

**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:
SUBMITTER:
COUNTY:
END OF PUBLIC COMMENT PERIOD:
DATE OF RESPONSE AND APPROVAL:

1-20-00203-SON
Richardson Ranch LLC
Sonoma
February 21, 2021
April 13, 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

Staff Forester / JR

cc: RPF, Unit, File; Timber Owner, Timberland Owner and/or Submitter
CP, CDFW, DPR, & RWB

<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:

- 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.

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 (14CCR §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.

FOREST PRACTICE TERMS

ADA	Americans with Disabilities Act	LTO	Licensed Timber Operator
ASP	Anadromous Salmonid Protection	MAMU	Marbled Murrelet
BMP	Best Management Practice	NCRWQCB	North Coast Water Quality Control Board
BOF	California Board of Forestry and Fire Protection	NSO	Northern Spotted Owl
CAL FIRE	Calif. Dept. of Forestry & Fire Protection	OR	Official Response
CCR	California Code of Regulations	PC	Public Comment
CDFW	California Department of Fish and Wildlife	PHI	Pre-Harvest Inspection
CEG	Certified Engineering Geologist	PRC	Public Resources Code
CEQA	California Environmental Quality Act	RWB	Regional Water Quality Control Board
CESA	California Endangered Species Act	RPF	Registered Professional Forester
CIA	Cummulative Impacts Assessment	THP	Timber Harvesting Plan
CGS	California Geological Survey	TMDL	Total Maximum Daily Load
CSDS	Controllable Sediment Discharge Sources	TPZ	Timber Production Zone
DBH/dbh	Diameter Breast Height	USFWS	U.S. Fish and Wildlife Service
DPR	Department of Parks and Recreation	WDR	Waste Discharge Requirements
ECP	Erosion Control Plan	WLAS	Watershed with Listed Anadromous Salmonids
FPR's	California Forest Practice Rules	WLPZ	Watercourse & Lake Protection Zone

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

BACKGROUND

Timber Harvesting Plan (THP) # 1-20-00203-SON "Bootleg" proposes to harvest timber on 267 acres of Richardson Ranch LLC timberland using the selection silvicultural method. The THP was received by CAL FIRE on December 02, 2020, accepted for filing on December 10, 2020, and a Preharvest Inspection (PHI) was conducted on January 5, 2021. Attendees on the PHI included Dan Falk the RPF, Elliott Brooks, Justin Fitt and Jim Burke from NCRWQCB, Dave Longstreth, CGS, Barry Miller, CDFW, and Kim Sone, the CAL FIRE Inspector. Ben Harris the CAL FIRE Archeologist, completed a preconsultation meeting on June 10, 2020. The Final Interagency Review (aka Second Review) occurred on February 10, 2021. The Second Review Chair requested minor clarifications during the meeting. The RPF responded to those recommendations, and on February 11, 2021, the Second Review Chair accepted the revisions and recommended the Plan for approval. The public comment period then ended on February 22, 2021. The initial deadline for the Director's Determination Deadline (DDD) was set for March 15, 2021 per 14 CCR § 1037.4. Two extensions were granted extending the DDD to March 29, 2021, and then to April 13, 2021, in order to address public comments and generate the Official Response (OR) to concerns brought up by the public.

PUBLIC COMMENT SUMMARY

During the public comment period for this THP as described above, there were 23 public comment letters received at the CAL FIRE Region Headquarters in Santa Rosa. These public comments brought up concerns that are addressed in this Official Response (OR). General concerns are grouped by subject matter and followed by the Department's response. There were several concerns about archeological issues and were considered confidential in nature. Those comments were removed or separated and responded to in a different confidential OR. Original text taken directly from the public comments are presented as italicized text. Words that are emphasized in responses have underlined font. Unique individual concerns from a public comment letter are addressed after the general concerns immediately following that comment along with referencing any general comment responses that may be associated with that response. 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 Plan # in the Record Number box (county identifier not needed). Under the Document Number column, select the Plan Number for the "Timber Harvest Plan" Type. Below the "Record Details" should be a list of attachments for the Plan. (Note: if there are a substantial number attachments, or attachments with large file sizes, it may take some time to load) The Public Comments are labeled under "Record Type" and are in pdf format, usually with a "PC" label.

SUMMARY OF SIGNIFICANT ENVIRONMENTAL GENERAL CONCERNS WITH RESPONSES

1. GENERAL CONCERN: Conflict of Interest

The public believes that significant environmental issues could be hidden or ignored because of a conflict of interest. The RPF, Daniel Falk, represents the landowner, Richardson Ranch LLC, and the licensed timber operator (LTO), Richardson Ranch LLC. It is also recommended that all surveys be conducted by outside neutral consultants.

