

**OFFICIAL RESPONSE TO SIGNIFICANT ENVIRONMENTAL
POINTS RAISED DURING THE TIMBER HARVESTING PLAN
EVALUATION PROCESS**

**FROM THE DIRECTOR OF THE CALIFORNIA DEPARTMENT OF
FORESTRY AND FIRE PROTECTION (CAL FIRE)**

TIMBER HARVESTING PLAN (THP) No:	1-20-00144 SON
SUBMITTER:	Gualala Redwood Timber LLC
COUNTY:	Sonoma
END OF PUBLIC COMMENT PERIOD:	November 30, 2020
DATE OF RESPONSE AND APPROVAL:	February 9, 2021

The California Department of Forestry and Fire Protection (CAL FIRE) serves as the lead agency in the review of Timber Harvesting Plans. These plans are submitted to CAL FIRE, which directs a multidisciplinary review team of specialists from other governmental agencies to ensure compliance with environmental laws and regulations. As a part of this review process, CAL FIRE accepted and responded to comments, which addressed significant environmental points raised during the evaluation of the plan referenced above. This document is the Director's official response to those significant environmental points, which specifically address this Timber Harvesting Plan. Comments, which were made on like topics, have been grouped together and addressed in a single response. Remarks concerning the validity of the review process for timber operations, questions of law, or topics and concerns so remote or speculative that they could not be reasonably assessed or related to the outcome of a timber harvesting operation, have not been addressed.

Sincerely,



Shawn Headley
Forester II, Forest Practice
RPF #2970

cc: RPF, Unit, File; Timber Owner, Timberland Owner and/or Submitter
CP, CDFW, DPR, & RWB (through <https://caltreesplans.resources.ca.gov/caltrees/caltrees.aspx>)

PUBLIC NOTIFICATION

To inform the public of this proposed Timber Harvesting Plan (THP) and determine if there were any concerns with the plan the following actions were taken:

- Notification of the receipt of a timber harvesting plan was sent to the adjacent landowner(s).
- Notice of the receipt of the plan was submitted to the county clerk for posting with other environmental notices.
- Notice of the plan was posted at the Department's local office and also at the regional office in Santa Rosa.
- Notice of the receipt of the THP was sent to those organizations and individuals on the Department's list for notification of plans in the county.
- A "Notice of the Intent to Harvest Timber" was posted near the plan site.

THP REVIEW PROCESS

The laws and regulations that govern the Timber Harvesting Plan 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 and Fire Protection (the Forest Practice Rules) which are contained in the California Code of Regulations (CCR).

The Forest Practice 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:

- Timber Harvesting Plan contents and the Timber Harvesting Plan 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
- Coastal Commission Special Treatment Areas
- Use, construction and maintenance of logging roads and landings
- County-specific rules

When a THP is submitted to the Department, it undergoes a multidisciplinary review consisting of several steps. In addition to CAL FIRE, the Review Team members include representatives of the California Department of Fish and Wildlife (CDFW); the appropriate Regional Water Quality Control Board (RWQCB or RWB); California Geological Survey (CGS); the Department of Parks and Recreation (DPR); the appropriate County Planning office; and if within their jurisdiction, the Coastal Commission (CC) (14 CCR §1037.5(a)). Once submitted the Director determines if the plan is accurate, complete, and in proper order, and if so, files the Plan (14 CCR §1037). In addition, the Review Team determines whether a Pre Harvest Inspection (PHI) is necessary, and what areas of concern are to be examined during the inspection (14 CCR §1037.5(g)(1)).

If the plan is accepted for filing, and a PHI is determined to be needed, a field review is conducted to evaluate the adequacy of the THP. All agency personnel who comprise the multidisciplinary Review Team are invited to attend the PHI as well as other experts and agency personnel whom the Department may request. During this field review, additional mitigation and/or recommendations may be formulated to provide greater environmental protection. These recommendations are forwarded to the RPF along with the Review Team member's PHI Report. The RPF will respond to the recommendations made and forward these to the Region office and Second Review Team Chair.

A Second Review Team meeting is held where members of the multidisciplinary Review Team meet to review all the information in the plan, and develop a recommendation for the Director (14 CCR §1037.5(g)(2)). Prior to and/or during this meeting they examine all field inspection reports, consider comments raised by the public, and discuss any additional recommendations or changes needed relative to the proposed THP. These recommendations are forwarded to the RPF. If there are additional recommendations, the RPF will respond to each recommendation, and forward his responses to the regional office in Santa Rosa.

The representative of the Director of the Department reviews all documents associated with the proposed THP, including all mitigation measures and plan provisions, written correspondence from the public and other reviewing agencies, recommendations of the multidisciplinary Review Team, and the RPF's responses to questions and recommendations made during the review period. Following consideration of this material, a decision is made 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 two more years, for a total of seven years.

Prior to commencing logging operations, the Registered Professional Forester must meet with the licensed timber operator (LTO) to discuss the THP (CCR §1035.2); a CAL FIRE representative may attend this meeting. The Department makes periodic field inspections to check for THP and rule compliance. The number of inspections depends upon the plan size, duration, complexity, and the potential for adverse impacts. Inspections include but are not limited to inspections during operations pursuant to Public Resources Code (PRC) section 4604, inspections of completed work pursuant to PRC section 4586, erosion control monitoring as per PRC section 4585(a), and stocking inspection as per PRC section 4588.

The contents of the THP, the Forest Practice Act, and rules, provide the criteria which CAL FIRE inspectors use to determine compliance. While the Department cannot guarantee that there will be no violations, it is the Department's policy to vigorously pursue the prompt and positive enforcement of the Forest Practice Act, the Forest Practice Rules, related laws and regulations, and environmental protection measures that apply to timber operations on non-federal land in California. This enforcement is directed primarily at preventing forest practice violations, and secondarily at prompt and adequate correction of violations when they occur.

The general means of enforcement of the Forest Practice Act, the rules, and other related regulations range from the use of violation notices, which require corrective action, to criminal proceedings through the court system. Timber operator and Registered Professional Forester licensing action may also be pursued. Most forest practice violations are correctable and the Department's enforcement program assures correction. Where non-correctable violations occur,

criminal action is usually taken. Depending on the outcome of the case and the court in which the case is heard, some sort of environmental corrective work is usually done. This is intended to offset non-correctable adverse impacts.

Once harvesting operations are finished, a completion report must be submitted certifying that the area meets the requirements of the rules. CAL FIRE inspects the area to verify that all aspects of the applicable rules and regulations 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.

ACRONYM AND ABBREVIATION DEFINITIONS

AB47	Assembly Bill 47 requiring maps of past, present, and future harvesting projects for cumulative impacts	GRT	Gualala Redwood Timber LLC
BAA	Biological Assessment Area	LTO	Licensed Timber Operator
BMP	Best Management Practices	MSP	Maximum Sustained Production (of High Quality Timber Products)
CCC	California Coastal Commission	NSO	Northern Spotted Owl
CAL FIRE / CDF	California Department of Forestry & Fire Protection	NTMP	Nonindustrial Timber Management Plan
CalTREES	California Timber Regulation Environmental Evaluation System	OR	Official Response
CCR	California Code of Regulations	PC	Public Comment
CDFW	California Department of Fish and Wildlife	PHI	Pre-Harvest Inspection
CEQA	California Environmental Quality Act	PRC	Public Resources Code
CESA	California Endangered Species Act	RPF	Registered Professional Forester
CGS	California Geological Survey	RWCB (RWB)	Regional Water Quality Control Board
CWPP	Community Wildfire Protection Plan	SOAR	Save Our Annapolis Road
CNDDDB	California Natural Diversity Database	SON	Sonoma County
DDD	Director's Decision Date	STA	Special Treatment Area
DPR	Department of Parks and Recreation	THP	Timber Harvesting Plan
EIR	Environmental Impact Report	TPZ	Timberland Production Zone
EPA	Environmental Protection Agency	USFS	United States Forest Service
FPRs	Forest Practice Rules	WLPZ	Watercourse and Lake Protection Zone
GHG	Greenhouse Gases	WAA	Watershed Assessment Area
GIS	Geographic Information System	§	Section

[sic] Word used verbatim as originally printed in another document. May indicate a typo, misspelling or incorrect word usage.

BACKGROUND

Timber Harvesting Plan (THP) # 1-20-00144-SON "Sheps Opening", proposes to harvest timber on 329 acres of GRT timberland using the Group Selection silvicultural method. The THP was received by CAL FIRE on August 25, 2020, accepted for filing on September 3, 2020, and a Preharvest Inspection (PHI) was conducted on September 22, 2020. Attendees on the PHI included Pat Hovland the RPF, Barry Miller of CDFW, Justin Fitt from RWQB, and James Bawcom the CAL FIRE

Inspector. The Final Interagency Review (aka Second Review) occurred on November 12, 2020. The Second Review Chair requested minor clarifications during the meeting. The RPF responded to those recommendations, and on November 16, 2020, the Second Review Chair accepted the revisions and recommended the Plan for approval. The public comment period then ended on November 30, 2020. The original deadline for the Director's Determination Deadline (DDD) was set for December 21, 2020 per 14 CCR § 1037.4. The RPF provided 4 extensions to the DDD to allow for adequate time for CAL FIRE to evaluate the public comments, and to prepare this OR.

PUBLIC COMMENT SUMMARY

During the public comment period for this THP as described above, there were 39 public comment letters received at the CAL FIRE Region Headquarters in Santa Rosa. The last two letters were received well after the close of comment. These public comments brought up concerns that are addressed in this Official Response (OR). Some letters were template letters and contained the exact same language. General concerns are grouped by subject matter, and followed by the Department's response. Non-duplicated, original text taken directly from the public comments are presented as *italicized text*. Unique individual concerns from a public comment letter are addressed after the general concerns immediately following that comment. The public comments are identified with the CAL FIRE "PC" code. A copy of the original letters sent to the Department are viewable through the Department's online Forest Practice Database CalTREES.

CalTREES instructions: navigate to <https://caltreesplans.resources.ca.gov/caltrees/caltrees.aspx> Click the search icon at the top of the page, then type the THP# in the Record Number box (county identifier not needed). Select the THP Number under the Document Number column for the "Timber Harvest Plan" Type. Then click on the orange triangle to the right of "Records Info" dropdown and select "Attachments". The Public Comments are labeled under "Record Type" and are in pdf format, usually with a "PC" label.

SUMMARY OF SIGNIFICANT ENVIRONMENTAL FOR GENERAL CONCERNS WITH RESPONSES

1. CONCERN: Visual Impacts

RESPONSE: The description of the Visual Resources Assessment area and impacts for the Sheps Opening THP (1-20-00144 SON) are discussed in Section IV as required by 14 CCR § 912.9 Technical Rule Addendum No. 2 Cumulative Impacts Assessment, starting at the bottom of page 133 in the THP under "E. Visual":

As provided in Technical Rule Addendum #2, "The visual assessment area is generally the logging area that is readily visible to significant numbers of people who are no further than three miles from the timber operation". This assessment area is sufficiently large to capture the outer range of viewing points and the potential impact the proposed project may have on visual values. Similar to the seeping [sic] (scoping) process for CNDDB species occurrence by quadrangle, the list of possible visual source locations is numerous within the assessment area. Near the plan area, the Pacific Ocean coastline is within 1.5 air miles, California State Highway 1 is approximately an air mile and beyond the ridge

across from the Gualala River, scattered houses and community services of The Sea Ranch are encountered, although none can view the plan area. All these sources and locations are west of the ridgeline west of the plan area. The plan area is not visible from these sources. The Annapolis Road (County Road 0301) provides unobstructed view of the plan area. This traveled road portion is approximately 1,000 feet. The posted speed limit is 45 mph. Canopy thinning may be noticeable, but the area will still be well forested due to the unevenaged management regime applied across the THP. Preharvest canopy closure levels will likely be met within 10-15 years. Given the silviculture method proposed for the plan there will be no significant visual change to the timbered hillslopes, river corridor, or timbered skyline. There will be no immediate significant adverse impact or cumulative long-term effects relating to visual resources with the operation of this harvest plan.

The current stand conditions are described in Section III of the THP on page 88, which is a result of similar harvest entries to the area in the past. The proposed harvest entry is essentially maintaining this stand condition:

A majority of the plan area was last harvested under THP 1-04-275 SON which utilized tractor methods and selection silviculture. The stands currently exhibit a generally unbalanced, irregular and relatively even aged stand structure. Stands by and large consist of younger trees, 40-50 years old with diameters ranging from 8" to 36" with scattered larger and older residuals. Current stocking levels are variable with generally overstocked, patchy stands of conifer interspersed with varying levels of hardwood species.

Section II, Item 14 of the Plan on page 11 outlines the post-harvest conditions for the proposed Group Selection, uneven aged management silviculture:

- $>75\text{ft}^2$ / acre of conifer basal area outside of group clearings averaged across the stand.
- Retention of at least 15ft^2 / acre of conifers which are 18 inches DBH or greater, which are full crown, capable of seed production and represent the best phenotypes available in the preharvest stand.
- Not more than 20% of the stand will be in group openings created by this harvest, and single tree selection will occur between groups
- Groups will not be larger than 2.5 acres in size
- No group openings will occur within a WLPZ or within 100 feet of a public road

It is complex to assess the above outlined post-harvest standards for the proposed residual stand structure for visual impacts. When comparing the preharvest stand conditions as described with the post-harvest proposal, and considering no group openings will be within 100 feet of Annapolis Road, creating a buffer zone as many commenters suggested, the impacts to the viewshed is consistent with being insignificant from the experience of professional foresters and the Review Team. It is reasonable to agree with the descriptions above that the stand will return to preharvest conditions in 10-15 years in which another harvest entry will presumably take place. This would perpetuate the current stand conditions and viewshed for the future of the area, which is the core of the concern, wanting to maintain the current stand conditions. If no harvests were to take place the current viewshed would also change, and become overstocked with smaller, unhealthier trees. These

management practices are consistent with an unevenaged management cycle in forestry to maintain healthy well stocked forests. Group Selection silviculture is designed to mimic multi tree mortality events, and is considered a management strategy to represent natural disturbances. Creating small openings in the forest canopy also allows sunlight to reach the forest floor to help promote stand regeneration, improve heterogeneity, and increase species diversity.

Implementing uneven aged forest management is generally seen as a less impactful harvest entry than even age management. The THP analyzed the project alternatives, as required by CEQA and provided a discussion justifying the uneven aged management option in Section III, on page 96:

VIII. Alternative Approach to Harvesting this Parcel.

This alternative would involve carrying out the project as proposed, except that the parcel would be clearcut instead of using other less impactful silvicultural systems. This alternative would meet most of the landowner's objectives by allowing the landowner to earn an economic return by operating the landowner's property, including this parcel, as a commercial timberland, with due consideration for biological and watershed concerns. This alternative would also substantially meet the landowner's objective of maintaining the flow of high quality timber products to the economy, maintaining a forest products industry, and providing a source of employment in Northern California. This alternative would lessen potential significant effects of the project as proposed by reducing the number of entries into the stand. At the same time, this alternative might result in other significant effects such as less wildlife habitat and increased sediment potential in the short-term. Also, certain silvicultural prescriptions have been recognized by the landowner as not applying the best forest management to the land such as traditional clearcutting. While many of the landowner's objectives discussed above may be carried out under traditional clearcutting, the landowner has chosen a different management strategy.

The purpose and need for the THP is included in Section III on page 91 of the Plan. It further supports the decision to utilize Group Selection silviculture:

In short, the plan proposes utilizing Group Selection silviculture methods. Tractor yarding is proposed for logging methods. The existing seasonal roads within the plan area will be generally maintained or upgraded from previous conditions. The landowner's purposes in undertaking the project are: 1) to refine and enhance un-evenaged stands by selectively harvesting trees which will promote an all-aged, structurally sound forest while improving stand vigor...

Disclosing the location of group openings are not required by the FPRs under 14 CCR § 913.2(a)(2)(B). The following describes the requirements of this uneven aged regeneration method:

Group Selection.

1. At least eighty (80) percent of the stocked plots must meet the Basal Area Stocking Standards of 14 CCR § 913.2(a)(2)(A), [933.2(a)(2)(A); 953.2(a)(2)(A)].
2. Not more than 20% of the stocked plots may meet Stocking Standards utilizing the standards of 14 CCR § 912.7(b)(1), [932.7(b)(1); 952.7(b)(1)] with trees that are at least ten (10) years old.

3. An RPF or Supervised Designee may offset up to eight (8) plots per forty (40) plots where those plot centers are initially placed within small group clearings created during the current harvest. Unless substantially damaged by fire, the RPF or supervised designee shall not exclude small group clearings created by previous timber harvesting from the stocking survey.
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 requirements 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.

The Sheps Opening PHI inspector noted in the report under item 17, that the post-harvest stand will:

- Comply with the MSP (Maximum Sustained Production of high quality timber products) requirements of 14 CCR § 913.11 [Option c]
- Obviously satisfy minimum stocking requirements [PRC § 4528(b)]
- Contain leave trees that are uniformly distributed across the treatment areas.
- Contain a species mixture similar to the pre-harvest stand.
- Have average stand diameters that are larger than the pre-harvest stand or improve stand health [14 CCR § 913.3, 933.3, 953.3(a)]

There were no concerns brought up by the CAL FIRE field inspector nor any other agency review member for impacts on the Visual Resources for the proposed Plan during the PHI. Section II, Item 14 of the THP states that there was no request for a waiver of marking. Page 4 of the PHI report under Item 20 the inspector stated "The entire plan area was marked prior to the PHI". During the PHI, the Review team had the opportunity to see firsthand the tree mark and had no reservations on the impacts the proposed harvest would have on the viewshed. The following was concluded on page 9 of the PHI report, regarding cumulative impacts, which includes the Visual Resources:

The proposed THP is in compliance with applicable Forest Practice rules and meets the requirements for Cumulative Impact assessment.

A review of the CAL FIRE geographic information system (GIS) and multiple online imagery and parcel applications show the segment of Annapolis Road near the Sheps Opening THP, as completely located on Gualala Redwood timberlands on both sides of the road. The nearest private property parcel is over 1/3 of a mile away. From site visits, along with aerial imagery, it is clear there are many portions of Annapolis Road above and below the proposed harvest in the assessment area that have a variety of scenic components and uses. Many openings along the side of the road

are larger than 2.5 acres (max size of selection group openings) containing homes, cleared areas in the forested landscape, and some very large agricultural clearings along with multiple community properties with large cleared openings (fire department, airport, schools, utilities, and wineries). The flagged portions of the THP boundary near Annapolis road are mostly above the road cutbank, which averages about eight feet high. The majority of the traffic along the road will be vehicles traveling between 35 and 45 miles per hour, and will notice very little impact, if any, on the viewshed from the Sheps Opening THP from those driving on the road. Annapolis county road is not identified as a protected county, state, or federal scenic roadway and is considered a typical rural, multi-use, semi-forested community access route for the area. The addition of uneven aged management harvest units near Annapolis Road for approximately 1,000 ft will not have significant impact on the viewshed of the area, and has been determined by the Review Team to be consistent and appropriate with the surrounding area land use and is in compliance with the Forest Practice Rules.

The proposed Spruce THP was included as a reasonably foreseeable, probable, future project in the Sheps Opening THP in Section IV Cumulative Impacts Assessment, but has not been submitted to the Department as of the date of this OR. Please also see the response to Concern # 2 "Cumulative Impacts Assessment" and Concern # 4 "Piecemealing" below.

