



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

NORTHERN REGION HEADQUARTERS REDDING

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Redding, CA 96002  
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OFFICIAL RESPONSE OF THE DIRECTOR OF THE CALIFORNIA DEPARTMENT  
OF FORESTRY AND FIRE PROTECTION  
TO SIGNIFICANT ENVIRONMENTAL POINTS RAISED DURING THE  
TIMBER HARVESTING PLAN EVALUATION PROCESS

THP NUMBER: 2-20-00147-TRISUBMITTER: Sierra Pacific IndustriesCOUNTY: Trinity

END OF PUBLIC COMMENT PERIOD: March 9, 2021

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: March 11, 2021

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

Sincerely,

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

cc:  
Unit Chief  
Keith Greenwood, RPF  
Dept. of Fish & Game, Reg. 1  
Water Quality, Reg. 1  
Hugh Ashley

**COMMON FOREST PRACTICE ABBREVIATIONS**

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

## **NOTIFICATION PROCESS**

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

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

## **THP REVIEW PROCESS**

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

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

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

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

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

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

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

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

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

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

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



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

### Public Comment

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

**The following issues/concerns were raised during the public comment period and are addressed as follows:**

**Concern #1: CAL FIRE received a letter expressing concerns related to road use across an individual's property.**

**Response #1:** The Public Comment Letter was received prior to the Pre-Harvest Inspection (PHI), among other individuals, the letter was forward to the CAL FIRE Forest Practice Inspector and the RPF. The CAL FIRE Forest Practice Inspector who attended the PHI provided the below response in their PHI Report.

78. Response to any Public Comment received prior to the conclusion of the PHI, if any: A public comment was received from Hugh Ashley regarding road use across his property. I am familiar with the road in question. This road has been used during multiple other THP's in the area by SPI and other landowners. It is important to note that this road is not appurtenant to this THP. This segment of the road is not owned or controlled by SPI. The portion of the road in question is not gated. Mr. Ashley requested several items in his comments: 1. Have CAL FIRE require road repairs with a pre and post meeting. CAL FIRE cannot require this of SPI or their contractors on non-appurtenant roads. 2. Require dust suppression on dirt roads. The forest practice rules require treatment of the road surface to mitigate fugitive dust. 3. Have CAL FIRE require notification to landowners prior to operations. Notification to CAL FIRE prior to operations is required, but CAL FIRE cannot require the RPF or LTO to contact adjacent landowners. 4. Have CAL FIRE require trucks travel at a safe speed. While I certainly hope the vehicle operators will operate safely, this cannot be required through CAL FIRE under the forest practice rule authority. In general, I understand the concerns of Mr. Ashley, but these concerns are better addressed directly with SPI, rather than through the THP process. During talks with the RPF during the PHI, it is my understanding he has spoken to Mr. Ashley and the concerns raised by Mr. Ashley have been addressed.

CAL FIRE regulates the harvest of timber on private lands and road use on roads located within the THP boundary which are owned by the subject timberland owner and roads considered appurtenant to the plan. Appurtenant roads *means a logging road under the ownership or control of the timber owner, timberland owner, timber operator, or plan submitter that will be used for log hauling.* (Ref. 14 CCR §895.1)

Issues regarding the use of non-appurtenant roads located outside of the THP boundary are of a Civil nature, beyond CAL FIRE jurisdiction, and must be pursued by the actual parties who have been damaged as a result of actions of another. To this end, PRC 4572 requires that all licensed timber operators (LTO's) in the state have general liability insurance before they are allowed to conduct timber operations:



4572 (A) Commercial general liability insurance for not less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage combined, including within that limit, or in a separate limit, loggers third party property damage liability.

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

In-regards to dust resulting from timber operations, 14 CCR 943.7(c) of the Forest Practice Rules specifically address the need for dust abatement (stabilizing road surface fines), which can be accomplished by a variety of means, including but not limited to watering, chemical treatment, asphalt, or rocking. The licensed timber operator is required to stabilize road surface fines on roads located within the THP boundary and on appurtenant haul road.

In many cases, watering is done in the dark in order to let the water set into the road and provide a firm base. This is designed to limit the amount of water needed for hauling, whereas watering during the daylight hours can expose a lot of the water to evaporation before setting up and firming the road base.

It is important to note that issues or problems related to dust on any public road system is beyond the scope of CAL FIRE's authority, however the plan submitter is still responsible for meeting all other laws that may pertain to the use of public roads.

While it may seem harsh when a state agency advises that one's only recourse in a civil dispute is court action, it is not out of lack of concern such statements are made. CAL FIRE must regulate within their judicial bounds of authority and cannot adjudicate disputes outside such limits. The judicial system has the authority to deliver judgment regarding property boundary and road use disputes and specifically exists to resolve matters such as these.

With regards to the request for the Landowner to notify additional parties prior to the start of Timber Operations. CAL FIRE only has the jurisdiction to enforce the Rules and Regulations as written. The landowner has satisfied all notification requirements.