RESPONSE: The California Forest Practice Rules do not prohibit an RPF from preparing a THP on their own land. There is also no requirement to hire outside neutral consultants. The RPF is subject to the provisions of the Professional Foresters Law, including Disciplinary Guidelines (14 CCR 1612.1). If found guilty of fraud, deceit, or gross negligence in his or her practice, they are subject to revocation or suspension of their license.

The RPF provided the following statement on January 25, 2021, in response to the PHI recommendations:

Daniel Falk is a 5th Generation ranch and timberland steward in the Richardson Family. His 25 years of mentored work under Harold Richardson established a continuity of stewardship principles sent down by Harold Richardson and his forebears. The evidence of the quality of management is easily seen throughout the ownership in areas proposed for current harvest, areas of past harvest, the established Conservation Easement area, and with the continued preservation of the Harold Richardson Redwood Reserve.

The THP lists Richardson Ranch LLC, #C530, as the LTO. The California Forest Practice Rules also do not prohibit an LTO from working on their own property. The LTO is responsible for complying "with all provisions of the Act, Board Rules and regulations, the applicable Notice and any approved amendments (14 CCR 1035.3(d))." The California Forest Practice Rules allow for a "C" license under 14 CCR 10.22.1(c), which allows the LTO to work on their own property:

The Director may issue a License to an Applicant who is either the sole proprietor of, principal owner of, or principal officer of, an entity that owns the land on which all Timber Operations under the License will be conducted, and the Applicant will supervise those Timber Operations. Proof of such interest shall be provided to the Director prior to the issuance of such a License. Said License type is designated as "Restricted Timber Operator License", or "(C)".

The LTO listed on a Plan is not always the LTO that will complete timber operations. It is common for additional LTOs to be amended into the THP after it is approved.

The RPF provided the following statement on January 25, 2021, regarding the public's conflict of interest concerns:

The Bootleg THP was prepared not only by the RPF of record Daniel Falk, but with assistance of outside third party consultants.

- Elliott Brooks RPF#2910, and Zachary Jones RPF#2814 helped with layout and plan preparation.
- Engineering Geologist Elias Stienbuck #2669 was consulted for landslides and geology related issues.
- Elliott Brooks and supervised designee Gabby Tapia assisted Daniel Falk with NSO surveys.
- Elliott Brooks assisted Daniel Falk in MAMU surveys and prepared the pre-consultation for MAMU with DFW.
- Elliott Brooks performed Botanical surveys and Stream Surveys for the plan area.
- Archaeological surveys and the Section VI CAA was done by Elliott Brooks. Prior to the submittal of the THP a pre consultation was performed in the field with both the Kashia Band of Pomo Indians Tribal Historic Preservation Officer Elaini Vargas, and Calfire's Associate State Archaeologist Ben Harris.

RRLLC LTO #C530 was transferred in 2012 when Harold Richardson established his ownership as an LLC. Prior to that the LTO#C530 for Harold Richardson's personal logging operations on his property were assigned to him for decades. A reflection of how low the number is in relation to when the state began issuing LTO licenses. Please review it for its record of long standing forest practice operations and lack of violations. The class C LTO license is specifically assigned by Calfire to landowners to do timber operations on their own property. Daniel Falk, owner of Falk Forestry Inc, also has a class A LTO license #A011951.

CAL FIRE concludes that there is no legal prohibition from a landowner acting as the RPF and/or LTO. The two licenses require professional conduct and compliance with the California Forest Practice Rules. The California Forest Practice Rules were written with the allowance for landowners preparing, administering, and conducting timber operations on their own land.

2. GENERAL CONCERN: Cumulative Impacts Assessment

There has been excessive logging along the Middle South Fork of the Gualala River and that the Cumulative Impacts Assessment (CIA) is not complete. There is also concern that not all past projects have been included in the CIA.

RESPONSE: The CIA part of the Plan follows the instructions found in the "Board of Forestry Technical Rule Addendum No. 2" which describes past projects: "... For the purposes of this section, past projects shall be limited to those projects submitted within ten years prior to submission of the THP. Plans such as 1-95-250 SON do not have to be included in the ten-year history because they were submitted over ten years ago.

There is also concern that there have been substantial salvage operations in 2017-2018. These are also described as undocumented timber harvests. The RPF has disclosed these operations on page 86.1 of the THP:

Cumulative Effects Analysis do not generally include exemptions (10% DD&D). The watershed's 486 acre figure includes all parcels from past exemptions where some harvesting occurred. The total acres of timber operations was less, however the numbers have been rounded up to capture all possible harvested areas.