2. CONCERN: Cumulative Impacts Assessment

RESPONSE: Per 14 CCR § 912.9, the Board of Forestry and Fire Protection Technical Rule Addendum No. 2 Cumulative Impacts Assessment outlines in detail the requirements and discussion points to be addressed for analysis. The introduction of this addendum in the Forest Practice Act describes the rule as follows:

The purpose of this addendum is to provide a framework for the assessment of Cumulative Impacts as required in 14 CCR § 898 that may occur as a result of proposed Timber Operations. Cumulative Impacts, pursuant to 14 CCR § 15355, refers to two or more individual Effects which, when considered together, are considerable or which compound or increase other environmental Impacts. This assessment shall include evaluation of both on-site and off-site interactions of proposed project activities with the Impacts of Past Projects and Reasonably Foreseeable Probable Future Projects.

Resource subjects to be considered in the assessment of Cumulative Impacts are listed in 14 CCR § 912.9(c) and described in greater detail in the Appendix to this Addendum. In conducting an assessment, the RPF must distinguish between the potential on-site Impacts of the Plan's proposed activities (which may not be significant when considered alone) with Impacts of Timber Operations and Reasonably Foreseeable Future Projects pursuant to 14 CCR § 15130(b)(1)(A).

The past and present projects analysis is conducted within the watershed assessment area (WAA), generally the intersecting State Planning Watersheds (version 2.2) with the harvest area and not a three-mile radius as stated in some of the concerns. The three-mile assessment is implemented under the visual resource analysis per the requirements of Technical Rule Addendum No 2 (please see the response of Visual Impacts above for further detail). The THP falls within two planning watersheds which make up the WAA as listed in the THP on page 5 (Mouth of the Gualala #1113.850202, and Annapolis #1113.840303). The Past and Present projects tables correctly list

the harvest plans in the WAA during the last 10 years as required. In Section IV, starting on page 103 of the THP summarizes the harvest history activity as follows:

The Watershed Assessment Area consisting of the Mouth of Gualala River and Annapolis CALWATER Watersheds is 12,885 acres in size, with GRT's ownership totaling 5,695 acres, or 44 % of the Watershed Assessment Area.

The past and present activities within the Watershed Assessment Areas have/are primarily timber harvesting, recreation and livestock grazing. In the past, both timber harvesting and livestock grazing activities have contributed to soil erosion and sedimentation. With the advent and use of the FPRs, timber harvest impacts have decreased over time.

A total of approximately 918 acres of the 5,305 acres within in [sic] Watershed Assessment Area (WAA) (approximately 17%) will have had harvest documents (includes NTMP's) approved in the past 10 years.

Most effects from timber harvest are apparent within the first few years and then taper off as revegetation occurs. Any effects from timber harvest are also ameliorated if some form of partial harvest / cable logging is employed. The THP area makes up a small portion of the assessment areas, (~3%), which are the Mouth of Gualala River planning watershed and the Annapolis planning watershed. The mitigations, as proposed in this THP and the improvements that have been made outside of the THP in the watersheds, shall reduce impacts of the proposed THP to insignificance.

Additional discussions explain the planning of THPs on the Gualala Redwood Timber LLC ownership. This is found in Section IV, on page 112 of the THP to help support and describe the decision-making process for the timing of harvests:

Harvesting, for practical reasons, is often concentrated in one watershed for a period of time and reduced in another watershed. This is the concern that is addressed in a cumulative effects analysis. The percentage of the watershed acres harvested is a poor indicator by itself because if all silviculture were even-aged then you would expect on a sixty-year rotation to harvest approximately 16.7% of a watershed every ten years. However, if the silviculture was all un-even aged you would expect to selectively harvest perhaps 50 to 100% of the acres every ten years. Since there is a mixture of silvicultures the numbers become more complicated to decipher. This also does not take into account the fact that these are not fully regulated stands but have been harvested in bursts of activity in the past which has resulted in the majority of these stands becoming harvestable at approximately the same time. This normally results in decades with higher harvest rates followed by decades in which little or no harvesting occurs. The rules about cumulative effects attempt to spread the effects of harvesting out over time. Under the current silvicultural rules, the majority of the landowner's stands are legally harvestable using even-aged silviculture right now.

At the present rate of harvest and because of adjacency rules it is likely that many of the stands on the landowner's property will not be harvested until they are many decades older than the rules require for even-aged management. Much of the ownership will continue to be managed using unevenaged silviculture and older stands of mature timber will continue

to exist into perpetuity because of a number of considerations including watercourse protection rules, geological hazard set-asides, owl habitat protections as well as other plant and animal set-asides.

The Department, as lead agency, shall make the final determination regarding assessment sufficiency and the presence or absence of significant adverse Cumulative Impacts. This determination shall be based on a review of all sources of information provided and developed during review of the Plan.

Section IV of the THP starting on page 103 outlines and documents the Past, Present, and Future projects in the WAA along with discussions for the remaining resource subjects listed under Technical Rule Addendum No 2. These include evaluating the Watershed, Soil Productivity, Biological (flora and fauna species), Recreation, Visual, Traffic, Greenhouse Gases, and Wildfire Risk Hazard. Additionally, the THP includes noise analysis to ensure the protection of Northern Spotted Owl activity centers.

The review of the significance of cumulative impacts is further described under CEQA section 21082.2:

- (a) The lead agency shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record.
- (b) The existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment.
- (c) Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

There were no concerns brought up by the CAL FIRE field inspector nor any other agency review member for issues with the analysis and conclusions of the Cumulative Impacts of the THP. The Department agrees with the summaries presented in Section IV of the THP that proposed timber operations will not cause or add to significant adverse Cumulative Impacts. These impacts by themselves or in combination with other Projects and listed resource subjects have been reduced to insignificance or avoided by mitigation measures or alternatives proposed in the Plan and application of the Rules. The following was concluded on page 9 of the PHI report, regarding cumulative impacts:

The proposed THP is in compliance with applicable Forest Practice rules and meets the requirements for Cumulative Impact assessment.

Please also see the responses to Concern #4 "Piecemealing" and Concern #1 "Visual Impacts" in regards to the Spruce THP as a reasonably foreseeable, probable, future project in the cumulative impacts assessment of the Sheps Opening THP.

3. CONCERN: Wildfire Danger

RESPONSE: Section II, Item 30, starting on page 55, outlines the hazard reduction requirements of the Plan. This item specifically addresses slash treatment within 100 feet of the edge of the traveled surface of a public road. It references that the THP shall be in compliance with 14 CCR § 917. These regulations provide hazard reduction standards for the treatment of snags and logging slash to reduce fire safety hazards in the logging area. Additionally, the map on page 78 shows the fire protection zone along Annapolis Road.

Pages 139-140, under Wildfire Risk and Hazard assessment the Plan states the following:

The plan area is a redwood forest type approximately 1.5 miles from the coast. The timbered portion on the plan area is a closed canopy, open understory, well stocked redwood dominated stand with an estimated 15% herbaceous layer. The existing fuel condition within the plan area includes both vertical and horizontal continuity of live fuels.

The vegetative community and the stand type, composition and density are presented in Section III of the plan. Also contained within the Section III Project Description is regional information (i.e., topography, aspect, climate regime) which provide background and insight for the assessment of wildfire risk.

Through management of the stand, postharvest fuel conditions will be modified. In many cases the overly dense, poor health and poor form trees are harvested to release the dominant and codominant conifers and promote natural regeneration. The selective removal of trees will result in crown separation reducing vertical and horizontal continuity within the stand. The retention of healthy conifers will improve the overall stand health and provide for a more fire resistant stand.

A significant increase in ground fuel generated by logging slash can be created as a result of logging operations. Where Fire Protection Zones exist slash treatment is addressed in Section II of the plan. Across the balance of the plan area accumulations of slash is not anticipated. Landing sites are prone to slash accumulation and piles can be significant. The plan provides for piling and burning as hazard reduction at landings when warranted or necessary. Current practice observed is equipment bringing landing generated slash back out to the woods. This material is drifted out and packed into skid trails. This practice reduces the vertical continuity of ground fuel and provides for erosion control beyond those areas within the plan where treatment is required by the rules. Although the plan is not a fuel hazard reduction project, operations associated with this THP will have on the ground results similar to a shaded fuel break.

Locations of known existing public and private fuel breaks and fuel hazard reduction activities. Fuel breaks are wide strips of land where trees and vegetation have been reduced or removed. These areas can slow, and even stop, the spread of a wildland fire because they provide fewer fuels to carry the fire. They also provide firefighters with safe zones to take a stand against a wildfire, or retreat from fire if the need arises. Typically, fuel breaks are in strategic locations based upon terrain, existing roads, community areas, and other key access points. Fuel hazard reduction is generally the reduction of surface and ladder fuels and the overstory and understory vegetation is spatially separated so that

a ground fire will not, under normal fire conditions, climb into the canopy and turn into a crown fire. This can be achieved by thinning out dense tree stands and preserving mature sized trees.

Within and adjacent to the plan area there are no known designated public or private fuelbreaks. There are no known CAL FIRE fuel treatment program projects adjacent to the plan area. The Sonoma County Community Wildfire Protection Plan (CWPP) and The Sea Ranch CWPP have been developed. General fuel reduction treatment goals and areas identified by The Sea Ranch CWPP address among other things, roadside fuel breaks and defensible space for structures.

Timber harvesting maintains, reuses and creates skid trails, cable corridors and truck roads whose presence by definition is a fuel break. Fuel hazard reduction and slash treatment, where the condition or location exists, is addressed in Section II of the plan. During logging operations, there is generally equipment on site that would be suitable for the construction of fuel breaks or to support CAL FIRE in fire suppression activities.

In the unfortunate event of wildfire, the plan area is well situated for fire suppression resource access and response time. The Sea Ranch CAL FIRE fire station is approximately .5 mile from the plan area. Access to the plan area is gained from the paved county road, Annapolis Road. The majority of appurtenant roads within the plan area are existing permanent rocky roads. Gates are generally left open during the day while active logging operations are occurring which would allow access for fire suppression resources. Gate openings can accommodate over-sized loads.

The potential for significant forest fuel loading will not be created within the plan area. Generated slash from timber operations often breaks down and deteriorates within 5 to 10 years along the coast. The proposed project is not anticipated to cumulatively add to an increase in wildfire risk or hazard in the area.

During timber harvest operations equipment and personnel are required by regulation to be available to fight a fire if one should start in the immediate vicinity when harvesting is occurring. Code section PRC 4428 requires that each logging crew have a fire cache and PRC 4431 requires that each chainsaw operator have at least one serviceable round point shovel or one serviceable fire extinguisher within 25 feet. These firefighting tools, and equipment such as tractors/skidders allow operators to immediately respond should a fire start as the result of natural causes (i.e., lightning), harvest operations, or other causes in the vicinity of active harvest operations. The Forest Practice Rules require that access for fire equipment be kept in passable condition during timber operations when those operations occur during fire season (code section 14 CCR § 923.6). Periodic inspections by CAL FIRE include the verification of the required firefighting requirements are in place or a violation may be issued.

The CAL FIRE field inspector concluded the following on page 9 of the PHI report regarding cumulative impacts, which includes the assessment of Wildfire Risks:

The proposed THP is in compliance with applicable Forest Practice rules and meets the requirements for the Cumulative Impact assessment.

Section II, page 55 also states that the Plan does not have an unusual fire risk or other hazard within the proposed project area under Item 30(e). The Department agrees with this conclusion and finds the THP in compliance with fire hazard reduction mitigation measures and has demonstrated provisions in the Plan to help protect against wildfire.

4. CONCERN: Piecemealing

RESPONSE: "Piecemealing" per CEQA is considered the dividing up of a project into smaller projects in order to qualify for one or more exemptions (ref CEQA 2020 § 21159.27). A project is generally not allowed to be broken into small parts if the effect is to avoid full disclosure of environmental impacts and hinder comprehensive mitigation strategies. This rule stems from the definition of "project" under CEQA § 15378 as seen as the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The phrase "whole of an action" has been interpreted by the California Supreme Court to mean that it is generally inappropriate to chop a project into small segments to avoid preparing an Environmental Impact Report (EIR). See *Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263. Dividing up a project into segments could allow the Review Team to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. This was not the case with the review of this THP and the Department did not consider the future Spruce THP a critical part of the Sheps Opening THP, only a reasonably foreseeable probable future project.

The proposed Sheps Opening THP does not create a scenario of segmenting to circumvent the permitting process with the future Spruce THP. There is no evidence to suggest that the approval of one THP makes the other a certainty or even increases the odds of the other Plan being approved or operated. As required by 14 CCR § 912.9, the cumulative impacts assessment of a THP requires disclosing any "reasonably foreseeable probable future projects". This is defined by 14 CCR § 895.1 as:

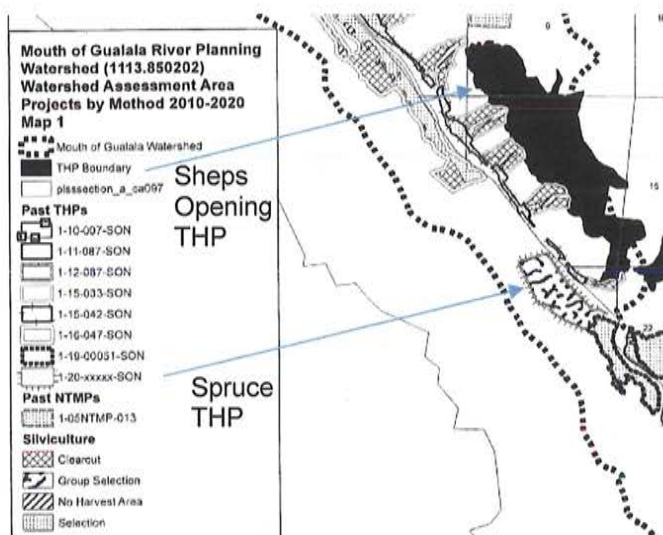
Projects with activities that may add to or lessen Impact(s) of the proposed THP including but not limited to: 1) if the project is a THP on land which is controlled by the THP submitter, the THP is currently expected to commence within but not limited to 5 years, or 2) if the project is a THP on land which is not under the control of the THP submitter, the THP has been submitted or on-the-ground work including THP preparation has materially commenced, or 3) if the project is not a THP, and a permit is required from a public agency, and the project is under environmental review by the public agency, or 4) if the project is one which is under-taken by a public agency, the agency has made a public announcement of the intent to carry out the project.

Section IV of the THP on page 104 states that there is a potential for a 59 acre, Group Selection harvest project in the future titled Spruce THP, and is referenced as 1-20-xxxx-SON. It should also be noted that the Spruce THP has not been submitted to the Department as of the drafting of this OR, and the location, silviculture, or size of any future Plans could change significantly. Furthermore, the submittal or approval of any future THP is not certain. The disclosure of the future Spruce THP is "estimated" and documented with an entry in the past and present activities table on page 105 of the Sheps Opening THP Cumulative Impacts Assessment:

Mouth of Gualala River, v. 2.2, #1113.850202, WAA

THP Number	Acres in WAA	Silviculture	PLS Description
1-20-xxxx-SON*	59	GS	T10N R14W German Rancho
1-19-00051-SON	82	SEL	T10N R14W Section 22

Additionally, any reasonably foreseeable probable future projects on land owned or controlled by the Timberland Owner within the CALWATER 2.2 planning watershed shall be mapped per the requirements as outlined in the Board of Forestry and Fire Protection, Technical Rule Addendum No 2 (D)(1). These harvest activity maps, also known as AB47 maps list and display the Spruce THP on pages 106 – 109. The proposed Sheps Opening THP and future Spruce THP are clearly displayed with appropriate symbology and contain the other required mapping elements outlined in the Addendum.



The FPRs under 14 CCR § 1041 outline the limitations that shall be considered when developing a harvest Plan and therefore could impact the size, scope, timing, configuration and deployment of timber operations:

A plan shall be limited to an area with reasonably similar timber, geology, soil, topography, climate, and Stream characteristics that would constitute a logical harvesting unit. A plan should be limited to that area on which Timber Operations normally will be completed in one 12-month period, but in no case shall it extend beyond five (5) years after the plan is determined to be in conformance or otherwise becomes effective under PRC § 4582.7. Plans shall be limited to lands within a particular forest district.

The presentation of the cumulative impacts assessment data is found to be complete, appropriate and in compliance with 14 CCR § 912.9 by the Department. There are multiple reasons to have separate THPs on the forested landscape under the same ownership. Timberland owners space out harvest Plans to improve the flexibility with dynamic log markets, adhere to past timber harvest adjacency constraints, and achieving sustainable forestry as a part of the forest management planning process. These spaced-out scheduling techniques are common practice for forestry in California and the country in general. These management strategies demonstrate proven and sound forestry. Having all the harvest acreage tied up into one large project is also sometimes not

feasible with the staff resources for a timberland owner and could have a greater cumulative impact on the environment. Spacing out the timing of harvest plans in close proximity also reduces traffic impacts during timber operations. For these reasons, along with the above supporting information, the Department has determined that there is no evidence of "piecemealing" for the Sheps Opening THP.

Please also see responses to Concern #1 and Concern #2 above.

5. CONCERN: Cumulative Impacts of Recreation and Traffic

RESPONSE: The description of the Traffic Assessment area and impacts for the THP are discussed in Section IV, on page 134 under "F. Traffic":

As provided in Technical Rule Addendum #2, "The traffic assessment area involves the first roads not part of the logging area on which logging traffic must travel". This assessment area provides for the inclusion and assessment of non-appurtenant private and publicly owned roads which may be impacted by the proposed project. Specifically, the roads to be assessed pertinent to this plan are Annapolis Road and Highway 1. Logging traffic will exit the plan area from a paved or rocked apron before entering onto Annapolis Road. Line of sight distance for merging safely onto Annapolis Road at both encroachment points exceed the minimum sight distance. Sonoma County transportation and Public Works Department defers to Caltrans and AASHTO [American Association of Highway and Transportation Officials] guidelines for these standards. Both roads listed have a long history of log hauling use going back to the 1940's. Since the advent of the log truck these roads have experienced annual use in the transportation of forest products. Harvesting of this THP will not alter or measurably increase the annual log flow off the property or within the greater Gualala River subbasin.

The only other active THP within the assessment area is 1-19-00051 SON, "Hazel THP". This is a GRT harvest Plan, and they have confirmed that all log hauling for that project is complete. Additional logging truck traffic from that nearby THP will not contribute to traffic along Annapolis Road.

The description of the Recreation Assessment area and impacts for the THP are discussed in Section IV, on page 133 under "D. Recreation":

The recreational impact of the proposed management area is assessed within and 300 feet outside the THP boundary. This assessment area is recommended by the Forest Practice Rules in Technical Addendum Number 2 and represents the area most likely to be affected by the proposed harvest operation. Gualala Redwood Timber company, who strictly controls access through locked gates and security personnel, controls the tract in which this harvest plan is located. The area is generally not open to the public, unless specific arrangements have been made through the landowner's security office. Given the property's locale near the county road Annapolis Road, trespass is difficult to control. Conventional logging operations are not known to have caused any significant adverse impacts to recreation resources in the area in the past, therefore, none are anticipated from this THP, neither singly nor cumulatively.

The CAL FIRE field inspector concluded the following on page 9 of the PHI report regarding cumulative impacts, which includes the assessment of traffic and recreation:

The proposed THP is in compliance with applicable Forest Practice rules and meets the requirements for the Cumulative Impact assessment.

The Department finds that there are no projected cumulative impacts on the vehicular traffic or recreation resources in the Plan. Please also see response to Concern #2 above.

6. CONCERN: Increased Erosion

RESPONSE: Section II, Item 18, starting on page 19 of the THP outlines in detail the different mitigations measures for soil stabilization and erosion control. This includes guidance for hydraulic disconnection of roads and treatments for soil surface protection by applications of mulch and seed on bare ground.

Section II, Items 19 – 27 of the Plan starting on page 27, include substantial and highly regulated requirements for timber operations to protect against potential erosion. Some of these include the winter operations restrictions, heavy equipment limitations, road use management, and watercourse protection measures. These Items are at the center of harvesting Plans to ensure that timber operations do not significantly damage the environment, will not increase erosion potential, and are in compliance with the FPRs.