CAL FIRE has been transitioning to a transparent and easily accessible online portal for Timber Harvest Document data tracking and record retention. The new platform is called CalTREES and has a variety of user friendly functions. The new portal has a notification function for individuals and organizations who want to receive documents electronically.

Below please find the link to the website. You can either navigate from the website to Timber Harvest Documents and search as needed or scroll to the bottom of the screen and select the "Subscribe to Notifications" button to start the process to get documents for areas you specify emailed to an address of your choice.

CalTREES Portal: <https://caltreesplans.resources.ca.gov/caltrees/>

## **SUMMARY AND CONCLUSIONS**

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

**CAL FIRE has reviewed the potential impacts from the harvest and reviewed concerns** from the public and finds that there will be no expected significant adverse environmental impacts from timber harvesting as described in the Official Response above. Mitigation measures contained in the plan and in the Forest Practice Rules adequately address potential significant adverse environmental effects.

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

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

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

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



Hugh T. Ashley  
P.O.Box 292  
290 Oregon Mountain Ridge Road  
Weaverville, California 96093-0292

September 14, 2020

Mr. John Ramaley, RFP #2504  
Forest Practice Program Manager  
CAL FIRE  
Department of Forestry and Fire Protection  
Northern Region Headquarters  
6105 Airport Road  
Redding, California 96002

RECEIVED  
SEP 14 2020  
REDDING  
FOREST PRACTICE

Reviewed by	Dist. by
Dist. Date	Date
RD	TO
FG	TO
WD	TO
ARCH	LTC
RFP	DWG
ANAL	BOE
OTHER	
FPS	LR
Status	

**SUBJECT: PUBLIC COMMENT Timber Harvest Plan NO 2-20-00147 TRI**

Dear Mr. Ramaley:

I am writing to express my ongoing concern over the proposed timber harvest operations (plan # 2-20-00147 TRI) and specifically transport through my property and down Oregon Street in Weaverville, CA under the subject THP.

The road through my property and sections of road on Oregon Street have physically deteriorated, I am presuming, because of the heavy loads of the timber trucks that carry harvested trees along these roads. My road and trees along the road have been damaged not only by trucks but also by heavy equipment - dozers, excavators and water truck traffic. The slope of the road from high side to low side through my property has dropped significantly (4-6 inches) due to the heavy loads from timber operations and erosion - particularly in wetter seasons.

Additionally there are portions of paved roads on Oregon Street, particularly the flat area, that have deteriorated - sunk on the road edges. I am reasoning this deterioration has occurred due to the heavy loads passing over them. I noticed this deterioration occurred during periods of timber harvest starting in 2017. These road conditions are creating unsafe conditions through unsafe acts and creating the potential for an accident.

I am making the following requests that:

- 1 CAL FIRE require road repair by the harvest contractors particularly on dirt roads through private property. This will require a pre-operations and post damage assessment of the road conditions.
- 2 CAL FIRE require dust suppression on dirt roads through private property.



3 CAL FIRE require notification to landowners before timber operations begin for private property accessed without permission or notification. I am aware of your notifications for properties within 300 feet of proposed THPs. However, for properties with impacts deteriorating to land and watersheds due to those operations that are not within the specified 300-foot distance, are left with little recourse other than to put up gates so those operations are temporarily hampered until they are illegally removed or some compensation is agreed.

4 CAL FIRE require trucks traveling on unpaved private property drive at a speed that is sensible and safe to minimize dust and to prevent an accident.

SPI appears to have graded its property up to the limit of our adjacent property line. I would reason that they would not want to lose a load of timber on my property because of the deterioration, erosion and change in slope exacerbated or caused by their timber and heavy equipment transport operations. I want to be a good neighbor, but timber operations over the last three years have significantly altered the slope of the road through my property. The fix is probably cheaper than an accident due to their ignoring the issues...or maybe they don't even think about it.

If you have any questions please feel free to contact me. If I am barking up the wrong tree, please either forward this letter to another jurisdiction who can follow-up and communicate about it or to the appropriate contact at Sierra Pacific Industries BEFORE the CAL FIRE subject THP APPROVAL.

Thanks for your time and consideration.

Sincerely,

Hugh T. Ashley  
Parcels## 024-680-36-00, 024-680-39-00 (Tams)  
T33N 10W Section10

Cc: File

**Ramaley, John@CALFIRE**

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**From:** Hugh Ashley <mr.mongous@yahoo.com>  
**Sent:** Monday, September 14, 2020 11:14 AM  
**To:** Redding Public Comment@CALFIRE  
**Subject:** PUBLIC COMMENT Timber Harvest Plan NO 2-20-00147 TRI  
**Attachments:** Public Comment THP #2-20-00147 TRI\_ltr.pdf

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

M. Ramaley, Please review my comment letter (PDF) attached below, before the approval of the subject timber harvest plan.

Thank You,

Hugh T. Ashley  
(916) 202-4154

[mr.mongous@yahoo.com](mailto:mr.mongous@yahoo.com)

P.O. Box 292  
290 Oregon Ridge Road  
Weaverville, CA 96093-0292