Under the California Forest Practice Rules, certain timber operations are exempt from filing a Timber Harvesting Plan. These include timber operations under 14 CCR 1038 (b) for the "Harvesting dead trees, Dying Trees, or Diseased Trees of any size, fuelwood or split products in amounts less than ten (10) percent of the average volume per acre, or the removal of Slash and Woody Debris that is not located within a WLPZ." These operations are considered low impact because they are only removing less than 10% of the average volume per acre. Timber operations must also must comply with all the FPR's including, but not limited to, wet weather operations, watercourse protection, avoidance of unstable areas, and avoidance of ground based operations on steep slopes. Because of this, 14 CCR 1038 (b) operations are normally not accounted for in the CIA.

There is concern that a majority of the Middle South Fork watershed has been logged within the recent past. One letter refers to the past 8 years while other reference longer time-frames with varying degrees of watershed disturbance. This discussion will not rebut each rate-of-harvest calculation, but disclose what the Department considers to be the appropriate time frame and standards.

For the purposes of the CIA, only plans that were submitted within the past ten-years are considered. After ten years, the impacts from previous operations diminish considerably as forests regrow. It should also be noted that the majority of past harvests have included only selection harvesting, retaining second-growth forest stands with considerable canopy cover. Previous harvests have allowed retained trees to grow with less competition. Healthy redwood and Douglas-fir stands have an amazing ability to take advantage of canopy openings to grow larger crowns and larger trees, which will not only enhance wood product quality, but wildlife habitat over time.

Page 86.1 of the plan discloses that 1924 acres, or 24 percent of the 7,910 acre Middle South Fork Gualala River Planning Watershed (#1113.850103), has had projects approved, reviewed and/or logged during the last decade. All of the harvest that has occurred has been selection. With the inclusion of the Bootleg THP, the percentage increases to 28%. This does not indicate a high rate of land disturbance. Descriptions of rate of harvest is found on page 86.2 of the THP.

While there is a potential for concern in regards to high watershed harvest rates or the effects of harvesting on peak flows, erosion and suspended sediment associated with canopy removal I would like to suggest that more concern should be directed to the scientific evidence linking roads to sediment rather than the rate of harvest. THPs over the last 10 years, current THPs and future THPs all have included measures consistent with low impact level of harvesting. Through Best Management Practices (BMPs) and site specific measures the cumulative effects of road generated sediment, legacy logging and to a lesser the extent current and future harvesting practices can be adequately ameliorated. Impacts from succeeding harvests are typically less than the initial entries since reuse of existing facilities minimizes the amount site

disturbance compared to new truck and tractor road construction. Re-entry also provides an opportunity to re-evaluate existing access networks and correct any developing problems which may be encountered.

The RPF provided the following information on January 25, 2021, in response to the PHI recommendations:

Stocking records for previous THPs in the past 10 years of the Cumulative Impacts Assessment Area show that on average the minimum stocking standard retained was at least double. Stands show marked improvement and growth in their 10 year Periodic Annual Increments. All past THPs have only proposed unevenaged silviculture harvests. The ownership is not restricted to unevenaged management except on areas with Conservation Easements. All decisions to maintain unevenaged Silvicultural practices have been made by the owners for the highest standard of stewardship for the watershed.

The THP proposes no harvest along the Watercourse Lake Protection Zone of the South Fork Gualala River. The WLPZ buffer extends from the edge of the Watercourse Lake Transition Line of the Class I watercourse 100-400 feet (depending on location, but the minimum width of the Class I WLPZ for Selection Silviculture is only 100 feet). Within the flagged Class I WLPZ the landowner has decided against harvesting any trees to help protect the esthetic view from the river along with allowing additional buffer protection of the Class I Watercourse. The only trees within the WLPZ that will be harvested will be for safety issues or cable corridor clearance as allowed by the forest practice rules and proposed under the THP.

RRLLC has planted over 120,000 redwood trees, though not required for stocking. The ownership's silviculture improvement program has purchased and planted these redwood seedlings to improve long term species composition and forest health.

The public questions what thresholds are used to determine cumulative impacts. PRC 15064.7 relates to Thresholds of Significance. This code section states that; "Each public agency is encouraged to develop and publish threshold of significance that the agency uses in the determination of the significance of environmental effects." At the present time, no such thresholds have been established in the Forest Practice Act or Rules. This direction is for agency level action and is beyond the scope of the review of a single harvesting plan. A concern of this scope would be better directed to the Board of Forestry with a suggestion that the rules be revised to include such thresholds.