During the Preharvest inspection, neither the CAL FIRE inspector, nor any other attending agency representative express concern for any unmitigated erosion potential. These issues are one of the primary concerns the Review Team assesses in the field.

SIGNIFICANT ENVIRONMENTAL CONCERNS AND RESPONSES

20PC-0000000399 – from Franklin Huddle on October 5, 2020

Logging there will be an eyesore and amplify the potential for fire once the redwoods have been stripped awa[y]. [sic]

RESPONSE: Please see response to Concern #1 and Concern #3 above.

20PC-0000000404 – from Mitch and Ruth Shapiro on October 7, 2020

We are mostly residents of L.A. County but also have a home at The Sea Ranch in Sonoma County. When at The Sea Ranch, I frequently am a cyclist alone or with others, and often our routes take us up Annapolis Road to the beautiful loop to the old bridge and back to the coast on Skaggs Road.

I recently learned from a friend of the proposed plan for more logging along Annapolis Rd which I understand to my dismay will impact the views of both motorists and cyclists along the road. I don't purport to know the laws applicable to logging; what is permitted and what is not. I only know that any cutting of the trees along the road, particular the majestic redwoods seems to defy common sense. First, as we all know, the redwoods are a national treasure and absent a compelling need to chop one down, they should be preserved to the maximum extent possible. Second, I am aware of

no crying need for cut redwoods, and third why even take a chance of negatively affecting the beautiful drive along Annapolis Road?

As I said, I know little about the law, but I do know from frequently hiking in and around that area that there are virtually no first growth redwoods left. Indeed, one of our favorite pastimes is to hike the Gualala river bed to the ONE tree left standing, the whereabouts of which is known to only a few locals. Why perpetuate that wrong? Even if the trees being considered as dispensable are not first, or even second growth, they are the heritage we will all leave for our descendants. Please take these thoughts into consideration before permitting any further destruction of our beautiful area.

RESPONSE: Please see response to Concern #1 above.

20PC-0000000414 – from Brody Klapko on October 10, 2020

Both the Sheps Opening and Spruce harvest plans should be stopped. I know that's unrealistic but I don't want to see redwood forests harvested anymore. At a minimum though, the plans should be adjusted so that the viewshed is preserved. Adding buffers to the plans seems reasonable to achieve this. I live in Annapolis and I drive through the proposed harvest areas on a regular basis. I really don't want to see a fresh tree graveyard on that drive. While preserving the viewshed seems like more of a band-aid, it would at least save some of the trees and preserve some of the forest's beauty.

RESPONSE: Please see response to Concern #1 and Concern #4 above.

20PC-0000000415 – from Patricia Lynch on October 12, 2020

I live on The Sea Ranch on Timber Ridge Road near Annapolis Road. The "Shep's Opening" and "Spruce" THPs, respectively numbered; 1-20-00144-SON and 1-20-xxxx-SON (plan number not yet assigned) will both log next to Annapolis Road in northern Sonoma County for more than a mile. This area's largest trees will be cut, leaving thin, fire prone forest on the ground and visual blight plainly visible from the road. This is a beautiful, wild area in northern Sonoma County with some Redwood trees that grew after the harvest driven by the 1906 earthquake. We need our forests to grow, without thoughtless harvesting.

Please say "NO" to the Timber Harvest Plan being submitted by Gualala Redwoods Timber.

RESPONSE: Please see response to Concern #1, Concern #3 and Concern #4 above.

20PC-0000000427 – from Mike Laine on October 14, 2020

The wild lands are vanishing, and the opportunity to be in a virgin forest is now a park experience instead of an every day wonder. Isn't there any way you could arrange these THPs to preserve the beauty on Annapolis Road? Couldn't you set the boundary's so that even a veneer of 2nd growth trees remained? Annapolis Road is a treasure, and one of the best drives/bike rides in Sonoma, and I do both, and I can't understand why those trees have to go. They don't! Please prioritize the aesthetics of our lives, and know that forest experiences help keep us sane.

RESPONSE: Please see response to Concern #1 above.

20PC-0000000429 – from Julie DeRossi, Kimball Schlafly, and Madeleine Swanstrom (same letter signed three times) on October 14, 2020

I urge you to protect our areas beautiful visual resources by adding buffer zones to the borders of the above referenced logging plans. A simple modification to the plans would have a profound effect for many years to come. Thank you for your consideration.

RESPONSE: Please see response to Concern #1 above.

20PC-0000000431 – from Phil and Barbara Johannes on October 14, 2020

It is with sincere concern for the area's beautiful visual resources that I urge you to add buffer zones to the borders of the above referenced logging plans. A simple modification to the plans would allow for the requested logging of most of the land while leaving borders that protect the visual beauty that it is so important to preserve.

RESPONSE: Please see response to Concern #1 above.

20PC-0000000433 – from Melinda Mills on October 15, 2020

I am writing in reference to two new THPs in my immediate area. The "Shep's Opening" and the "Spruce" THPs. I am writing because of the planned cutting of large trees along Annapolis Road in the area near Twin Bridges, which would drastically affect the scenic quality of the road that we have all enjoyed and come to expect for so many years. This is a major aspect of the drive to and from Annapolis. Many of us make this trip almost every day, and appreciate and cherish that it is a beautiful wooded drive with many towering redwoods. To cut down these trees, as the current THPs envision, would be a major subtraction from what we enjoy today.

Besides the enjoyment that we experience as residents from these large trees along the road, it will also have an effect on the value of the property that we own, when it becomes time to sell it. Although we have lived here for almost 20 years now, we expect that sometime in the not so distant future we may be in the position of needing to sell our home and move into other accommodations. The majestic view along the road is part of what holds value for someone thinking about buying in Annapolis, and having the bottom of the road disfigured works against the charm of making the drive up into the village of Annapolis.

I would like to see the large trees along the road respected as a visual commons that is shared by all, since it provides benefits to all. I have heard the term "viewshed" used, and I think that is both appropriate and legitimate in this case. I hope you will do all in your power to see that these two THPs are reexamined and rewritten to exclude the cutting of the majestic larger redwood trees that are visible from Annapolis Road. And I thank you ahead of time for your effort and your courage toward that end.

RESPONSE: The Department has not found anything in the THP record for this Plan which would indicate that proposed operations as mitigated will have a negative impact on neighbors' health or safety, property values, or the economic well-being of the community. The THP will help support local businesses, and the sale of the timber will result in payment of yield taxes to the state's general fund, which goes to pay for such things as roads, schools, and social programs.

Please also see response to Concern #1 above.

20PC-0000000434 – from Amy Van Syoc on October 15, 2020

I am writing in regards to the proposed logging along Annapolis Rd by Gualala Redwoods Timber Company known as "Sheps Opening" and "Spruce". This propose operation will destroy a scenic viewshed for more than a mile in a recovering area. As stated in the recent Independent Coast Observer article, this logging could be moved with little or no fiscal impact. Please move this proposed logging to preserve our local viewshed.

RESPONSE: Please see response to Concern #1 above.

20PC-0000000435 – from Deidre Harrison on October 15, 2020

I am writing to object in the strongest possible terms to the THPs 1-20-00144-SON & 1-20-xxxx-SON. These plans would be highly impactful on the well-traveled Annapolis Road, affecting the beautiful view for residents and visitors alike. Additionally, with the loss of millions trees these last few summers, we need to preserve the healthy, large forests remaining. We don't have much time left to affect the course of climate change.

RESPONSE: Climate change is addressed in the THP in Section IV under Item G. Greenhouse Gasses (GHG) starting on page 134. The impacts of the proposed Sheps Opening in regards to potential climate change begins on page 136 of the Plan:

The proposed project will result directly and indirectly in carbon sequestration and temporary, insignificant CO₂ emissions. Carbon sequestration is achieved through a repeating cycle of harvesting and growing of trees that remove CO₂ from the atmosphere and store carbon in tree fiber. When a tree is harvested, most of the carbon-filled tree fibers become lumber that is sequestered in buildings while a new rotation of trees is planted and grown. To the extent these wood building products replace the demand for new concrete or steel building components; they reduce substantial CO₂ emissions that are associated with the manufacture of cement and steel. Some of the tree fibers such as branches and tops are left in the forest where they are sometimes burned to reduce fire hazard. However, the vast majority of this material is left to decay and will emit CO₂ over time; but, it also supplements the forest soils and forest duff layer where carbon is stored and serves as a substrate and nutrient for more tree growth.

Applying the draft threshold criteria discussed above, the THP would have a less-than-significant impact on the environment because the forestry practices do not implement a land use change and they increase carbon storage over time, consistent with GHG mitigation goals for California's forestry sector. Information provided by two of the largest forestland owners in California estimate direct GHG emissions from THP operations to be from 0.1050 to 0.1819 metric tons of CO₂ for every one thousand board feet of harvested timber (short log Scribner scale) resulting from equipment emissions related to logging. It is reasonable to expect the proposed project to fall within a similar range. These emissions are insignificant relative to global CO₂ emissions that are thought to affect climate. There is virtually no opportunity to reduce these emissions in a manner that would meaningfully benefit the climate because they are already miniscule (U.S.E.P.A. 2005).

The insignificant GHG effects of the proposed project are further diminished by the mitigating effects of carbon sequestered in the lumber produced from harvest. It is estimated that at the end of 100 years, a weighted average of 47 percent of the solid wood

products manufactured from the log are still in use, and if the wood in stable storage in a landfill is included, that weighted average over the 100 year period is 76% percent (US Dept of Energy- 1605(b) Tables). It is reasonable to expect similar numbers for the proposed project. The 100 - year permanency period is the same as that used by the California Climate Action Registry for its analysis of a permanent carbon offset. Accordingly, for every metric ton of CO₂ emissions attributed to the operation of timber harvesting and hauling equipment, 13.7 metric tons of CO₂ will be sequestered in the wood products produced from the harvest.

The GHG section concludes on page 138 after several previous pages that outline and discuss in detail the climate change issues:

The above qualitative discussion demonstrates that the proposed project as presented and mitigated, in combination with past, present, and reasonably foreseeable probable future projects will not cause, or add to significant cumulative GHG impacts within the assessment area.

The Department agrees with the conclusions summarized in the Plan that there will be no significant impacts to GHG or climate change. The following was concluded on page 9 of the PHI report, regarding cumulative impacts, which includes the assessment of GHG / climate change:

The proposed THP is in compliance with applicable Forest Practice rules and meets the requirements for Cumulative Impact assessment.

Please also see response to Concern #1 above.

20PC-0000000446 – from Michael Tilles on October 20, 2020

I am writing in opposition to this Timber Harvest Plan: 1-20-00144-SON "Shep's Opening" THP and 1-20-xxxx-SON "Spruce" THP. The footprints of these plans can and should be changed so as to protect the public's viewshed on this beautiful drive up through the recovering redwood forest, an inspiring public treasure that can be protected by adding buffer zones to the borders of these plans with minor financial impact to the applicant.

RESPONSE: Please see response to Concern #1 above.

20PC-0000000447 – from Robert L. Elder and Jacquelynn Baas on October 20, 2020

Gualala Redwoods Timber has submitted two new plans to log the forest along Annapolis Road, logging that will degrade large areas of this scenic road. The view of the hills from Annapolis Road and adjacent to The Sea Ranch before and after "Twin Bridges" will be an eyesore for decades to come if the two new timber harvests plans (THPs) by Gualala Redwoods Timber company are allowed to go forward as submitted. The footprints of these plans can and should be changed to protect the public's viewshed on this beautiful drive through a recovering redwood forest. The forest could be protected by adding buffer zones to the borders of GRT's plans, with minimal financial impact.

RESPONSE: Please see response to Concern #1 above.

20PC-0000000448 – from Steven Cason on October 20, 2020

I am a homeowner in The Sea Ranch, and I thoroughly enjoy the natural beauty of the area. Regarding this project, I am hoping that you can create wider buffer zone as well as scenic resource protections. Adding buffer zones and borders to GRT's plans will have minimal financial impact but huge impact on the environment as well as our livability.

RESPONSE: Please see response to Concern #1 above.

20PC-0000000449 – from Edward A. Alpers on October 20, 2020

I write to express my deep concern about the current plans to log along Annapolis Road as delineated in the plans submitted by Gualala Redwoods Timber in 1-20-00144-SON "Shep's Opening" THP and 1-20-xxxx-SON "Spruce" THP (to be filed soon). Quite apart from the overall wisdom of logging in the Gualala River watershed, the current plans would destroy an important scenic forest view for a mile along this important local artery to the detriment of everyone who drives that road, whether resident or tourist. Please protect this beautiful rural road and the scenic view along it!

RESPONSE: Please see response to Concern #1 and Concern #4 above.

20PC-0000000450 – from Maureen and Tad Simons on October 20, 2020

I want to express my strong disapproval of the proposed plans by Gualala Redwoods Timber Company, and the way they have proposed logging the forest along Annapolis Road. The footprints of these plans can and should be changed to protect the public's view shed of this spectacularly beautiful drive. They should be required to protect this recovering redwood forest area by adding buffer zones to the borders of their plans, with minimal financial impact. This will be an eyesore for decades to come, just because of lousy planning and greed. Please require that they amend their plans. RTC has continuously shown almost no regard for the reasonable preservation of this beautiful area (Gualala River is just one other example).

RESPONSE: Please see response to Concern #1 and Concern #4 above.

20PC-0000000451 – from Christian Doering on October 20, 2020

Gualala Redwoods Timber has submitted two new plans to log the forest along Annapolis Road, logging that will degrade large areas of this scenic road. The view of the hills from Annapolis Road and adjacent to The Sea Ranch before and after "Twin Bridges" will be an eyesore for decades to come if the two new timber harvests plans (THPs) by Gualala Redwoods Timber company are allowed to go forward as submitted. The footprints of these plans can and should be changed to protect the public's viewshed on this beautiful drive through a recovering redwood forest. The forest could be protected by adding buffer zones to the borders of GRT's plans, with minimal financial impact.

RESPONSE: Please see response to Concern #1 and Concern #4 above.

20PC-0000000454 – from Deidre Harrison on October 21, 2020

I am writing to object, in the strongest possible terms to the plan to log "Shep's Opening" 1-20-00144-SON and "Spruce" 1-20-xxx-SON along the beautiful Annapolis Road. During this time of so much loss of and damage to our beautiful forests, this proposal seems particularly cruel. Annapolis Road is a well-traveled route: the visual impact of the logging will affect many. Additionally, we need our larger, stronger trees to be an anchor of the forests, able to support wildlife under increasing strain

daily. Larger trees have a better chance of surviving wildfire, the almost inevitable one. The climate crisis affecting us all is only made worse by short-sighted, economically driven decisions like this one.

RESPONSE: Please see response to Concern #1, Concern #3, Concern #4, and Concern #6 above.

20PC-0000000456 – from Tempra Board on October 25, 2020

I am a northern Sonoma County resident writing to express my opposition to the proposed “Shep’s Opening” and “Spruce” Timber Harvest Plans (1-20-00144-SON and 1-20-xxxx-SON) that would log the forest along Annapolis Road, degrading large areas of the viewshed for the community of north coastal Sonoma County. These THPs will also log mature trees, leaving thin, fire-prone forest on the ground, threatening local communities as well as creating a visual blight that will be plainly visible along this major thoroughfare. I am requesting that this scenic resource be protected by changing the footprint of these plans and adding buffer zones to the plans’ borders, which would have minimal financial impact to the applicant.

RESPONSE: Please see response to Concern #1 and Concern #3 above.

20PC-0000000459 – from Tobias Lovallo on October 28, 2020

I am a Sea Ranch resident who lives on Timber Ridge Road near Annapolis Road. The “Shep’s Opening” and “Spruce” THPs, respectively numbered; 1-20-00144-SON and 1-20-xxxx-SON (plan number not yet assigned) will both log next to Annapolis Road in northern Sonoma County for more than a mile. This area’s largest trees will be cut, leaving thin, fire-prone forest on the ground and visual blight plainly visible from the road. This is a beautiful, wild area in northern Sonoma County with redwood trees that grew after the harvest driven by the 1906 earthquake. It is a favorite route of bike riders from all over the country and even the world as they travel between the Dry Creek Valley and the Pacific Coast. Annapolis Road and Skaggs Spring Road offer unique, wild, beautiful views of the coastal range that are very different from wildland elsewhere in the world. The views on these roads can be enjoyed as a draw in addition to wine tasting and staying on the coast. Especially after the economic disaster to Sonoma County resulting from Covid 19 and the fires, we need to preserve elements that encourage tourism. In addition, we need our forests to grow, without thoughtless harvesting. We need to protect our Redwoods to protect us from fire. We need to allow the trees that hold the soil to continue to exist to prevent mudslides and further erosion on Annapolis.

Please say “NO” to the Timber Harvest Plans being submitted by Gualala Redwoods Timber.

RESPONSE: Please see response to Concern #1, Concern #3, and Concern #4 above.

20PC-0000000461 – from Tom Crane on October 30, 2020

I am writing to express my concern about the above-noted timber harvest plans, a proposed logging operation next to Annapolis Road. These THPs, as submitted, fail to protect one of our six shared Vital Resources: Visual Resources. The logging plan will leave an ugly gash in the public viewshed. As a homeowner at Sea Ranch and a frequent user of Annapolis Road, my family will have to live with denuded vistas and fire-prone, degraded forests if the THP is allowed to proceed unmodified. I urge you to require Gualala Redwoods Timber Company to modify their THPs to add buffer zones at modest cost in order to preserve this shared public treasure.

RESPONSE: Please see response to Concern #1 and Concern #3 above.

20PC-0000000472 – from Chris Poehlmann on November 10, 2020

Please respond to and place these comments and attached photographs into the files for the 1-20-00144-SON "Shep's Opening" THP.

Statement of Concern:

The undersigned and others in the community are concerned by the potential cumulative impacts of these two THPs as presently proposed and submitted. We ask CalFire to reject the 1-20-00144-SON plan as submitted and require the mandated mitigations for the impacts outlined below.

From the CALIFORNIA FOREST PRACTICE RULES 2017 :

1.) "It is the Board's intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5." (highlighting added here and below)

2.) The provisions in the FPRs below are examples of the rules' intent to be aware of and consider the impacts of operations on aesthetic resources as they apply to permanent roads and adjacent lands of the county and state. The distance most commonly used for mitigation buffers for visual impacts is 200 feet.

