of the year following its creation.

(2) Piles created on or after September 1 shall be treated not later than April 1 of the second year following its creation, or within 30 days following climatic access after April 1 of the second year following its creation.

This item is specifically asking if there are alternatives to the rule if burning is used for slash treatments. No alternatives to this rule are proposed. Checking this box, no, does not preclude the use of any other treatments (chipping or removal).

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.

Date: June 24, 2020

RECEIVED
JUN 24 2020
REDDING
FOREST PRACTICE

Timber Harvesting Plan

Reviewed by:	No: 2-20-00098-SHA
Dist by:	25
Dist Date:	25
RU	PS
FG	TO
WC	TLO
ARCH	LTO
RPT	DMG
INSR	BOE
OTHER:	
FPS	
Status:	LO

Timber Harvest Review Team

6105 Airport Road

Redding CA. 96002

Director,

I have received a copy of THP #2-20-00098-SHA which was submitted to your office dated June 12, 2020. This THP will be performed adjacent to my property located as 36NW1W14 with APN # 021-290-009. My property consists of 20 acres with a cabin built on its lowest elevation to accommodate a gravity water supply from existing springs. My family has owned this property since 1974 and we have seen many logging operations occur throughout this history. With that said I have discussed THP's prior to approval with members of Sierra Pacific, Roseburg, and now Landvest who oversees the property owned by New Forests from Australia.

Pages # 160-169 of this plan were submitted by me to express my concerns which may bring further harm to my parcel. I fully understand the desire by Landvest to harvest their timber, and agree in their rights to do so. My only goal is to bring attention to the erosion potential, road maintenance, and fire hazard with the THP as written. I intend to pass this property on to my family as it was passed on to me years ago and I feel it is my duty to put in writing my concerns.

In 2016 a THP was approved by your office for Sierra Pacific clear cutting just outside the 300 ft. boundary for me to be notified. It was performed up hill from my parcel and resulted in several issues to follow. I had graveled my road in 2009 in order to get my Father into the cabin for our last hunt together prior to his death. The THP destroyed my road and I was forced to have gravel again delivered to repair access. A spring on that road which had always dried up in the Summer now seeps water all year. It also now comes out on the road about 50 feet from its original location. The largest concern is the "rapid snow melt" which now occurs each Spring. Since 1974 I have seen 4'-5' snow packs and our 24" culvert pipe at my cabin had always handled the water. Now that the forest canopy has been removed that snow can melt at a very high rate and in the Spring of 2018, it washed a 3 foot deep path down the road in front of my cabin. I again hauled in gravel and equipment to repair the road.

Please review the questions I have (in **Bold**) below addressing this THP as written:

Page 5a. [yes] **Will easement from FW Line to end of harvest plan be maintained with gravel throughout and at end of harvest?**

5b. [No] **Erosion occurs for years following a clear cut until new growth can slow the snow melt.**

Page 7 b. [X] **Will not have any adverse environmental impact. How will I know there will be no adverse environmental impact to my property? History has shown that my property is significantly impacted.**

Page 9. 10 acres Selective Cut. **Is this by my cabin along the waterway?**

374 acres Commercial Thin **Is this a clear cut, or does it leave trees?**

182 acres Alternative Prescription **Clear cut page 14 c-10**

Page 11, e. [X] **fuel chips and clean chips as part of THP. Does the THP include the killing of all black oak in area by use of hand crews with hatchets to girdle the trunks? This method has been performed in the past. Many of those trees now stand as lightning fire hazards.**

1 of 2

No follow up treatments are specified to plan such as herbicide. Review of the SP clear cut will reveal the brush and berry vines now growing throughout the harvest which increases the fire hazard.

Page 14, C-10, Refer back to page 9. 182 acres of Alternative Prescription Clear cut directly uphill from my cabin according to the harvest map.

Page 15, [X] "Low" erosion hazard rating chosen in plan. How was this determination made?

Pages 22-23, (Yes) Allows for alternative practice to erosion rules along with allowing for winter operations to build roads and landings. Will this obstruct access to my property and increase siltation of water runoff?

Page 30, w. [No] No erosion sites on the THP. 2016 SP clear cut proved that erosion occurred on my property.

Page 32, How will THP address seep springs which have opened up by the SP THP from 2016. This area will become a "bog" with abundant traffic, and is included within the mapped area.

Page 37, C2 does not allow any future mitigation if erosion in the future occurs. As written my property and improvements are not protected by this plan.

Page 38d. Mentions burning, removal, or chipping. Will slash around my property be chipped and cleaned up?

Page 39g. [yes] Only burning will be addressed in the slash issue. Based upon 39h. which states only burning, all prior mentions of "chipping" for fuel, and clean chips are negated off the plan.

Topographic maps of this THP indicate 80-90 feet of elevation difference from the top of the planned clear cut down to my cabin. The acreage cut and amount of snow received over the next 5-10 years awaiting re-growth will determine the amount of water I will be contending with each Spring. This plan as written will increase the very potential of washing out both the road, but also my cabin with it.

I would like to be included to any on site reviews that Cal Fire performs surrounding my parcel. We have over the many years of ownership been very good neighbors to the surrounding owners. I have gained relationships with all former Foresters and protected their lands from trespassing timber thief's and have watched over their interests. It is my desire to not upset any plans for the well being of the THP you are reviewing but as mentioned earlier I do plan to pass this little cabin on to my family when I die, and I do find it my responsibility to address any hazards before they occur.

Sincerely,

Jerry L. Moreland

Moreland Family Trust

19295 Desiree Ct

Cottonwood Ca 96022

530-347-7330

Jerrymoreland52@gmail.com