Baselines and thresholds are not terms defined in the Forest Practice Rules. The descriptions found in the THP, the results of the preharvest inspection (documented in reports by CAL FIRE and other agencies), and review team meetings are the sources of information used for the Department to make a determination that the no significant unmitigated cumulative effects are likely to occur.

The public is also concerned that reviewing individual THPs is “piecemealing” under CEQA and requests that the Plan be reviewed along with all other plans, rather than independently. The definition of piecemealing is as follows from the CEQA Portal:

Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency 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. Segmenting a project may also hinder developing comprehensive mitigation strategies.

In the case of THP 1-20-00203 SON, the RPF proposed a timber harvest plan with a logical logging area that could be completed within the 5-year planning horizon. 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 submission of previous and subsequent THPs in a planning watershed are part of the planned continuous management and are included in the past projects as well as future projects discussion in the CIA discussion. This does not constitute piecemealing because one large project is not broken into smaller parts solely to hide the environmental impacts. Future harvests are often too speculative to be evaluated, but they are still mentioned and indicate that they would be subject to future review.

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 Bootleg THP.

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.

3. GENERAL CONCERN: Timber Operations in Watercourses and Water Quality Impacts

The proposed THP could cause additional impacts to the Gualala River, a 303(d)-listed watercourse.

RESPONSE: The THP drains to the South Fork of the Gualala River, which is a 303(d) listed for sediment and temperature. A Total Maximum Daily Load (TMDL) for Sediment for the Gualala River was established by the U.S. Environmental Protection Agency in December 2001, and adopted by the NCRWQCB in November 2004. The entire Gualala River is 191,200 acres. The South Fork and Mainstem subwatershed contains 40,800 acres. The proposed THP proposes 267 acres of selection harvest within the CALWATER version 2.2 #1113.850103 "Middle South Fork of the Gualala River" watershed, which is 7,904 acres. The harvest area makes up 3.3% of the planning watershed and less than one percent of the greater subwatershed.

The THP includes an Erosion Control Plan (ECP) in THP Section V, pages 163 – 173. The ECP documents an inventory, prioritization, and proposed treatment of potential Controllable Sediment Discharge Sources (CSDS) in the plan area. This plan has zero CSDS's, which were confirmed in the NCRWQCB PHI report. This implies that the landowner has done a good job of maintaining their current road system by upgrading and maintaining watercourse crossings and roads to prevent erosion. It should also be noted that the existing and proposed roads are located along the main ridge line, which avoids proximity to watercourses and decreases the chances for sediment discharge.

A representative from the NCRWQCB attended the PHI, and made three recommendations to mitigate for impacts to water quality. The RPF has revised the THP to address the recommendations.

The NCRWQCB PHI report stated:

The purpose of the Gualala River sediment TMDL is to identify the total load of sediment that can be delivered to the Gualala River and its tributaries without violating water quality standards, and to allocate the total load among the sources of sediment in the watershed. These load allocations, when implemented, are expected to result in the attainment of the applicable water quality standards for sediment for the Gualala River and its tributaries.

As part of its efforts to control sediment waste discharges and restore sediment impaired water bodies, the Regional Water Board adopted the Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region, which is also known as the Sediment TMDL Implementation Policy, on November 29, 2004. This Policy was adopted through Resolution R1-2004- 0087. The

Sediment TMDL Implementation Policy states that Regional Water Board staff shall control sediment pollution by using existing permitting and enforcement tools. The goals of the Policy are to control sediment waste discharges to impaired water bodies so that the TMDLs are met, sediment water quality objectives are attained, and beneficial uses are no longer adversely affected by sediment. Ensuring that projects such as THPs incorporate management practices designed to prevent sediment discharge is an integral component of TMDL implementation.

Discussion and recommendations proposed within this report are intended to provide input to CAL FIRE as part of the multi-agency review team process as well as to inform the RPF and plan submitter as to any issues that may be pertinent to the Regional Water Board permitting. If recommendations contained within this memorandum are adequately addressed, it appears that the THP may be eligible for coverage under Order No. R1-2004-0030, Waste Discharge Requirements for Discharges Related to Timber Harvesting Activities on Non-Federal Lands in the North Coast Region (General WDR).