Appendix Technical Rule # 2, evaluating cumulative impacts, page 46

a.) "E. VISUAL RESOURCES: The visual assessment area is generally the logging area that is readily visible to significant numbers of people who are no further than three miles from the timber operation. To assess visual cumulative effects: 1. Identify any Special Treatment Areas designated as such by the Board because of their visual values. 2. Determine how far the proposed timber operation is from the nearest point that significant numbers of people can view the timber operation. At distances of greater than 3 miles from viewing points activities are not easily discernible and will be less significant. 3. Identify the manner in which the public identified in 1 and 2 above will view the proposed timber operation (from a vehicle on a public road, from a stationary public viewing point or from a pedestrian pathway)."

b.) From: 913.1, 933.1, 953.1 Regeneration Methods Used in Evenaged Management [All Districts; Note variation by District in (a)(4)(A) and (d)(3) Shelterwood Removal Step] "(6) Special consideration for aesthetic enjoyment shall be given to selection of silvicultural treatments and timber operations within 200 feet of the edge of the traveled surface of any permanent road maintained by the County, or the State. (7) Special consideration for aesthetic enjoyment and protection of adjacent stand vigor shall be given to the selection of silvicultural methods and timber operations within 200 feet of adjacent non-federal lands not zoned TPZ."

c.) 895.1. Definitions, Page 21: "Special Treatment Areas are specific locations which contain one or more of the following significant resource features which may be at risk during timber operations:

a. Within 200 feet of the watercourse transition line of federal or state designated wild and scenic rivers;

- b. Within 200 feet of national, state, regional, county or municipal park boundaries;
- c. Key habitat areas of federal or state designated threatened, rare or endangered species;
- d. Coastal Commission special treatment areas;
- e. Within 200 feet of state designated scenic highways or within scenic corridors established pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 and Section 154 of Chap. 1 of Div. 1 of the Streets and Highways Code."

d.) 957.4 Treatment of Logging Slash in the High Use Subdistrict [Southern]

Slash in the High Use Subdistrict shall be treated as follows:

- (a) Throughout the logging area, all limbs shall be lopped from the un-utilized portions of felled trees and all other trees felled or pushed over during timber operations. This lopping shall be done concurrently with the timber operations and scattered so that no limb or stem larger than 4 in. (10.2 cm) in diameter will be covered with slash and no slash shall generally be more than 24 in. (61.0 cm) above the ground.
- (b) Slash shall be treated by chipping, piling and burning, burying, or removal on the following areas within all distances measured along the surface to the ground.
 - (1) Within a distance of 200 feet (60.96 m) of structures used for habitation;
 - (2) Within 200 feet (60.96 m) of the edge of any road accessible to the public;
 - (3) Within 100 feet (30.48 m) of trails established for and used by the public;
 - (4) Within a distance of 200 feet (60.96 m) of areas established for and used by the public for picnicking or camping.

e.) 925.9 Public Road Protection [Santa Clara County]

All proposed construction activities for logging roads and associated drainage structures, tractor roads, or other activities involving significant earth movement within 200 ft. of a public road shall be described in the plan. The construction of logging roads and associated drainage structures, tractor roads, or other activities involving significant earth movement within 200 feet of a public road is prohibited if the Director has determined that the activities will significantly increase the maintenance costs of the public road or result in damage to the public road which will significantly restrict the use of the public road.

f.) 895.1. Definitions: Fire Protection Zone (For the Coast and the Southern Forest District:) means that portion of the logging area within 100 feet (30.48 m) as measured along the surface of the ground, from the edge of the traveled surface of all public roads and railroads; and within 200 feet (60.96 m) as measured along the surface of the ground, from permanently located structures currently maintained for human habitation.

3.) To address potential impacts, the plan submitter needs to define the overall visual resource area and propose changes to comply with the FPRs in Rule Addendum #2. These changes must be guided by the following FPR assessment instructions:

"Identification of Resource Areas The RPF shall establish and briefly describe the geographic assessment area within or surrounding the plan for each resource subject to be assessed and shall briefly explain the rationale for establishing the resource area. This shall be a narrative description and shall be shown on a map where a map adds clarity to the assessment."-BOARD OF FORESTRY TECHNICAL RULE ADDENDUM NO. 2 , CUMULATIVE IMPACTS ASSESSMENT , Identification of Resource Areas , page 39

Properly done, this submitted analysis would include a collection of supporting photographs with labels that would show how any proposed correcting mitigations would be be [sic] viewed from Annapolis Road and by road users making their way in both directions.

4.) From the FPRs regarding Cumulative Impacts:

"In conducting an assessment, the RPF must distinguish between on-site impacts that are mitigated by application of the Forest Practice Rules and the interactions of proposed activities (which may not be significant when considered alone) with impacts of past and reasonably foreseeable future projects.

The RPF preparing a THP shall conduct an assessment based on information that is reasonably available before submission of the THP. RPFs are expected to submit sufficient information to support their findings if significant issues are raised during the Department's review of the THP.

Identification of Resource Areas: The RPF shall establish and briefly describe the geographic assessment area within or surrounding the plan for each resource subject to be assessed and shall briefly explain the rationale for establishing the resource area. This shall be a narrative description and shall be shown on a map where a map adds clarity to the assessment."

OVERVIEW:

*These comments pertain to 1-20-00144-SON and two adjacent THPs noted above. One is in preparation named "Spruce". This latter plan is identified in the 00144 plan's Cumulative Impacts Assessment (Section IV) and temporarily numbered "1-20-xxx-SON *". Letters for "Spruce" have been sent out to adjacent landowners with domestic water sources effected. See the preliminary map of the project below. All of the noted past and future plans propose logging operations directly adjacent to the public county road called Annapolis Road and as per the FPRs must be mitigated to address any effects on the visual assessment area for the significant numbers of people using this well traveled scenic road. A simple application of setbacks to the harvest boundaries for visual buffers is the needed mitigation. Potential visual impacts to ridgetop views from the road need to be assessed and mitigated if revealed.*

As per Technical Rule Addendum #2 these plans qualify for an analysis using a description of the area effected: "The visual assessment area is generally the logging area that is readily visible to significant numbers of people who are no further than three miles from the timber operation." The applicant has, without any description of the visual resource area or analysis, asserted that the plan will have "No reasonably potential significant adverse impacts" to the visual resources and wildfire risk and hazards associated with this plan. See page 114 of Section IV of the THP below.

Resource Subjects	Yes after mitigation (1)	No after mitigation (2)	No reasonably Potential significant adverse Impacts (3)
A. Watershed		X	
B. Soil Productivity		X	
C. Biological		X	
D. Recreation			X
E. Visual			X
F. Traffic			X
G. Greenhouse Gases (GHG)			X
H. Wildfire Risk and Hazard			X
I. Noise			X

This assertion could not be farther from the truth for anyone viewing the adjacent and similar "Hazel" THP and with any study of any available comprehensive draft of a "visual resources area". This is a required element to be submitted with this plan's cumulative impact analysis. These impacts are in addition to the potential cumulative impacts added to fire hazards as also evidenced by the present on-the-ground condition of the Hazel THP and its adjacency to Annapolis Road.

Below, from Section IV, page 133 of the plan regarding visual impacts of this 329 acre group selection harvest next to a public road. These further assertions are unsubstantiated as a visual resources assessment has not been submitted using techniques outlined in the FPRs and noted above. This assessment, due to its considerations based on aesthetics require an on the ground inspection by the reviewing agency and supporting photographic evidence. The road and areas the public uses are not only traversed by automobile, but also on bicycles and on foot.

the plan area. The plan area is not visible from these sources. The Annapolis Road (County Road 0301) provides unobstructed view of the plan area. This traveled road portion is approximately 1,000 feet. The posted speed limit is 45 mph. Canopy thinning may be noticeable, but the area will still be well forested due to the uneven-aged management regime applied across the THP. Preharvest canopy closure levels will likely be met within 10-15 years. Given the silviculture method proposed for the plan there will be no significant visual change to the timbered hillslopes, river corridor, or timbered skyline. There will be no immediate significant adverse impact or cumulative long-term effects relating to visual resources with the operation of this harvest plan.

Above: Shep's Opening THP, Section IV, Resource Assessment Areas, Visual, page 133

THE ISSUES:

Annapolis Road is one of Sonoma County's and the local community's most treasured scenic roads. It not only services the community as access to the coast and inland, but also is well known in northern California tourism as a scenic route featuring conifer/redwood forest and a lush understory that is recovering after decades of watershed scale over-harvesting and historic poor management. This includes: damaging management techniques employing too frequent re-entry intervals, clear cutting, and perpetuating low inventory stocking levels by selectively over targeting the largest age class trees in each harvest cycle. This has resulted in an ongoing delay in the recovery of forestlands having healthy percentages of all age classes of trees.

The plan in review, 1-20-00144-SON, is a large plan (329 acres of Group Selection) that is adjacent to a public road with impacts to visual resources. The silvicultural method proposed is group selection

which employs small group clearings. This method will in effect create a patchwork of small clearcuts. The placement of those selection groups and the resulting impacts to visual resources should be treated with FPRs that regulate even age management, ie. clear cuts. See 2(a) above.

Until the appearance of the Hazel THP there has not been recent commercial timber harvesting in the viewshed of Annapolis Road. The percentage of canopy along it was beginning to approach more normal levels and the resulting views from the road gave viewers an idea of what pre-commercial harvesting viewsheds were like, even though the present trees are far from the size of those that were here in the 19th century before the first wave of logging.

The forested scenic road is well travelled by local residents and is a favorite recreational route for local and visiting walking, driving, and bicycle tourists to the county. In the Twin Bridges area is common to see organized groups enjoying the forest views and rich bird community that is centered near the river and can be observed from the bridges and nearby public parking areas.

Annapolis Road is officially designated a county emergency escape route with its own signage and one of the few county roads providing access to and from the coast and inland areas. It also provides a scenic drive to access the Gualala River which now has a large segment protected by a Wild and Scenic River designation from the state.

With their harvesting at and near the road's edge, recent and new proposed plans have caused and pose significant individual and cumulative impacts on the visual viewshed of Annapolis Road. They will add to the cumulative impacts to reasonably foreseeable future plans nearby. Eleven past plans have been identified in the Section IV cumulative effects assessment under present and past activities in the watershed assessment area. Noteworthy in these past impacts is the plan directly adjacent to Annapolis Road that was recently completed by the same landowner with unfortunate viewshed impacts. The "Hazel" THP, 1-19-00051-SON, dramatically impacted the viewshed from Annapolis Road uphill from the "Twin Bridges" area and will remain an eyesore to those using the road for years to come. A simple alteration of THP boundaries could have preserved the now lost scenic forest views. The potential cumulative impacts from additional such THPs are clearly demonstrated by photographs of the finalized Hazel THP. (Photos of what can be now seen from the side of the road are attached below.) Also evidenced in these photos, the slash in this plan that is visible from the paved road and subject to fire ignition from public traffic has not been compacted and reduced as per FPRs to address fire hazards.

Do to the adjacency of these noted plans to the publicly travelled road and the impacts they cumulatively add to visual resources, the proposed boundaries of this and future THPs need to be mitigated to protect the viewshed the public now enjoys. Adequate, simple visual buffer zones employing setbacks added to the harvest boundaries would be the solution called for to address the proposed roadside harvesting.

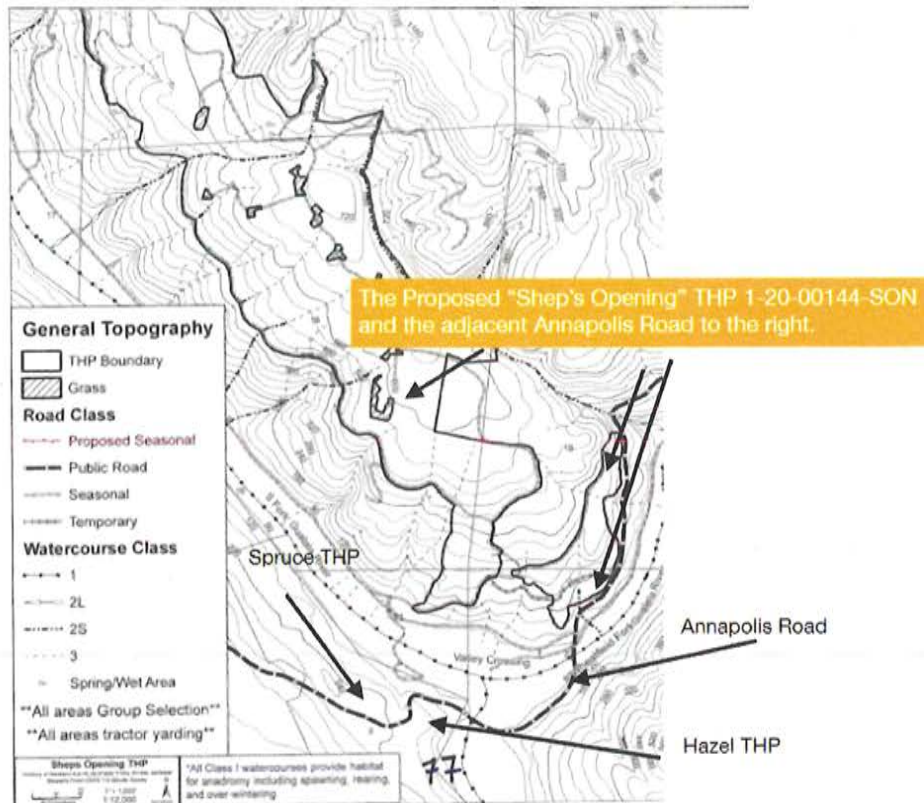
Adequately done, the needed analysis would include a collection of supporting photographs with labels that would show how any proposed correcting mitigations would be be [sic] viewed from Annapolis Road and by road users making their way in both directions.

POTENTIAL ADDITIONAL IMPACTS:

These plans are directly above the floodplains of a EPA 303d listed impaired watershed and have more than viewshed impact issues that potentially add to cumulative impacts of past, present and future harvesting plans and projects. These include:

- Annapolis Road is notoriously landslide prone with its erosive soils and bank cuts. Unnecessary removal of trees and their root systems next to the road will weaken hillsides and promote slides and road failures in winter months. County road crews will need to bring in large equipment to deal with these slides during and after the rainy season. Sediment from these slides will transport downhill to water courses and eventually to the Class I Gualala River below. Significant erosion hazards are noted on THP page #18 from the steep slopes draining down to Annapolis Road.*
- Additionally, significant boundary stretches of 1-20-00144 THP will be encroaching into the Annapolis Road's Fire Protection Zone. See map on page #78.*
- Slash generation and reduction of the proportion of fire resistant larger trees will increase the fire potential and reduce the effectiveness of this official roadside fire protection zone.*
- Importantly added to this impact is the proximity of these logging operations (with their slash generation and added understory weed and undergrowth due to loss of canopy) to a public road with its well known potential for generation of ignition events.*
- Harvest operations on these steep slopes is proposed to be done with tracked and rubber tired equipment and not cable yarded as is appropriate in such steep terrain. Ground disturbance will be thus greater to the visual resources as viewed from the road than if cable yarding is employed. Cable yarding has been used nearby across the Wheatfield Fork because of extreme slopes but would be obviously effective and appropriate here in this THP along with mitigations utilizing setbacks to harvest operations.*





- Fire fuel loads and ignition hazards will be created and increased as seen in the Hazard Reduction Section, Item #30 in the THP in 1-20-00144-SON. Slash treatment will occur within 100 feet of the edge of the traveled surface of a public road. Lopping, chipping, and piling is proposed.
- Piling and burning may be used as hazard reduction at landings and “elsewhere on the plan” thus impacting fuel loads near Annapolis Road.
- In-lieu practices are proposed for tractor operations in Flood Prone areas. Page #28
- Sonoma County was not notified of the possible viewshed impacts of the plan. Page #53.
- Inclusion of a totally inadequate map for Geologic and Geomorphic Features Related to Land Sliding on page #81
- Vehicle and equipment traffic will be using, entering and exiting Annapolis Road due to the proximity to the operations. The RPF claims no cumulative impacts from traffic associated with the plan.

SUMMARY:

In regards to just the impacts on visual resources, the simple solution for mitigation would be some adequate setbacks to the plan boundaries that are near Annapolis Road and in the visual assessment area. These setbacks would also address the increased fire hazard impacts. These changes will not significantly effect the financial profits aimed at by the landowner and will preserve these scenic resources and community benefits for decades to come.

Based on the lack of: proper and adequate assessment of the potential for added individual and cumulative visual resource impacts, associated fire risk impacts, any necessary mitigations, this plan should be denied and resubmitted with assessments and mitigations to address the issues above.

Respectfully Submitted,

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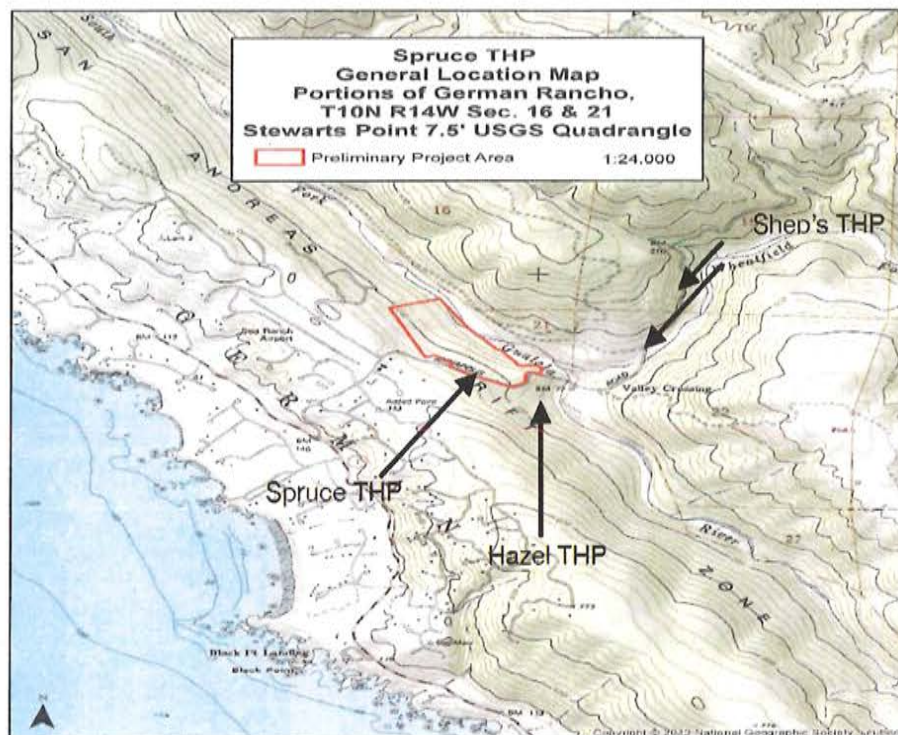
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Theresa Ryan
Diedre Hocket
Earle Cummings
Dr. Peter Sidel
Mary Kay Sidel
Mark Goldman



Sites of new and recent THPs impacting the visual assessment area of the Annapolis Road/Twin Bridges area.



the "Spruce THP" (not yet filed)

Addendum

Regulatory Overview:

The legal obligations of the lead agency in THP review are addressed below. In particular, references to potential impacts, individually and cumulatively, to visual resources are highlighted.

From The California Regulatory Law Reporter Vol. 10, No. 4 (Fall 1990), Page 158:

"Board Adopts Cumulative Impacts Assessment Methodology. On September 12, the Board adopted amendments to sections 895.1, 896(a), 897(a), 898, 898.1(f), 898.2(c), 1034, 1037.3, 1037.5, and adopted Technical Rule Addendum No. 2, Title 14 of the CCR. According to TAC and the Board, the general purpose of these regulations is to provide a bridge between the California Environmental Quality Act (CEQA) and the FPA in the review and processing THPs on non-federal land. The THP review and approval process of CDF and the Board has been certified by the Resources Secretary as equivalent to the Environmental Impact Report (EIR) process required by CEQA. The THP approval process has been sustained as in compliance with CEQA; however, several courts have found that CDF's evaluation of individual THPs has failed to meet the requirements and policy standards of CEQA, and have disagreed regarding the applicability of CEQA language and policy to THP approvals. The proposed regulations attempt to remove all uncertainty about the application of CEQA to THP approvals, because amended section 896(a), Title 14 of the CCR, purports to entirely preclude the application of CEQA to THP approvals. The amended section provides: "The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC section 21080.5. In recognition of that certification and PRC section 4582.75, these rules are intended to provide the

exclusive criteria for reviewing THPs." Precisely how the Board expects its administrative regulations to preempt the judicial interpretation of a state statute in EPIC v. Johnson, 170 Cal. App. 3d 604 (1985), remains unclear. (See infra LITIGATION for further information on this issue.) With regard to the CEQA-equivalent "cumulative impacts" assessment which must be made under the new rules, amended regulatory section 898 states that "[c]umulative impacts shall be assessed based upon the methodology described in Board Technical Rule Addendum Number 2. Consideration of cumulative impacts shall be guided by standards of practicality and reasonableness." Under the Addendum, the THP submitter must identify and briefly describe the location of past and reasonably foreseeable future projects, and the location of any known, continuing significant environmental problems caused by past projects. The submitter must also assess the cumulative impacts of the proposed project on the following factors: watershed resources, soil productivity, biological resources, recreational resources, visual resources, and vehicular traffic impacts. According to the Board's statement of reasons, the Addendum is drafted "to require an independent analytical approach to cumulative impacts, not a quantitative approach." This regulatory action awaits review by the Office of Administrative Law (OAL).

page 159:

The Act (PRC section 4513) states that its intent is to assure that the use of all timberlands will, where feasible, restore, enhance, and maintain the productivity of the timberlands, and that the goal of maximum sustained production of high quality timber products is achieved while giving consideration to values relating to recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment.