Following plan approval by CAL FIRE, and prior to beginning timber harvest activities, landowners must apply for coverage under the General WDRs (Order No. R1-2004-0030), the Categorical Waiver (Order No. R1-2014-0011), an individual waiver or WDR, or in some cases a Watershed-wide WDR. If the review team recommendations, including those of the Regional Water Board, are incorporated into the THP, once approved, the THP will be likely to avoid or minimize both short term and long-term adverse impacts to beneficial uses of water. When considered with the proposed silviculture, the requirements for post-harvest retention of overstory canopy, and watercourse and lake protection zone requirements, the plan will likely comply with applicable water quality standards and therefore will be eligible for coverage under the General WDRs.

A public concern was raised about potential impacts to the drinking water of the community of Gualala. Note, the NCRWQB's purpose is to protect downstream beneficial uses of water. The NCRWQCB made recommendations to the plan and determined that "when considered with the proposed silviculture, the requirements for post-harvest retention of overstory canopy, and watercourse and lake protection zone requirements, the plan will likely comply with applicable water quality standards and therefore will be eligible for coverage under the General WDRs."

Therefore, CAL FIRE determined that the proposed timber operations are appropriate based on the entirety of the plan and NCRWQCB PHI report.

(Please also refer to General Concern #4 - Sediment Impacts and General Concern #5 - Temperature Impacts for how the THP mitigates for impacts to watercourses within and downstream of the THP area.)

4. GENERAL CONCERN: Sediment Impacts

Timber operations would lead to significant sediment impacts and that logging decreases the time of concentration for runoff and increases runoff velocities leading to heavy sedimentation.

RESPONSE: The THP proposes 267 acres of selection silviculture utilizing tractor and cable yarding. Tractor yarding is limited to gentler slopes. Sediment impacts could occur due to sediment transport from roads into watercourses, activation of slides, and disturbance of soils near watercourses. The THP's CIA discusses sediment impacts on pages 90-92.

As addressed under General Concern #6 – Geologic Impacts, the geology report and CGS PHI report both conclude that sediment impacts have been mitigated through silviculture (tree retention), appropriate yarding methods, mapping and mitigation measures of unstable areas, and conservative WLPZ standards.

Existing and proposed roads can be a significant source of sediment. The THP's existing and proposed roads are located along the main ridge line, which avoids proximity to watercourses. The CAL FIRE PHI Report stated, "The access road to the plan area is an existing all season rocked road in good condition." There are no proposed watercourse crossings and the ECP did not identify any existing CSDS's. Therefore, it is unlikely that roads will be a significant contributor of sediment to the watershed. The FPRs require that all roads be maintained during the life of the THP as well as 3 years after completion of operations.

Sediment may also enter the watershed via the watercourse system. The RPF has mapped all watercourses within the THP area. During the PHI, the review team inspected a sample of the watercourses. With the exception of a minor mapping discrepancy, the PHI team found the watercourses were appropriately identified and protection measures were consistent with the FPRs. The RPF utilized the WLPZ standards consistent with the Anadromous Salmonid Protection (ASP) rules. The 2009 ASP rules were developed to ensure rule adequacy in protecting listed anadromous salmonid species and their habitat, to further opportunities for restoring the species' habitat, and to ensure the rules are based on credible science. The THP implements these minimum standards, but also provides for a no-harvest Class I WLPZ. Page 45 of the THP states "No timber operations are proposed within the Class 1 WLPZ, with exception to the harvest of trees used for tail-holding and trees that are needed to be cut for cable corridor clearance for cable operations."

The proposed silviculture system also provides an additional buffer to the watercourse system because of the additional tree canopy retention and surface cover remaining post-harvest. The residual stand intercepts rainfall and provides a more intact surface cover, especially in the cable yarding areas where exposed soil is minimized. The CAL FIRE PHI report states:

The THP meets the Forest Practice Rules and in some instances exceeds the Forest Practice Rules. As indicated on THP page 62, the residual stand will consist of healthy and vigorous dominant and co-dominant trees from the pre-harvest stand. the residual stand will exceed 75 square feet of basal area per acre of conifers (this exceeds the Forest Practice Rule requirement). This was verified by observing the sample mark during the PHI with the multi-agency review team. The estimated timber stand data on THP page 62 indicates a light single tree selection harvest.

The THP also includes soil stabilization measures under item 18 of the THP. These measures ensure that exposed soil is treated to prevent erosion, roads and landings are maintained for proper drainage, and skids trails are treated. The completion of these activities minimizes soil

erosion. Soil stabilization in combination with the WLPZ standards provides a sediment buffer to streams.

Therefore, CAL FIRE determined that sediment impacts have been mitigated and the proposed timber operations are appropriate based on the entirety of the Plan.

5. GENERAL CONCERN: Temperature Impacts

Timber harvesting could increase water temperatures harming anadromous fish and contribute to potential increases in harmful algal blooms.

RESPONSE: Stream temperatures are a result of a complicated ecosystem process including forestry, geology and hydrology. The THP discusses potential temperature impacts on page 92. Forestry primarily affects stream temperature by changing shade canopy. Shade from WLPZs moderates stream temperatures through retention of stream canopy. Excessive removal of riparian canopy could lead to excessive summer temperatures that may be lethal to aquatic invertebrates and fish. The effect on winter water temperatures is usually less pronounced due to reduced solar radiation during the winter and cooler temperatures. The retention of WLPZs even along clearcut units been found to be effective in shading the streams. The amount of shade canopy and distance of WLPZs increases as the watercourse classifications change. For example, small class III watercourses that are capable of transporting sediment during the winter require less shade canopy due to their small stream size and intermittent nature. Class II watercourses, which support non-fish aquatic life, require more shade canopy and wider buffers. Class I watercourses, which support fish habitat, require the widest buffers with the highest shade canopy. The ASP rules were established based on scientific review and have established WLPZs that maintain current stream temperatures through shade canopy requirements.

The THP discloses several class III watercourses. These watercourses are within the selection silviculture prescription which is required to maintain at least 75 square feet of basal area. These retention standards often maintain at least 50% shade canopy. This THP also has Class II watercourses. These will maintain at least 50% canopy cover and range in width between 50-100', depending on slope. The THP also includes the class I watercourse. This has been given a no-harvest designation and will retain its current shade canopy. The only exception to harvest is the harvest of trees used for tail-holding trees and trees that are needed to be cut for cable corridor clearance. This impact is expected to be negligible on shade canopy. Regardless, at a minimum, the THP must retain 80% overstory canopy in the inner zone from 30-100' of the class I watercourse.

In addition to the effects of canopy retention on stream temperature, groundwater and bank storage contributions to stream flow and is not subject to changes in temperature from canopy cover.

Therefore, CAL FIRE determined that the proposed timber operations are appropriate based on the selection silviculture, standard WLPZ measures, and no-harvest Class I WLPZ. It is unlikely that any change in water temperature can be attributed to the proposed THP.

(Please also refer to General Concern #8: Algal Blooms for more information.)

6. GENERAL CONCERN: Geologic Impacts

The THP will increase erosion and sediment delivery to watercourses from landslides.

RESPONSE: The THP includes a geology report entitled, "Focused Engineering Geologic Assessment Bootleg Timber Harvest Plan, Gualala River Watershed, Sonoma County, CA." The report is authored by Elias J. Steinbuck, Engineering Geologist #2669. The report shall be referred to as geology report. The geology report includes background information on the underlying geology, the presence of known geologic features, and mitigation measures. There is also a detailed analysis of the relationship between timber harvesting and slope stability.

The THP was reviewed by Dave Longstreth, CEG # 2068, Senior Engineering Geologist for CGS. Mr. Longstreth authored a PHI report, dated January 11, 2021. The Mr. Longstreth's report will be referred to as CGS PHI report. The CGS PHI report reviewed the geology report, included PHI field observations, and recommendations.

The public is concerned about the location of the THP in relation to the regional geology. One concern stated the following:

*This section of river sits *directly* on top of the San Andreas Rift Zone. The proposed harvest is along extremely steep slopes, making the chance of landslides and serious erosion even greater.*

The geology report acknowledges the location of the fault in the THP:

The THP is located on the east side of the tectonic plate boundary between the North American Plate and the Pacific Plate within the Coast Range Geomorphic Province. The plate boundary is characterized by the presence of the San Andreas Fault Zone (SAFZ), a ~800 foot wide right-lateral strike-slip fault zone that juxtaposes Tertiary-Cretaceous Coastal Belt Franciscan Complex in the east against Miocene Gualala Block Sandstone in the west (Blake and others, 1971; Huffinan and Armstrong, 1980; Wagner and Bortugno, 1982; Fuller and others, 2002). Although movement along the SAFZ is predominately strike-slip, a component of convergence is causing relatively rapid uplift in the area, resulting in contemporary uplift rates on the order of 0.3 mm to 0.5 mm per year (Richardson, 2000).

The geology report evaluated all the geologic factors as well as the proposed timber operations and determined that the THP is unlikely to significantly increase sediment delivery from either deep- or shallow-seated landslides:

Observations made during this assessment did not reveal any significant increase in sediment delivery from deep-seated landslide activity in response to previous timber harvesting (e.g. increased incidence of channel bank failures or pervasive gully erosion). Based on the relatively dormant appearance of the deep-seated slides despite several above average annual rainfall years since past harvesting, the retention proposed across the slides, and the protections provided to the watercourses

in the area, the risk of increased sediment delivery from accelerated movement of the deep-seated slides due to the proposed harvest appears relatively low.