Case Law:

Below: Evidence of support in the courts of the reliance on "qualitative judgement" in determinations of the significance of aesthetic impacts. Underlining and italics added

1.) *From Eureka Citizens v City of Eureka (2007)*

topography and the existing residential character of the area. In Eureka Citizens v City of Eureka (2007) 147 CA4th 357, the court upheld an EIR's determination that the aesthetic impacts of a new school playground would be less than significant. The court recited the agency staff's statement that determining the significance of aesthetic impacts is a "qualitative judgment not a set of quantifiable parameters" (147 CA4th at 376) and upheld a brief but reasoned explanation supporting the EIR determination. In National Parks & Conserv. Ass'n v County of Riverside (1999) 71 CA4th 1341, the court upheld an EIR's determination that the impacts of night lighting would be less than significant based on qualitative analysis that substantial night lighting already existed in the area.

2.) *With the THP being a Functional Equivalent of an EIR, the following use of and descriptions of CEQA language and intent are applicable in any THP approval process.*

3.) *Quotes below from: Pocket Protectors v. City of Sacramento 2004*

"The foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.'" (Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d 247, 259.)

"With certain limited exceptions, a public agency must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project 'may have a significant effect on the environment.'" (§§ 21100, 21151, 21080, 21082.2 [fair argument standard]; Guidelines, §§15002, subd. (f)(1), (2), 15063; No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 75 [fair argument standard of review] [(No Oil)].)

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment." (§ 21068; see also Guidelines, § 15382.)" (Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1123, fn. omitted.)

"Substantial evidence" means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (Guidelines, § 15384, subd. (a).)

"The fair argument standard is a "low threshold" test for requiring the preparation of an EIR." (No Oil, supra, 13 Cal.3d 68, 84; League for Protection, supra, 12 Cal.App.4th at p. 905; Sierra Club v. County of Sonoma (1992) 6 Cal.App.4th 1307, 1316-1317; Oro Fino Gold Mining Corp. v. County of El Dorado (1990) 225 Cal.App.3d 872, 881 (Oro Fino).)

4) It is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is de novo, with a preference for resolving doubts in favor of environmental review."

(Architectural Heritage Assn., supra, 122 Cal.App.4th at p. 1110; San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1996) 42 Cal.App.4th 608, 617-618 (San Joaquin Raptor); Stanislaus Audubon Society, Inc. v. County of Stanislaus (1995) 33 Cal.App.4th 144, 151 (Stanislaus Audubon Society); Quail Botanical Gardens Foundation, Inc. v. City of Encinitas (1994) 29 Cal.App.4th 1597, 1602-1603

5.) Ocean View Estates Homeowner's Assn, Inc. v. Montecito Water Dist. (2004), Page 37: "Relevant personal observations of area residents on non-technical subjects may qualify as substantial evidence for a fair argument." (Ocean View Estates Homeowner's Assn, Inc. v. Montecito Water Dist. (2004) 116 Cal.App.4th 396, 402 (Ocean View Estates); Arviv Enterprises, Inc. v. South Valley Area Planning Com. (2002) 101 Cal.App.4th 1333, 1347 (Arviv).)

6.) North Coast Rivers Alliance v. Marin Mun. Water Dist. etc. 2013

"For purposes of CEQA, 'environment' means physical conditions existing 'within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.'" (§21060.5.)

The trial court further ruled that the EIR was deficient for failing to discuss whether the Ridgecrest A tank was inconsistent with the Countywide Plan (Countywide Plan). "An EIR must identify the 'significant environmental effects' of a proposed project. (§ 21100, subd. (b)(1); [] Guidelines, § 15126, subd. (a).) For purposes of CEQA, 'environment' means physical condition existing 'within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna,

noise, objects of historic or aesthetic significance.’ (§ 21060.5.) Thus, aesthetic issues, such as public and private views, are properly studied in an EIR to assess the impacts of a project. (§ 21100, subd. (d); *Ocean View Estates Homeowners Assn. Inc. v. Montecito Water Dist.*(2004) 116 Cal.App.4th 396, 402–403.) However, a lead agency has the discretion to determine whether to classify an impact described in an EIR as ‘significant,’ depending on the nature of the area affected. ([Guidelines, § 15064, subd. (b); *National Parks & Conservation Assn. v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1357 [varying thresholds of significance may apply depending on nature of area affected].) In exercising its discretion, a lead agency must necessarily make a policy decision in distinguishing between substantial and insubstantial adverse environmental impacts based, in part, on the setting. ([Guidelines, § 15064, subd. (b).) Where the agency determines that a project impact is insignificant, an EIR need only contain a brief statement addressing the reasons for that conclusion. ([Guidelines, § 15128.])” (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492-493 (*Mira Mar*).

In analyzing the visual impacts of the construction of the Ridgecrest A tank, the EIR set forth the following standards of significance: “For the purposes of this EIR, the project would have a significant impact with regard to aesthetics if it would: [¶] [1.] Have a substantial adverse effect on a scenic vista. [¶] For this EIR, a scenic vista is defined as a publicly accessible viewpoint that provides expansive views of a highly valued landscape. A viewpoint that is accessible only from private property is not considered a scenic vista. [¶] [2.] Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. [¶] [3.] Substantially degrade the existing visual character or quality of the site and its surroundings”

7.) The following publication from the USFS has guidance for a THP applicant for gauging visual impacts and the value mitigations for those impacts can have for the public relations standing of the applicant:

United States Department of Agriculture Forest Service Intermountain Forest and Range Experiment Station Research Paper INT-262 Visual Impacts of Forest Management Activities: Findings on Public Preferences, Robert E. Benson, James R. Ullrich, June 1981.

“OBJECTIVES AND METHODS The purpose of the present series of studies was to measure public response to various types of timber harvesting activities. Frequently managers have several alternatives available which may differ in their visual impact. If the likes or dislikes of the public for these alternatives can be predicted, the manager has a basis for comparing the costs against esthetic benefits in planning.

Minnesotans are concerned about the aesthetic quality of forested lands throughout the state, which are a great source of pride for Minnesota citizens. Scenic beauty— or “visual quality”— is one of the primary reasons people choose to spend their recreation and vacation time in or near forested areas. They are also attracted by the peace and quiet of the outdoors, the serenity, the solitude, and a host of other emotional, spiritual and sensory responses that make up the richly aesthetic and deeply personal experience that is so closely tied to time spent in or near our forests.

Benefits of Visual Quality Management Visual quality is one important aspect of the broad, multi-faceted concept of integrated forest resource management. Visual quality management can:

- Enhance visual quality of forested lands for recreational users, resulting in a healthy tourism economy.
- Reduce conflicts with and negative perceptions of the timber industry, therefore helping to sustain a healthy timber economy.
- Minimize visual and audible impacts of forest management activities on tourists and recreational users.
- Minimize visibility of harvest areas by limiting apparent size of harvest.
- Minimize visual impact of slash.
- Minimize the impact of landing operations on recreational viewers and users. -Minimize visual contrast created by snags and broken or leaning trees.

The "Most Sensitive" category applies to travel routes and areas where significant public use occurs and where visual quality is of high concern to typical users. Examples of such routes may include public highways, local roads, recreational lakes and rivers, and designated recreational trails and areas that provide a high level of scenic quality."

See study at: *Visual Impacts of Forest Management Activities: Findings on Public Preferences*

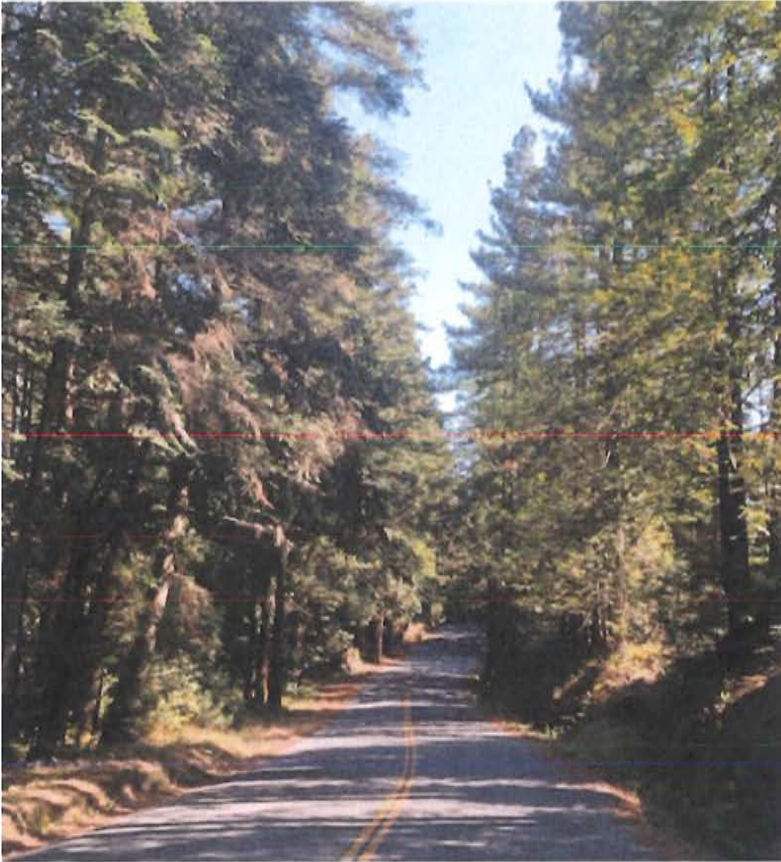
Robert E. Benson James R. Ullrich

https://www.fs.fed.us/rm/pubs_exp/forests/coram/rmrs_1981_benson_r002.pdf

See Photographs below:

Photographs:

#1) The young, over-harvested, and still recovering forest along this scenic road. It needs lighter touch management to attain a mix of all age classes of trees, higher stocking levels, and protections for the similarly highly impacted co-evolved plant and animal community.



#2) Below: Pink ribbon denotes borders of Timber Harvest Plans. Spruce THP, with one of the "Twin Bridges" railings in the distance.



#3) Below: the view from the Spruce THP's roadside boundary on Annapolis Road looking north over to the forest marked for the Shep's Opening THP across the river.



#4) Below: Just above Annapolis Road ~20 feet. Shep's Opening THP



#5) Below: Pink boundary flagging next to Annapolis road. Timber marking yet to occur. Spruce THP



#6) Below: Pink boundary flagging next to Annapolis Road, Spruce THP.



#7) Below: Next to Annapolis Road a view of the recently cut "Hazel" THP across the road from the new "Spruce" THP. Largest trees always cut, "matchstick" trees left behind.



#8) Below: Stumps next to road, Hazel THP, 1-19-00051-SO



#9) Below: The view standing on Annapolis Road. This is the "Hazel" THP across the road from the newly proposed Spruce THP.



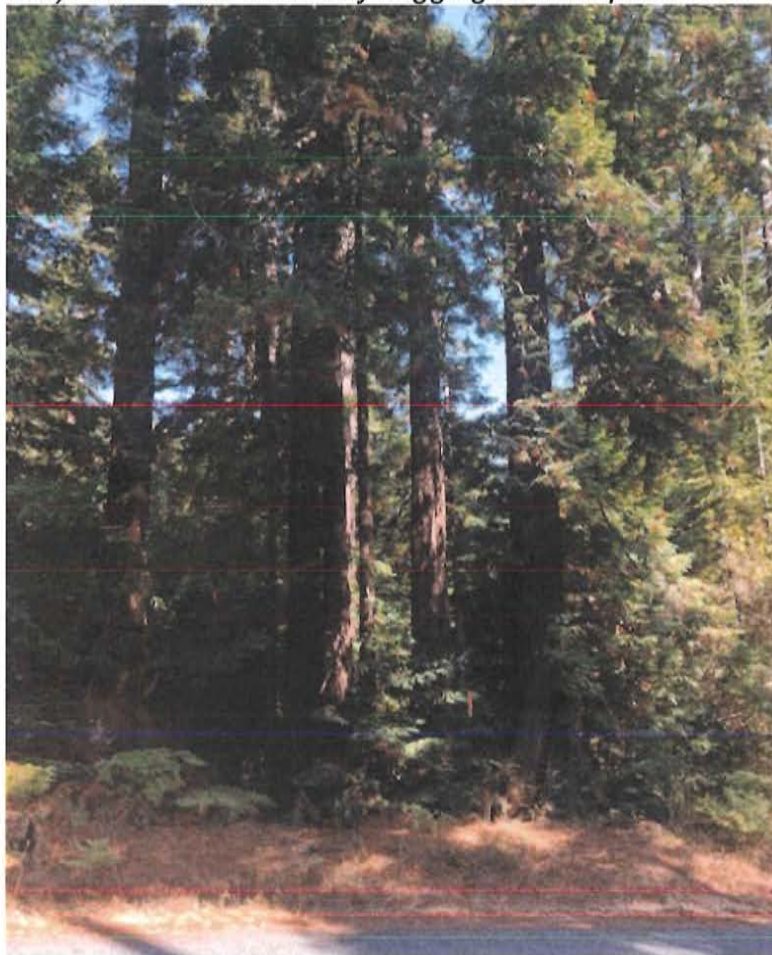
#10) Below: The view standing on Annapolis Road of the Hazel THP, 2019



#11) Hazel THP 2019



#12) Below: Pink boundary flagging on the Spruce THP directly across the road from the Hazel THP.



#13) Below: Spruce boundary flag next to Annapolis Road with big redwood behind



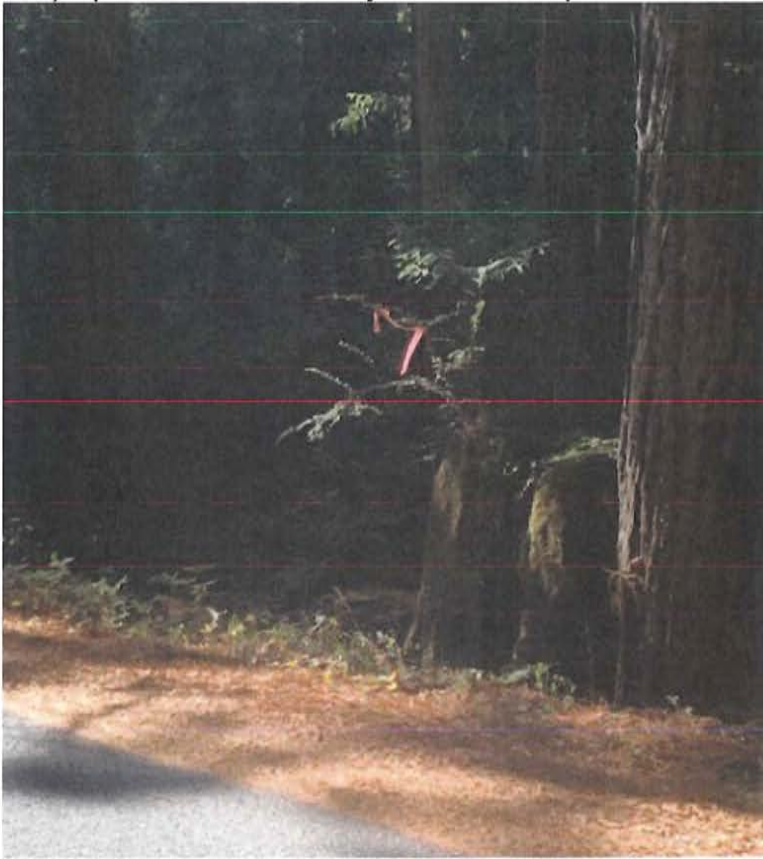
#14) Below: The Hazel THP as seen from above and across Annapolis Road on the Spruce THP. A "selection" cut. Slash left behind. Ladder fuel.



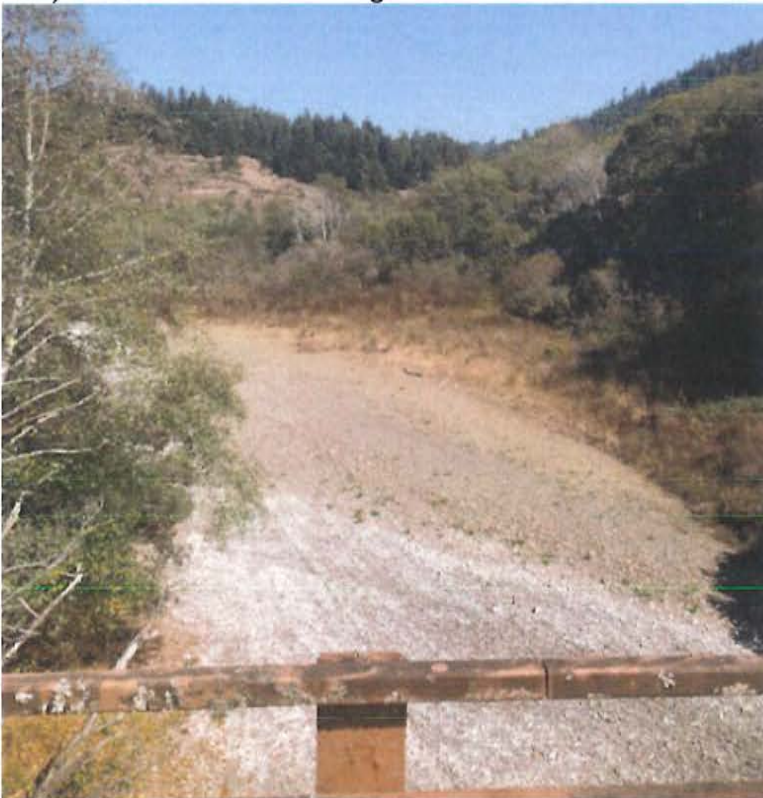
#15) Below: Pink flagging on big redwood for boundary of Spruce THP coming up Annapolis Road near The Sea Ranch.



#16) Spruce THP boundary next to Annapolis Road



#17) Below: View from bridge to north and the forest on the ridge to be cut in "Shep's Opening" THP.



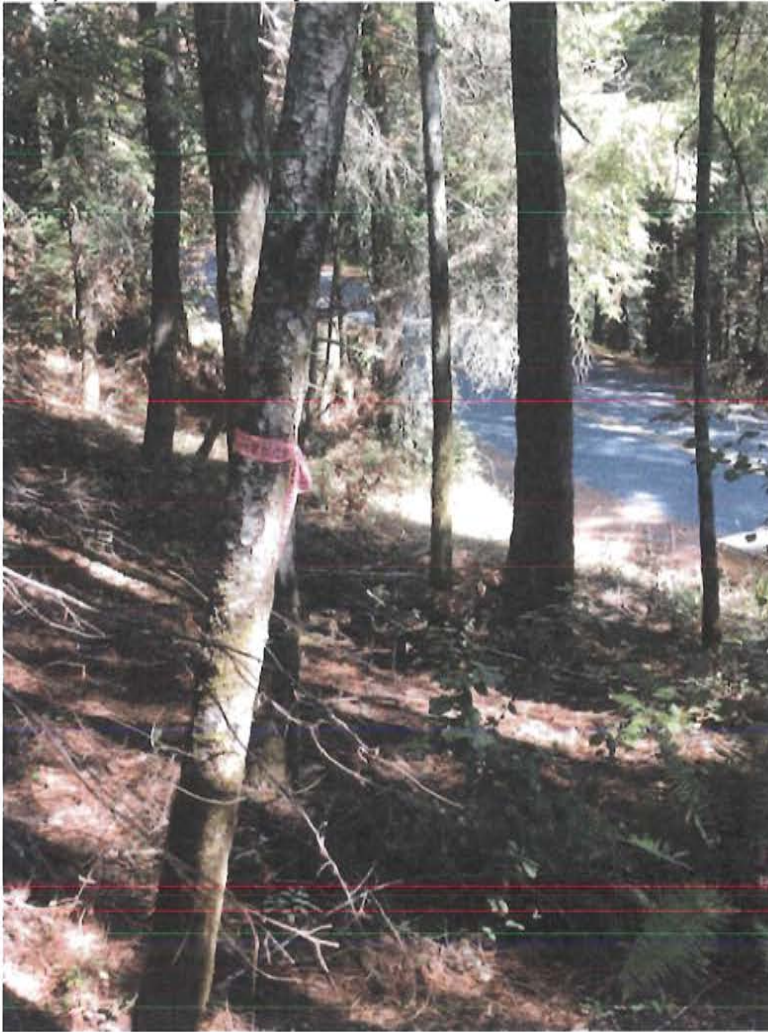
#18) Below: Entrance to Bedrock gravel mining operation at Twin Bridges off of Annapolis Road. Shep's Opening THP is on the far ridge, center and left.