Additionally, observations made during this assessment did not reveal any significant increase in sediment delivery from shallow-seated landslide activity in response to previous timber harvesting. Proposed areas of cable yarding will significantly reduce the potential for sediment delivery from road and skid trail erosion, or shallow-seated landsliding. Current road construction and harvesting techniques, and watercourse protection measures, are significantly more conservative than those employed in the past, and will considerably decrease the likelihood of sediment delivery from the proposed harvest.

The geology report concludes:

In summary, it is my opinion that the proposed timber operations will not result in a significant increase in risk of sediment delivery to a watercourse from landsliding provided the watercourse protection measures found in the THP and the recommendations described in this assessment are properly implemented. Current harvesting techniques and watercourse protection measures are significantly more conservative than those employed in the past, and will considerably decrease the likelihood of sediment delivery. Any impact is likely to be temporary, diminishing relatively quickly as vegetation becomes reestablished.

The CGS PHI report concludes:

Review of hillshade imagery (SCVMLC, 2013, Figure 4) and PHI observations support the presence and mapped extent of the unstable areas. The large, dormant-mature feature contains nested areas of small-scale slope instability that appear to range from suspended to recently active. This is particularly the case along steep side slopes that flank the South Fork Gualala River and its tributaries that drain the THP area. Incremental periodic movement may occur on landslides in response to heavy and long-duration rainfall, loss of support at the toe of the landslides by stream bank erosion and/or road cutting, or strong ground shaking from large earthquakes. The southern plan boundary along the Middle South Fork Gualala River borders the active San Andreas Fault Zone (Jennings and others, 2010) and should be understood to be subject to strong ground motions generate by nearby earthquakes. Because the timber harvesting operations propose high retention standards and the stand consists of redwoods which stump sprout it appears THP operations are designed to minimize the potential for adverse effects to the stability of the large dormant feature and smaller unstable areas.

Therefore, CAL FIRE determined that the proposed timber operations are appropriate based on the entirety of the plan, geologic report and CGS PHI report.

7. GENERAL CONCERN: Alternative Analysis

There is concern that the landowner owns thousands of acres outside this area that could be logged instead of the current proposal.

RESPONSE: The Forest Practice Rules do not direct how alternatives should be addressed in a Plan. However, code section 14 CCR 896 states:

"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 location and timing of the proposed plan are subject to the landowner's management objectives, which are based on many factors. The RPF has discussed delaying the timing of the project on page 60 of the THP:

This alternative would involve carrying out the project as proposed, except at a time other than that proposed. Delaying the project for a number of years, say 5 to 10 years, was considered as an alternative to the project proposed. Delays would be detrimental in terms of improving stand structure, wild fire access, aesthetic appeal of the forest and the recreational potential of the property. Delaying the proposed project would also not allow the landowners to gain more sunlight on the property and to meet certain fixed costs of ownership including, but not limited to, taxes, insurance and debt service payments on loans. Therefore, the landowners reject this alternative because it would not effectively meet any of the landowners objectives.

The landowner also discussed alternative locations for the project:

This alternative would involve carrying out the harvesting proposed in the THP at a different location on the landowner's property. Since the project as proposed involves the majority of the landowner's property available for harvest, an alternative location would not be feasible. Therefore, the landowners reject this alternative because it is inconsistent with the project objectives and is infeasible.

The landowner's project objectives are also personal decisions. The RPF has proposed timber operations in a logical logging area that can be harvested during the life of the THP. He has also proposed conservative selection silviculture, high WLPZ standards, and cable yarding over a majority of the area.

There is a concern that alternatives were not explored in order to prevent the reduction of critical wildlife habitat. The alternative to not harvest could potentially give higher protection to wildlife species by eliminating potential disturbance. However, the RPF has consulted with CDFW on marbled murrelets, surveyed for northern spotted owls, and proposed a conservative selection harvest method. The THP proposes to harvest timber on 267 acres of second growth redwood and Douglas fir using single tree selection and retaining a minimum of 75 square feet of basal area. In addition, the THP proposes no harvesting along the Class I watercourse. Within the THP, wildlife trees with specific values will also be retained. Selectively harvesting will accelerate the development of larger diameter redwood trees promoting old forest structural features faster than no

harvesting because the trees crowns can expand growing larger branches. Retaining the selectively harvested second growth forest with intact wildlife trees also retains wildlife habitat throughout the THP area.