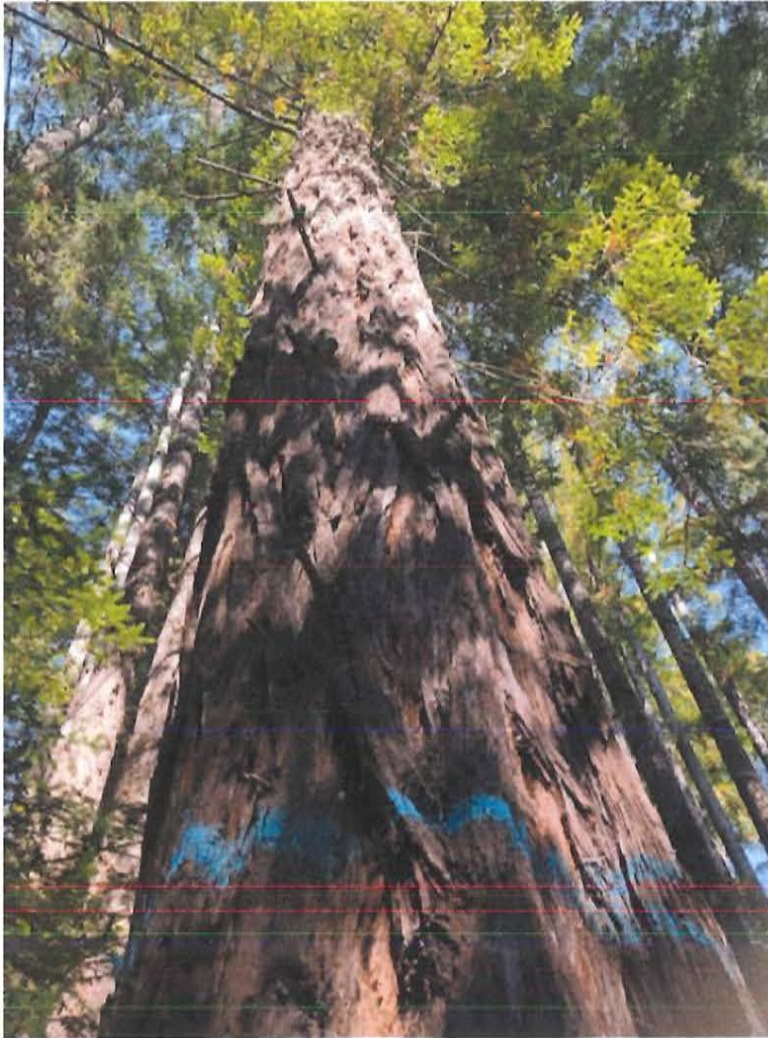
#19) Boundary flagging ~20 feet away to Annapolis Road. "Shep's Opening" THP



#20) Below: Boundary line ~20 away from Annapolis Road looking east.



21.) *Below: Redwood marked for "Shep's Opening" THP*



RESPONSE: Please see responses to Concern #1 - Concern #6 above.

The following are responses and concerns unique to public comment letter 20PC-0000000472:

- 1) *Inclusion of a totally inadequate map for Geologic and Geomorphic Features Related to Land Sliding on page #81*

RESPONSE: There was no concern about the adequacy of the map from CGS the review agency that evaluated the geology of the Plan. The map provides the basic information needed by the Review Team, CGS, and the public to evaluate the subject.

- 2) *In-lieu practices are proposed for tractor operations in Flood Prone areas. Page #28*

RESPONSE: There are no In-lieu operations proposed for the Plan as stated in Section II, Item 27. This is further supported in the PHI report, where the inspector noted in Item 34 that no in-lieu or alternative practices are being proposed.

- 3) *Sonoma County was not notified of the possible viewshed impacts of the plan.*

RESPONSE: The request for Notification of Timber Harvesting Plan Submission is referenced under 14 CCR § 1032.9. This rule states the following:

- (a) Each applicable CAL FIRE Review Team Office shall maintain a list of plans submitted each day.
- (b) When any person requests notice of submissions of timber harvesting plans, the Director shall provide the person, free of charge, with a copy of the list of timber harvesting plans submitted on the date or dates requested. If no specific date is requested, a copy of the lists for the preceding week shall be provided.

Forest Practice standard procedure is to notify counties each week of any harvesting Plans that have been filed in the county with the Notice of Submission (NOS). This THP was filed on September 9, 2020 and the NOS was sent out Friday September 10, 2020 with regular outgoing mail and addressed to: "Sonoma County Planning Dept., 2550 Ventura Ave, Santa Rosa, CA 95403." Sonoma County receives this notification from the Santa Rosa Review Team any week a Plan is filed in the county. The county then has an option to comment or request to participate in the review process.

Sonoma County submitted a public comment letter on 11/30/2020. (20PC-0000000531)

- 4) There were multiple referenced court cases listed in the concern letter with regards to visual resources assessment.

RESPONSE: The descriptions of the lawsuits focus on the California Environmental Quality Act (CEQA) requirements and assessment of quantifiable parameters for a review process in an environmental impact report (EIR), which includes an assessment of impacts on visual resources. A THP is considered a "functional equivalent" of an EIR. The Department concluded a proper assessment was made for cumulative impacts in CEQA, including the visual resources in this Plan.

- 5) The United States Forest Service (USFS) guidance document for visual impacts and value was included as reference.

RESPONSE: This document is specific to management of federal lands and is not required by a THP on private or state timberlands in California. Most of the practices listed for assessing the visual resources in the guidelines are very similar to the methods used in the CA state THP process. USFS land is public land so the USFS must manage its lands for all uses, including recreation within an area that will be logged, while this THP is located on private property that is not subject to recreational uses in the logging area.

- 6) Rule not addressed: 895.1. Definitions, Page 21: "Special Treatment Areas" are specific locations which contain one or more of the following significant resource features which may be at risk during timber operations:
 - a. Within 200 feet of the watercourse transition line of federal or state designated wild and scenic rivers;
 - b. Within 200 feet of national, state, regional, county or municipal park boundaries;
 - c. Key habitat areas of federal or state designated threatened, rare or endangered species;

- d. Coastal Commission special treatment areas;
- e. Within 200 feet of state designated scenic highways or within scenic corridors established pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 and Section 154 of Chap. 1 of Div. 1 of the Streets and Highways Code.”

RESPONSE: This definition does not apply to this THP. None of the conditions listed occur within or are adjacent to the logging area.

- 7) Rule not addressed: 957.4 *Treatment of Logging Slash in the High Use Subdistrict [Southern] Slash in the High Use Subdistrict shall be treated as follows:*

RESPONSE: This rule is specific to Southern District Plans as stated in the rule title and not applicable to this Plan which is in the Coast District.

- 8) Rule not addressed: 925.9 *Public Road Protection [Santa Clara County]*

RESPONSE: This rule is specific to Santa Clara County as stated in the rule title and not applicable to this Plan which is in Sonoma County.

- 9) Rule not addressed: 895.1. *Definitions: Fire Protection Zone (For the Coast and the Southern Forest District:) means that portion of the logging area within 100 feet (30.48 m) as measured along the surface of the ground, from the edge of the traveled surface of all public roads and railroads;*

RESPONSE: Section II, Item 30 – Hazard Reduction, clearly addresses hazard reduction within 100 feet of a public road and supported with a map on page 78 identifying the fire protection zone along Annapolis Road.

Please also see response to Concern #3 above “Wildfire Danger”

- 10) Attached Photos

RESPONSE: Most of the images that reference flagging do not include “marked” trees. The one marked redwood does not have a public road reference and does not support any viewshed impacts from the public road. THP boundary flagging indicates the edge of the harvest unit, not which trees will be harvested. Past photo examples of the Hazel THP do not appear all from the road and are misleading to the viewshed from the public road. Additionally, many of these photos seem to be taken from GRT property, clearly trespassing and do not support an impact on the viewshed available legally to the public, especially with the context that most of those traveling on the road will be in a vehicle driving 40 mph. Images of the potential Spruce THP are inconclusive since there has been no approved THP, or marked trees. These appear to be preliminary boundary flags. The selection harvest will be very difficult to see from the bridge or from any distant vista point, which is one reason the Plan submitter chose to implement uneven aged management versus even aged management. These photos do not support the claim that there will be significant impacts on the visual resources of the Plan. In contrast, these photos show an over stocked working forest in need of forestry management.

20PC-0000000478 – from Franklin Huddle on November 10, 2020

I just wanted to personally emphasize that this is an important effort to preserve one of California's most beautiful spots and one that is worth paying special attention to protecting.

RESPONSE: This comment does not point out any specific significant environmental concerns.

20PC-0000000479 – from Bob Gardiner on November 11, 2020

Please consider that the proposed logging for "Shep's Opening" & "Spruce" is bad for our under served community. Visitors approaching from the coast will assume cut and slash policy reflects the level of pride we take in our surroundings as Annapolis residents. Future residents will have lessened respect for themselves. As a long term resident of Annapolis who has raised kids and served on local school boards I am a good steward of my own small forested parcel. I do not see my second growth redwoods as lumber. They shelter my small orchard from harsh winds. The burn marks from previous fire prove that they can survive and prosper even in drought conditions. Think of your own neighboring ecosystem while you consider diminishing ours. The shep's opening message is: "As you drive up the hill feel free to toss your trash. We don't give a shit about this place."

RESPONSE: Please see responses to Concern #1 - Concern #4 above.

20PC-0000000481 – from Mitchell Shapiro on November 12, 2020

I am aware of the concern expressed by many members of Gualala and Sea Ranch community about the proposed logging along Annapolis Road, east of the two bridges over the Gualala River. I am also aware of the work Chris Pohlmann has done to mobilize opposition to the proposal. I have written before and so far as I am aware, have not received any response. In any event, I want to again add my name as being opposed to the proposal. Annapolis Road is very special to most of us living on the coast (we are part time residents). Not only do we drive to local vineyards, use it as access to hiking trails, but also frequently bike the road as part of a loop to Skaggs and back to the coast. It would be very disappointing if any logging or other activity was permitted that in any way interfered with the natural beauty and vistas. Thank you for considering these thoughts.

RESPONSE: Please see response to Concern #1 above.

20PC-0000000484 – from Sharon Lieberman on November 12, 2020

I am in total agreement with the statements in the attached letter. The footprints of these plans can and should be changed so as to protect the public's viewshed on this beautiful drive up through the recovering redwood forest, an inspiring public treasure that can be protected by adding buffer zones to the borders of these plans with minor financial impact to the applicant.

[Attached letter is a duplicate of public comment 20PC-000000472]

RESPONSE: Please see response to Concern #1 above.

20PC-0000000485 – from Jacquelynn Baas on November 12, 2020

[Duplicate of 20PC-000000472]

RESPONSE: Please see response to public comment 20PC-000000472 above.

20PC-0000000487 – from Reeta Roo on November 13, 2020

I co-signed the attached letter asking that the THP be amended to spare the view shed from Annapolis Road. I would prefer that the whole timber harvest be scrapped, as we have already lost enough forest to the fires in the state, but failing that, I would like you to spare the scenic view for thousands of drivers on the road.

[Attached letter is a duplicate of public comment 20PC-000000472]

RESPONSE: Please see response to Concern #1 and Concern #3 above.

20PC-0000000488 – from Joel Chaban on November 14, 2020

I am requesting scenic resource protection on 1-20-00144-SON, "Shep's Opening", to prevent damage and an eyesore for decades to come to our beautiful area and its scenic roads. This plan to log the forest along Annapolis Road will degrade large areas of the view shed, one of our most treasured scenic roads. The "Shep's Opening" and "Spruce" THPs, respectively numbered 1-20-00144-SON and 1-20-xxxx-SON (plan number not yet assigned), will both log next to Annapolis Road for more than a mile. The area's largest trees will be cut leaving thin, fire-prone forest on the ground and visual blight plainly visible from the road. The footprints of these plans can and should be changed to protect the public view shed on this beautiful drive up through the recovering redwood forest. These public treasures can be protected by adding buffer zones to the borders of these plans with minor financial impact to the applicant.

[Attached letter is a duplicate of public comment 20PC-000000472]

RESPONSE: Please see response to Concern #1 and Concern #3 above.

20PC-0000000489 – from Larry Hanson on November 13, 2020

I want to bring to your attention one important criterion for evaluating the adverse environmental impacts and cumulative impacts of logging under the jurisdiction of Cal Fire: Visual impacts. In the first photograph is a plan called Hazel that shows that stumps viewed from a main roadway, Annapolis Road, and is an obvious adverse visual impact to any reasonable person. The next photograph are proposed plans called Spruce and Shep's Opening that also border and can be viewed from Annapolis Road. The visual impacts are not subtle and will continue for decades and beyond. When people travel along Hwy 101North, they are treated to redwood trees galore and California is famous the world over for it. Buffer zones were appropriately created to preserve these visual viewsheds. I urge Cal Fire to require a visual buffer zone, also known as a "Beauty Strip" for the proposed plans. The timber company can make up the loss outside the viewshed so this should not be considered an economic hardship for them. A visual buffer will benefit the community in general as tourism blossoms in the area. The Resources Division itself would benefit from a congratulations by the community, the public, and by environmental organizations. Thank you in advance for reading and giving your utmost consideration to my urging for a Beauty Strip.



RESPONSE: These photos are duplicates from 20PC-0000000472 and have been addressed in the response to that public comment above.

Please also see responses to Concern #1 above.

20PC-0000000494 – from Amy Van Syoc on November 22, 2020

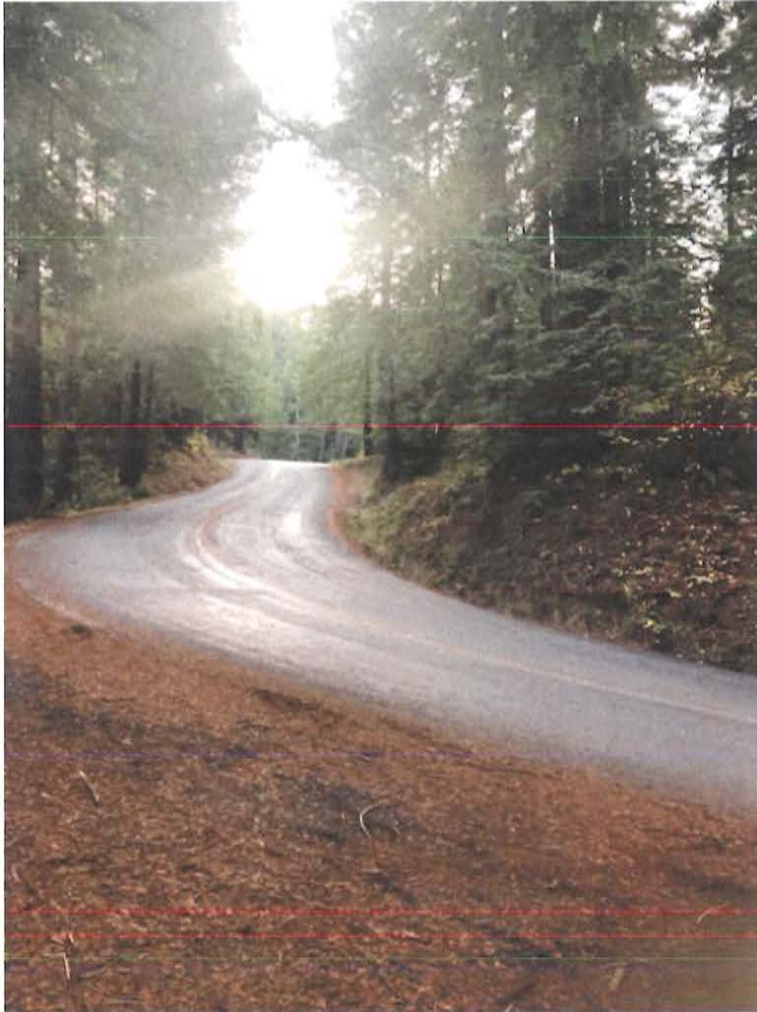
These two timber harvest plans to log the forest along Annapolis Road threaten so much in our fragile area. The footprints of these plans can and should be changed so as to protect the public's viewshed on this beautiful drive up through the recovering redwood forest, an inspiring public treasure that can be protected by adding buffer zones to the borders of these plans with minor financial impact to the applicant. After all of the horrific devastation from the recent wildfires to our ecosystem including the wildlife that is now searching for new habitat and the possible runoff to our fragile Gualala River, there are alternatives here. Please consider the timing, the area, nature herself, before you proceed with this logging plan.

RESPONSE: Please see response to Concern #1 – Concern #6 above.

20PC-0000000497 - *Please place these photos into the file for 1-20-00144-SON regarding cumulative impacts on visual resources from past, present, and foreseeable [sic] future plans.*



Annapolis Road, Spruce THP straight ahead on the curve, road continues to Twin Bridges and the Shep's Opening THP to the right and the Sea Ranch and coast to the left.



Looking uphill on Annapolis Road, Spruce THP to right, Hazel THP straight ahead at next turn



View of the recent Hazel THP taken from Annapolis road



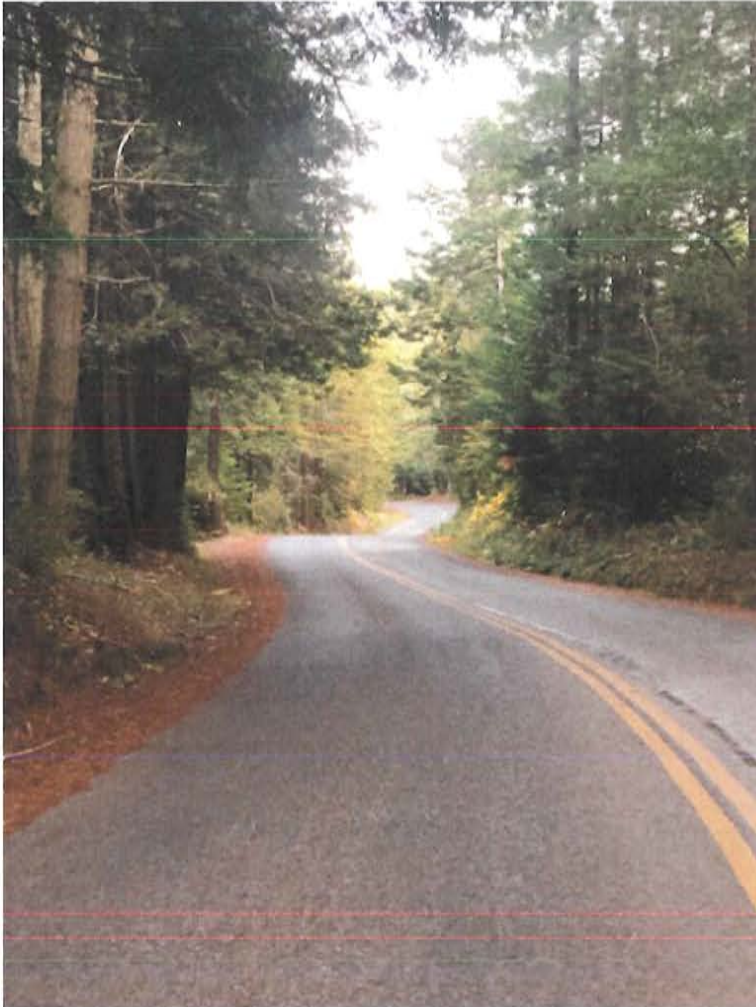
The Hazel THP viewed from Annapolis Road, the proposed Spruce THP is directly behind on Annapolis Road.



The proposed Spruce THP to left, harvest boundary pink flagging on road.



Harvest area of the Spruce THP. Old growth stump and trees next to Annapolis Road.



View downhill, Spruce to left, Hazel THP at curve in distance.



Proposed Spruce THP on left.

RESPONSE: These photos do not show any additional evidence in regards to impacts on visual resources for the Sheps Opening THP. These photos are similar or duplicates from 20PC-0000000472 and have been addressed in the response to that public comment above.

Please also see responses to Concern #1 above.

20PC-0000000513 – from Peter Sidell on November 24, 2020

As Sonoma landowners my wife, Mary Kay, and I are strongly opposed to the Shep's opening timber harvest plan. Please see the attached outline some of the reasons for our opposition.

[Attached "outline" is a duplicate of public comment 20PC-0000000472]

RESPONSE: This comment text does not point out any specific significant environmental concerns.

Please see response public comment 20PC-0000000472 above.

20PC-0000000522 – from Deborah Filipelli on November 29, 2020

I am strongly opposed to "Shep's Opening" and "Spruce" THPs, respectively numbered; 1-20-00144-SON and 1-20-xxxx-SON. This area's largest trees will be cut, leaving thin, fire-prone forest on the ground and visual blight plainly visible from the road. The Forest Practice Rules include protections against cumulative impacts to six different vital resources, one of them is "Visual Resources." These plans must be changed so as to protect the public's viewshed on this beautiful drive up through the recovering redwood forest.

RESPONSE: Please see response to Concern #1 and Concern #3 above.

20PC-0000000525 – Replaced by 20PC-0000000530 from Ed Yates, the submitter.

RESPONSE: See response to public comment 20PC-0000000530 below.

20PC-0000000529 – from Jennifer Ruffolo on November 30, 2020

Good morning, attached please find my comment letter on the Sheps Opening THP. I have recently retired from the State of California, where I worked in the area of natural resources policy at several departments and Commissions, including California State Parks, the Department of Water Resources, the Bay Conservation and Development Commission, and the California Research Bureau. I am very concerned that the continued timber operations in the Gualala and Annapolis watersheds, as proposed by the Gualala River Timber Company, will damage these irreplaceable redwood forests. Please do not approve the Sheps Opening THP.

[attached letter]

I urge you to not approve the Sheps Opening THP on the grounds that it fails to address the impacts to visual and aesthetic resources along Annapolis Road and other local roads and trails. It also fails to address the cumulative visual impacts of the XX THPs that Gualala River Timber Company, LLC (GRT) has submitted, and which CalFIRE has approved, in the vicinity of Sheps Opening. Lacking such an assessment, the THP fails to meet the requirements of the Forest Practice Rules, which as you know are a functional equivalent of the environmental analysis under the California Environmental Quality Act (CEQA).

CEQA and related case law requires an assessment and mitigation of detrimental impacts and cumulative impacts to visual and aesthetic resources, including public and private views. The Sheps Opening THP includes no analysis of visual impacts from the proposed logging operation, portions of which will be adjacent to and visible from Annapolis Road. The maps included in the THP fail show the proximity of the logging to Annapolis Road, nor does the section addressing visual resources (page 133-134) include any photos of the area proposed to be logged.

In Section IV of the THP, Cumulative Impacts Report, GRT lists the THPs that have been filed within or partially within the Mouth of the Gualala River and Annapolis Watersheds, a region of 12,885 acres. GRT owns 5,695 or 44% of the Watershed Assessment Area. Twelve THPs were approved over the last 10 years in the Mouth of the Gualala River Watershed Area, covering 918 acres, nearly 20 percent. Eleven THPs were approved in the Annapolis Watershed Area, covering 763 acres, just over 10 percent. The effects of past logging operations are visible to anyone who uses the trails and roads on the top or east side of the ridge – large areas of open land, formerly forested, are now barren, dry, and overrun with pampas grass. Although the THP notes these prior logging operations, they assert that there are no visual impacts of the Sheps Opening THP, nor any cumulative impacts of the 23 approved THPs in the watershed area. This is simply untrue.

CalFIRE cannot accept GRT's incomplete analysis as a functionally equivalent CEQA document. An adequate analysis under CEQA should include photographs, maps, and a rendering of how the site will look after logging. GRT makes no such effort. The THP states that the viewpoints and potential impacts of the proposed project are all west of the ridgeline, and therefore the proposed logging is not visible from these resources. This defies common sense. There are other roads and trails, east of the ridge, from which the proposed logging area can be seen. Annapolis Road borders a portion of the proposed logging area. The THP states that the logged area will be noticeable from Annapolis Road, but asserts, with no facts or analysis, that the area will still be well forested due to the uneven-aged management regime proposed. This is a dubious assertion based on examples of other GRT logging operations in the vicinity – in which large trees are harvested, leaving no shade and allowing thick stands of thin trees and scrub to grow instead. In those places, the mixed conifer and redwood forest has not regrown, and is not likely because GRT removed all the seed stock.

The THP also asserts that preharvest canopy closure levels will likely be met within 10-15 years, an implicit admission of visual impacts. However, the THP goes on to assert that "given the silviculture method proposed for the plan there will be no significant visual change to the timbered hillslopes, river corridor, or timbered skyline. There will be no immediate significant adverse impact or cumulative long-term effects relating to visual resources with the operation of this harvest plan." (page 134) This assertion is simply unproven, unsupported, and untrue. Further, the admitted visual impacts could be mitigated by requiring a 200-foot no-cut buffer between the road and the area to be logged. Such buffers are standard practice to protect scenic resources, as required by Forest Practice Rule Appendix Technical Rule #2, which calls for special consideration of timber operations within 200 feet of the edge of any permanent road. I urge you to reject the Sheps Opening THP on the grounds that it fails to address the immediate and cumulative impacts to visual and aesthetic resources.

RESPONSE: Technical Rule Addendum No. 2 (ref 14 CCR § 912.9) does not "call for special consideration of timber operations within 200 feet of the edge of any permanent road." This is a false claim and does not exist in the rule. This statement does exist within the FPRs for guiding

regeneration methods used in evenaged management as found under 14 CCR § 913.1 (a)(2)(A)(6). This THP does not propose any evenaged management as defined by the FPRs.

Please also see response to Concern #1 – Concern #4 above.

20PC-0000000530 – from Edward Yates (Law Office) on November 30, 2020

Re: 1-20-00144 SON "Sheps Opening" THP

Dear Madam or Sir:

I represent Save Our Annapolis Road ("SOAR") , an environmental and community group with members who live on or near Annapolis Road and the site of the Shep's Opening THP ("THP") This letter incorporates by reference the letter sent by Chris Poehlmann of Annapolis California and other letters sent by the public, elected representatives, and members of SOAR, including but not limited to Mr. Poehlmann's letter of November 9, 2020 and Mr. Poehlmann's submittal of photos to CalFire on November 23, 2020.

In brief, the THP fails to comply with the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq. ("CEQA") and the Forest Practice Act (Pub. Res. Code §§ 4511 et seq. "FPA") and the Forest Practice Rules (14 CCR §§ 895 et seq.) because the THP does not contain substantial evidence to support its conclusions regarding direct, indirect and cumulative impacts to visual resources, waste management, road safety, including traffic hazards, fire hazards and biological resources.

CEQA specifically requires that an THP identify, evaluate, and mitigate the possible significant environmental impacts of the proposed Project. (Pub. Res. Code § 21002; Guidelines §§ 15063-15064, 15071.) The lead agency is required to conduct a "thorough investigation" with respect to significant impacts and its conclusion must be November 30, 2020 based on substantial evidence. (See Pub. Res. Code §§ 21168, 21168.5, 21082.2; Guidelines § 15064(a).)

"An EIR must identify the 'significant environmental effects' of a proposed project. (§ 21100, subd. (b)(1); [Guidelines, § 15126, subd. (a).] For purposes of CEQA, 'environment 'means physical condition existing 'within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.' (§ 21060.5.) Aesthetic issues, such as public and private views, are properly studied in an EIR to assess the impacts of a project. (§ 21100, subd. (d); Ocean View Estates Homeowners Assn. Inc. v. Montecito Water Dist.(2004) 116 Cal.App.4th 396, 402–403.)

The THP provided no analysis or other evidence to support its conclusion that a large logging operation adjacent to a scenic bi-way will have no visual impact. This conclusion has been contradicted at length by both observations and evidence provided by Chris Poehlmann, a resident of Annapolis and a member of SOAR. Mr. Poehlmann provided evidence in the form of photos from the site of this proposed Sheps Opening THP other nearby similarly sized proposed and recent timber harvest plans.

The THP fails to address the Forest Practice Rules requirements regarding assessment and mitigation of impacts to recreational and visual resources and vehicular traffic impacts. (See

Appendix Technical Rule # 2 D-F) The THP also fails to address and consider Regeneration Methods Used in Even Aged Management. (See e.g. 14 CCR §§ 913.1, 913.2, 913.3.) The THP's visual and traffic safety impacts will also affect recreational users of Annapolis Road, including cyclists, walkers, and other tourists who are drawn to the area for its natural beauty. The THP includes absolutely no discussion of impacts to recreation resources and thus fails to comply with CEQA.

Thus, the only evidence in the record is public-comment letters from the public and community members with longtime familiarity with Annapolis Road which contradict the THP's baseless finding. Lay public commentary on nontechnical issues concerning the Project's size and general appearance constitutes substantial evidence supporting a fair argument. (Georgetown Preservation Society v. County of El Dorado(2018) 30 Cal.App.5th 358; see also Keep Our Mountains Quiet v. Cnty. of Santa Clara (C. C. Wozniak, as Trustee, Real Party in Interest) (2015) 236 Cal.App.4th 714 [residents' testimony on noise impact is substantial evidence]; Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903) [residents' testimony on basic traffic counts is substantial evidence]. See also Ocean View Estates Homeowner's Assn, Inc. v. Montecito Water Dist. (2004) 116 Cal.App.4th 396, 402 ["Relevant personal observations of area residents on non-technical subjects may qualify as substantial evidence for a fair argument."]).

The THP also fails to describe in any useful or reasonable detail and does not contain substantial evidence to support its conclusions regarding direct, indirect and cumulative impacts to waste management, road safety, including traffic hazards, and fire hazards including contribution to fire hazards due to log shipment. The photographs and discussion in the SOAR submitted letters include views of past (Hazel THP), present (Sheps Opening), and future (Spruce THP) timber harvest plan sites. The Sheps THP simply includes a paragraph on page 133 regarding traffic, with no traffic modeling, discussion, line of site analysis or any other analysis that could inform the reader of potential direct or cumulative impacts.

As detailed in Mr. Poehlmann's letter, disposal and management of the logging slash and other waste is not discussed, fire and safety hazards from the entry and exit from Annapolis Road of large logging trucks on the narrow, shoulder-less two lane country road are not discussed. In addition, fire hazard impacts generated by logging operations and transportation equipment, including power saws and large trucks are not discussed. Therefore, the THP does not contain sufficient data, analysis or impact assessment and is therefore not compliant with CEQA or the Forest Practices Act ("FPA"). (See e.g. § 21100, subd. (b)(1); [] Guidelines, § 15126, subd. (a).) The "agency should not be allowed to hide behind its own failure to gather relevant data." (City of Redlands v. County of San Bernardino (2002) 96 Cal.App.4th 398.)

For instance, a project may have a significant effect on the environment by increasing the risk of fire hazards, including wildfires, and must be assessed in CEQA documents. (Guidelines § 15358(b); Clews Land & Livestock, LLC v. City of San Diego(2017) 19 Cal.App.5th 161, 193.) CEQA Guidelines § 15358(b) requires that secondary effects that may be removed in time or space be assessed in all CEQA documents. CEQA's Appendix G Checklist, asks if the project would "expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands." (AR 72.) Yet the THP never actually discussed these checklist criteria or anything about wildland fire hazards due to the THP's logging and transportation operations or the increased impacts due to the

proximity of the operations to the known ignitions risks associated with a well-traveled paved public road.

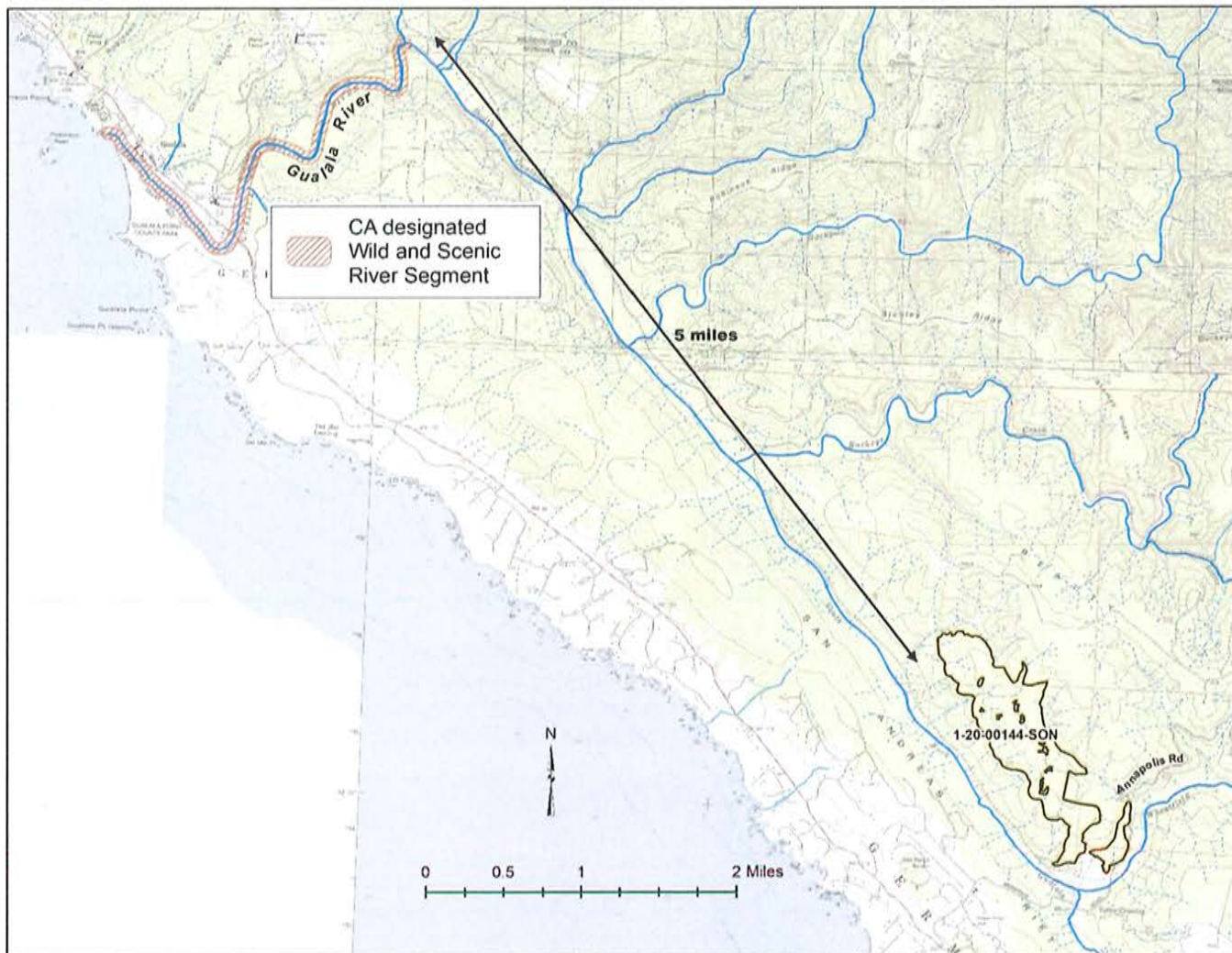
Remarkably, the THP does not contain any actual assessment of the cumulative impacts to biological resources including watercourses, wetlands, endangered species, including the Northern Spotted Owl, and special status plants and does not adequately respond to California Fish and Wildlife comments on the THP's impacts to biological resources. Generalized references are not sufficient and the description must be of the location and extent of riparian habitat on or near the Project property. (San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713.)

For instance, comments on this plan from the California Department of Fish and Wildlife ("CDFW") state that the THP must include more discussion on wildlife habitat, wildlife retention trees, Northern Spotted Owl, voles, Foothill Yellow Legged Frogs. There is no such required analysis included and CDFW's comments are not adequately addressed in the THP. If the THP does choose to defer the analysis or mitigation of such impacts, such deferral is improper without a management plan or performance criteria. (THP, First Review Report.)

In conclusion, my client organization strongly urges CalFire to not approve the THP and to direct the applicant to revise the visual impacts, waste management, road safety, traffic and fire hazards sections of the THP and to identify and analyze these impacts and adopt enforceable mitigation measures to reduce the impacts of this THP. If CalFire refuses to do so, my client will consider all of its legal options regarding CalFire compliance with CEQA and the FPA. I would be happy to discuss my client's concerns with CALFIRE staff in order to avoid any unnecessary delay regarding implementation of the THP. Thank you for your time and attention to this matter.

RESPONSE: Wild and Scenic River for the Gualala River

The main stem Gualala River from the confluence of the North and South Forks to the Pacific Ocean was designated "recreational" by the California legislature in 2003 under the Wild and Scenic River System (ref PRC 5093.50). This segment of the river runs through the estuary and continues up stream for a total distance of 3.15 miles from the ocean. The Sheps Opening THP is approximately 5 miles upstream on the SF Gualala River from the closest designated segment. Harvesting will not be near any wild and scenic portions of the Gualala River. Additionally, Annapolis Road does not access any part of the designated Gualala River as the comment suggests.



RESPONSE: Cumulative impacts to other biological resources not addressed

Section III of this THP, thoroughly discusses, in detail, the potential listed species (fauna and flora) that may be impacted by the THP and their habitat descriptions including the riparian areas of the Plan starting on page 101. This 15-page evaluation and scoping of these biological resources are organized very clearly by species, and described under the Item 32 discussion:

The scoping area for biological resources includes the plan area, that area within 0.7 miles of the plan boundary. The chosen assessment areas include the full range of biological resources (species and communities) and their habitats that might be negatively impacted from proposed timber operations.

Initial scoping was developed from a range of sources. The California Natural Diversity Database was queried on 2/24/2020. The CNDDDB QuickView Tool 9 Quad search analogous to the California Natural Diversity Database, a free public search, generated a similar list of species occurrences.

Recent past THP's within the assessment area were reviewed for notable wildlife and botanical observations. Any newly identified species would be included in the final scoping list. The scoping process for rare plants has been conducted. Much of the rare plant assessment relied on Clare Golec's 1997 Rare Plant Assessment for Gualala Redwoods Inc., updated in 2001 to reflect changes in plant listings. The CDFW web site

(<http://www.wildlife.ca.gov/>) was queried for current available species listing information on plants and animals. Another initial scoping list was generated from the U.S. Fish & Wildlife Service web sites IPaC resource list (<http://ecos.fws.gov/ipac/>) and EGOS species by county report (<https://ecos.fws.gov/ecpO/reports/species-by-current-range-county>). Federally listed species whose habitat is not associated with the assessment area were not given further consideration for a final list (i.e., pelagic sea birds, sea turtles). The NSO Database was also queried on 2/24/20.

During stand reconnaissance and in conjunction with THP layout on and off from September 2019 through March 2020 the RPF and staff conducted field evaluations for potential habitat of "listed" species and other species of special concern. During harvest plan layout and timber marking, the timber stands were inspected for nesting structures, white-wash, egg fragments, bird castings, and other wildlife signs. Species observed or their sign that could be identified was documented in the project layout field notes. Harvest trees and observed wildlife structure (ex. snags, standing culls, green wildlife trees, debris platforms etc.) were inspected during marking and the tree canopy was constantly scanned. Ground flora and fauna were also being assessed in conjunction with archaeological surveys, tractor access and reconnaissance.

The cumulative impacts assessment additionally states the following discussion for biological resources from page 129:

The boundary of this assessment area is 0.7 miles around the THP. This is the same assessment area used for northern spotted owls, which is the largest assessment area used for any terrestrial listed species. This area is large enough to assess any potential significant adverse cumulative impact to any known rare, threatened, endangered species or sensitive species impacted by this THP and not so large that factors of delusion impact beneficial assessment. The THP area represents 10% of the assessment area. This boundary was chosen because it was considered large enough to identify any key resources and still be manageable in size.

Factors considered during this assessment are the effects of harvesting on any known endangered, threatened, and rare species, special concern species, sensitive species, significant wildlife or fisheries resource concerns, aquatic and near-water habitat conditions, and biological habitat conditions of the assessment area. This includes snags, downed woody debris, multi-storied canopy, road density, hardwood cover and late seral/mature forest characteristics.

As the National Marine Fisheries Service listed the entire ESU, and not just streams that presently have Coho salmon, Chinook salmon and steelhead trout populations, mitigation measures have been described in the THP.

Should an occupied nest site of a listed bird species be discovered during timber operations, the Department of Fish and Wildlife and the Department of Forestry and Fire Protection will be immediately notified and follow the provisions of 14 CCR 919.2(d).

While preparing this plan, plants and animals that are not endangered, threatened, rare and sensitive or of special concern have been given consideration and review. Special measures to nurture and protect these species in our forests, such as making provisions for particular habitat elements of cavity nesting birds, have been incorporated into the THP.

The BAA is largely within the properties held by Gualala Redwood Timber and predominantly zoned TPZ, as timber production is its first and best use. This area is presently and has historically been occupied by the mixed conifer vegetation type and grassy openings. Most of the area has been heavily logged, grazed or used for agriculture in the past. Logged areas have naturally revegetated to second growth conifer, hardwood, brush, riparian vegetation and grass communities.

Operations associated with this project will not add or detract from these vegetation types. Species composition will gradually favor conifer over hardwoods, as this is the composition that was present prior to the first logging entry.

With sprouting, natural seeding and the planting of conifers, a well-vegetated stand will be present within 5 years, post-harvest, in all areas. The post-harvest stand should develop into a diverse stand, with both conifers and hardwoods present. Habitat for small mammals and some bird species will likely increase with new deposits of slash.

Section II, starting on page 57, the THP outlines and lists the protection measures and mitigations for listed species in the Plan area. Northern Spotted Owl (NSO) rules and regulations are documented in detail and consistent with industry standards. Additionally, the NSO supporting data for surveys, scoping and habitat analysis, along with the botanical survey for rare plants are included in Section V of the THP starting on page 167. CAL FIRE and CDFW have reviewed and accepted the responses provided to the THP requested at First Review, and from PHI recommendations which include some revisions to biological resources and deemed appropriate. These responses have been incorporated into the Plan prior to approval and are available for viewing on the CalTREES website under the attachments section of the THP.

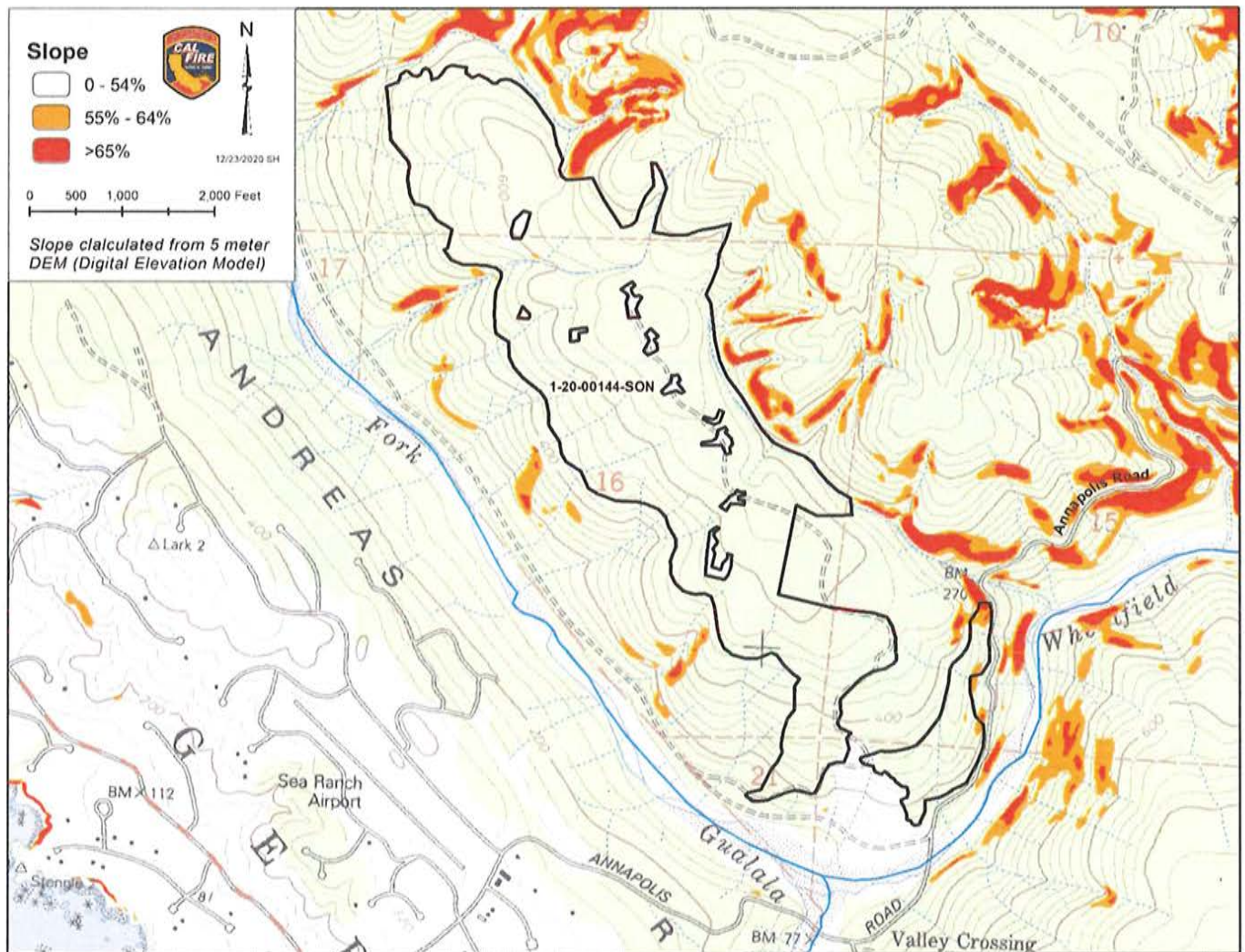
RESPONSE: Cable yarding method should be implemented

Section II, Item 16, on page 12 of the THP, the Plan proposes only ground based yarding:

ITEM #16 – HARVESTING PRACTICES

YARDING SYSTEM AND EQUIPMENT TO BE USED					
	GROUND BASED (Tractor, skidder, Forwarder)		CABLE		OTHER (Special)
<input checked="" type="checkbox"/>	Tractor, including end/long lining	<input type="checkbox"/>	Cable, ground lead	<input type="checkbox"/>	Helicopter
<input checked="" type="checkbox"/>	Rubber tire skidder, forwarder	<input type="checkbox"/>	Cable, High lead	<input type="checkbox"/>	Animal
<input checked="" type="checkbox"/>	Feller buncher	<input type="checkbox"/>	Cable, skyline	<input type="checkbox"/>	Other (describe below)
<input checked="" type="checkbox"/>	Shovel yarding				
** All Tractor operations restrictions apply to ground based equipment Reference 14 CCR 914.2 [934.2, 954.2] (All Districts)					

The PHI report for the THP on page 5 under Item 24 did not identify any slopes >65%, slopes >50% with high or extreme EHR, or slopes >50% that lead without flattening to sufficiently trap sediment before reaching a watercourse or lake. Therefore, no concern with proposed ground based yarding was noted. The THP topographic maps show the harvest area generally along the ridgetop with gradual slopes <55%. A GIS slope analysis supports these findings and that tractor yarding is appropriately justified:



Please also see responses to Concern #1 – Concern #6 above for all other general concerns outlined in this public comment.

20PC-000000531 – from Melody Richitelli on behalf of Tennis Wick (Sonoma County) on November 30, 2020

The County of Sonoma has reviewed the “Shep’s Opening” timber harvest plan (No. 1-20-00144-SON). The County recognizes the Timberland Production (TP) zoning of the Shep’s Opening THP site and values the economic and environmental benefits of managing forest resources for sustainable timber harvesting. The County offers the following comments on this THP.

Piecemealing

CEQA prohibits segmenting (also known as “piecemealing”) of projects into separate parts when the effect is to avoid full disclosure of environmental impacts. This principle applies to THPs. Section IV of the THP (Cumulative Impacts Report) notes a pending 59-acre THP (identified as 1-20-xxxx-SON and titled “Spruce THP”) that is located in the same township and range (T10N R14W) as the Shep’s Opening THP and is under the same ownership as the Shep’s Opening THP. However, no additional information about the pending Spruce THP is provided. The lack of more specific information suggests the possibility of piecemealing in this case—specifically, that the Spruce and Shep’s Opening THPs may not be separate in purpose and execution. Presumably, the timberland owner already has the information necessary to demonstrate that the Spruce THP is separate and distinct from Shep’s Opening. The County requests that the Shep’s Opening THP be revised either to demonstrate that the Spruce THP is separate and distinct, or to incorporate the Spruce THP into the Shep’s Opening THP to reflect that the two THPs are parts of a larger whole.

Visual Impacts

The THP concludes that there will be no visual impacts due to the uneven aged management regime of the plan. Uneven aged management is generally characterized as a thinning approach to harvest, leaving retained trees spaced out. The proposed silviculture is Group Selection, which is characterized by removing trees in small group areas sized from one-quarter (0.25) acre to two and one-half (2.5) acres; all trees within the group are removed. It is not clear from the THP if Group Selection openings are proposed that would be visible from Annapolis Road. Such openings adjacent to or visible from Annapolis Road would be a visual impact from a public area. Several County residents have submitted comments to CALFIRE regarding the existing degraded visual resources in the THP area, but these comments do not appear to have been considered by the RPF. The County requests that the RPF clearly identify in the THP where group openings will occur near Annapolis Road, eliminate group openings readily visible from Annapolis Road, and modify the THP’s visual impacts analysis accordingly. In addition, the THP’s cumulative visual impacts analysis is inadequate. There is no information in the THP to show how the RPF came to the conclusion that the THP will have no cumulative effects on visual resources. The THP does not discuss the existing visual conditions in the public viewshed along Annapolis Road, which is necessary to assess potential cumulative visual impacts. Moreover, the THP does not include basic information about the Spruce THP, as discussed above. The County requests that the RPF incorporate additional information regarding existing visual conditions due to past and present timber harvest activities in the assessment area, provide basic information on the Spruce THP, and clarify the basis for the conclusion that the THP will not have a cumulatively considerable impact on visual resources.

Cumulative Impacts Assessment

The THP’s cumulative impacts analysis is inadequate. As noted above, while the THP includes the pending Spruce THP in the list of past, present and future THPs within a three-mile assessment radius, the THP does not include enough information to evaluate the potential cumulative impacts of the Shep’s Opening THP in light of the pending Spruce THP in addition to the past and current THPs listed. No information is provided about the specific location of the Spruce THP, and this information is necessary to conduct an adequate cumulative impacts analysis. For example and as noted in our comments on the visual impacts analysis, without more specific basic information about the Spruce THP it is not possible for the RPF, agency plan reviewers, or members of the public to analyze whether the Shep’s Opening project, in combination with identified current and reasonably foreseeable probable future projects, has a reasonable potential to cause or add to significant adverse cumulative visual impacts. The County requests that the Shep’s Opening THP be revised

to incorporate basic information about the Spruce THP, and that the RPF expand the cumulative impacts analyses to incorporate this information.

Consistency with Sonoma County General Plan Policy OSRC-12d

A portion of the THP area is located within a County-designated Riparian Corridor. Sonoma County General Plan Policy OSRC-12d provides, in part, that the County "request that clear cutting not occur within streamside conservation areas. Where clear cutting is approved by the applicable State or Federal agency along designated Riparian Corridors, ensure that at least 50 percent of the overstory canopy and at least 50 percent of the understory vegetation be retained." The County requests that the RPF not place any group openings within or adjacent to any designated Riparian Corridor or streamside conservation area.

Consistency with Sonoma County General Plan Policy OSRC-12c

Similarly, Sonoma County General Plan Policy OSRC-12c directs the County to comment on THPs in support of increased protection of Class III streams. The County requests that the Shep's Opening THP provide the maximum reasonable protection for Class III streams in this THP.

RESPONSE: County Policy OSRC-12d

In regards to the Sonoma County General Plan, Policy OSRC-12d, the Sheps Opening does not propose any clearcutting. Section II, Item 14, page 10 of the THP lists only Group Selection silviculture for the THP. Additionally, page 11 describes that there will be no group openings placed within a watercourse and lake protection zone (WLPZ). The Class II WLPZ protection measures are outlined in Section II, Item 26, on page 44 of the THP:

Class IIs

- The WLPZ is flagged at a slope dependent width of 50, 75 or 100 feet with blue/white striped "Lake and Watercourse Protection Zone" flagging in addition to solid orange flagging for greater visibility.
- Core Zone is 15 feet from the watercourse transition line, no timber operations except for those listed in {14 CCR 916.9(e)(1)(A)-(F)}. No timber operations are proposed within any channel zone of a Class II except for work at map points and watercourse crossings allowed pursuant to {14 CCR 916.9(e)(1)(A-F)}.
- Inner Zone is variable width, slope dependent, ranging from 35 to 85 feet from the core zone, a minimum 50% multi-story canopy shall be retained within this zone.
- The overstory canopy must be composed of at least 25% overstory conifer canopy postharvest. If the above noted canopy levels are lacking in any given area timber is not marked for removal in that area, however it may be marked elsewhere in the zone.
- WLPZ identification, flagging, and timber marking shall be completed prior to the PHI

The THP as proposed already complies with the Sonoma County requests under Sonoma County Policy OSRC-12d.

RESPONSE: County Policy OSRC-12c

The 2020 Sonoma County General Plan, Policy OSRC-12c on Page OS-40 states; "Where applicable, comment on timber harvest plans in support of increased protection of Class III streams."

Section II, Item 26 starting on page 44 of the Sheps Opening THP describes in detail the watercourse protection measures as required by 14 CCR § 916:

There are many Class III watercourses within the plan boundary. The Class III watercourses are clearly marked with solid blue flagging along the centerline of the watercourse. Class III watercourses shall have a 30' ELZ for slopes less than 30% or 50' ELZ for slopes greater than 30%. Tractor road crossings will be made during dry, rainless periods when soils are not saturated. All tractor road crossings are temporary and the watercourses shall be reestablished with the approaches sloped back to prevent back cutting.

Temporary tractor road crossings of Class III watercourses shall be made when watercourses are without flowing water during operations at that crossing. Tractor operations shall only use existing, stable tractor road crossings that do not require timber to be cut at the crossing for their re-use. No new construction of tractor roads is permitted within the ELZ.

Any existing tractor road approach, crossing or existing tractor road used within 50' of a Class III watercourse shall be stabilized as per Item #18, SOIL STABILIZATION MEASURES - Slash Pack Guidelines.

Trees will be felled away from the centerline of Class III watercourses to the fullest extent possible, as per 14 CCR 91 4.1 (a), with the exception that trees be felled across Class III watercourses to avoid damage to Class II WLPZ.

Class IIIs will:

- Retain all pre-existing large wood on the ground within the ELZ that is stabilizing sediment and is necessary to prevent potential discharge into the watercourse.
- Retain all snags and hardwoods where feasible.
- Retain all trees in the ELZ and channel zone which show visible indicators of providing bank or bed stability, excluding sprouting conifers that do not have boles overlapping the channel zone. Visible indicators of stability include roots that permeate the bank or provide channel grade control.

The CAL FIRE Inspector, on page 5 of the PHI report concluded that proposed protection measures for watercourses, lakes and wet areas were adequate to protect the beneficial uses of water, native aquatic and riparian species, and the beneficial functions of the riparian zone. Additionally, it was determined that proposed protection measures were adequate for areas near, and areas with the potential to directly impact watercourses and lakes for sensitive conditions. The Review Team has determined that the proposed THP is consistent with Sonoma County Policy OSRC-12c and protects Class III watercourses, and these protection measures as proposed in the THP are appropriate. The proposed Class III watercourse mitigations have been determined to be consistent and in compliance with the Forest Practice Rules by the Department.

Sonoma County is welcome to propose specific rules to the Board of Forestry and Fire Protection pursuant to PRC section 4516.5 should they have concerns about timber operations in the County, but otherwise Sonoma County does not have the authority to regulate the conduct of timber operations.

Please also see responses to Concern #1 – Concern #6 above for all other general concerns outlined in this public comment.

21PC-0000000135 and 21PC-0000000136 – Both letters were received in January 2021, well after the close of comment, but were still reviewed and did not include any new significant environmental concerns.

REFERENCES

CEQA Portal Topic Paper. *Definition of Project Under CEQA*. Available on 12/29/2020 at <https://ceqaportal.org/tp/Project%20Description%2003-23-16.pdf>

2020 California Environmental Quality Act. *Statute and Guidelines*. Available on 12/15/2020 at https://www.califaep.org/docs/2020_ceqa_book.pdf

2020 California Forest Practice Rules and Forest Practice Act. Available on 12/1/2020 at <https://bof.fire.ca.gov/regulations/bills-statutes-rules-and-annual-california-forest-practice-rules/>

SUMMARY

The preharvest inspection held on September 22, 2020 concluded that the Plan was found to be in conformance after the successful completion of the agreed upon recommendations, which were incorporated into the Plan prior to approval.

The Second Review meeting held on November 12, 2020 concluded that the THP had certain significant cumulative impacts which were identified but were mitigated, and found to be in conformance with the Act and the Rules of the Board of Forestry and Fire Protection. It was recommended for approval on November 16, 2020 after minor clarifications were accepted and incorporated into the Plan prior to approval.

The Department has reviewed the concerns brought up through the public comment process and has replied to them by this Official Response. This process has not demonstrated any new significant points that would warrant a recirculation of the Plan pursuant to 14 CCR § 1037.3(e), or a recommendation of nonconformance pursuant to 14 CCR § 1054. The THP states in Section I, under Item 13(b) "After considering the rules of the Board of Forestry and Fire Protection and the mitigation measures incorporated in this THP, I (the RPF) have determined that the timber operation will not have a significant adverse impact on the environment". The Department finds that the RPF has sufficiently documented that there shall be no unmitigated significant impacts to the identified resources under this THP.

It is the Department's determination that this THP, as proposed, is in compliance with the FPRs and has been through a detailed multi-agency review system. The discussion points and mitigation measures included in the THP have been found to be appropriate to address the concerns brought up by the public comment process. The conclusions reached by the Department and the other state resource agencies are based on decades of professional experience associated with the review of similar harvest plans.