The plan has adopted selection silviculture from the silviculture options provided by the rules. The Department has not found that choosing different silviculture, changing other aspects of the proposed operations, or reducing the overall size of project would substantially lessen or avoid the impacts of the proposed operation, which have been minimized to a level of insignificance by the design of the harvest plan. The alternative discussion provided has been found to be in conformance with the intent of the Forest Practice Rules.

8. GENERAL CONCERN: Algal Blooms

Timber harvesting could increase the potential for harmful algal blooms in the Gualala River.

RESPONSE: According to online reporting from the California Water Quality Monitoring Council website there has been one reported incident in the Gualala River.

On 10/11/2020 the Water Boards received a report from an individual who developed skin symptoms after contacted attached algal mats in the Gualala River. Caution advisory, and avoid contact with or ingestion of any algal material.

Harmful algal blooms can be dangerous or lethal to humans, pets, and wildlife. These algal blooms are the result of a variety of factors. Climate change is also increasing the presence of toxic cyanobacteria. The bacteria prefer standing water, low turbidity, and warm temperatures. As the climate begins to warm and more water evaporates into the atmosphere or is siphoned away for human use, rivers slow or even become stagnant in some areas. The stagnation allows the water to quickly warm and let more light pass through the water, creating optimal growing conditions for algae.

The public is concerned that timber harvesting on THP 1-20-00203-SON would accelerate the problem by reducing shade canopy, reducing the filtration of nutrients and increasing erosion to the stream system. The Department has concluded that the selection silviculture system and WLPZ protections, including a no-harvest Class I WLPZ, will mitigate temperature increases. In addition, the THP has been designed to minimize erosion to the stream system. The roads are located on the ridgeline, cable yarding will be used on steeper slopes, and tractor yarding is proposed on gentler slopes. The THP provides mitigations for these potential impacts through erosion control measures in Item 18, winter period restrictions in Item 23, road construction and maintenance standards in Item 24, and watercourse protection in Item 26. Note that the THP does not propose using phosphate fertilizers and that a significant amount of forest cover and ground cover will remain post-operations to filter nutrients.

The entire Gualala River is 191,200 acres. The South Fork and Mainstem subwatershed contains 40,800 acres. The proposed THP proposes 267 acres of selection harvest within the CALWATER version 2.2 #1113.850103 "Middle South Fork of the Gualala River" watershed, which is 7,904 acres.

The harvest area makes up 3.3% of the planning watershed, less than one percent of the greater subwatershed, and a very small part of the entire Gualala River.

The Department has concluded that the THP will not increase the likelihood of harmful algal blooms through THP mitigations that prevent temperature and sediment impacts. The harmful algal blooms are more likely a result of climate change and weather patterns that decrease summer stream flow when combined with other anthropogenic influences.

(Please also refer to General Concern #4 - Sediment Impacts and General Concern #5 - Temperature Impacts for how the THP mitigates these concerns.)

9. GENERAL CONCERN: Anadromous Salmonids

The THP could impact salmon and its habitat.

RESPONSE: The proposed THP proposes 267 acres of selection harvest within the CALWATER version 2.2 #1113.850103 "Middle South Fork of the Gualala River" watershed, which is 7,904 acres. The harvest area makes up 3.3% of the planning watershed. CAL FIRE and the RPF are aware of steelhead (*Oncorhynchus mykiss*) and coho (*Oncorhynchus kisutch*) presence in the Middle South Fork of the Gualala River, to which the THP area drains. This watershed meets the 14 CCR 895.1 definition of a Watershed with Listed Anadromous Salmonids (WLAS). As such, any forest practice rules that are required in a WLAS apply to this THP. Note that surveys for salmonids are not required to be completed prior to the submission of a THP. The species are assumed to be present from past surveys, or the presence of habitat, and therefore, mitigation measures are implemented to maintain and enhance habitat.

The causes of salmonid decline has been linked to human factors including loss of suitable habitat, interaction with hatchery fish, over fishing and climatic factors, such as oceanic conditions and precipitation. Timber operations can threaten salmonid habitat through increases in temperature and sediment. The THP provides mitigations for these potential impacts through erosion control measures in Item 18, winter period restrictions in Item 23, road construction and maintenance standards in Item 24, and watercourse protection in Item 26. Many of these standards were developed through the California Forest Practice Rule's 2009 Anadromous Salmonid Protection (ASP) rules and 2013 road rules package.

The (ASP) rules were approved by the State Board of Forestry and Fire Protection (BOF) during their September 2009 meeting held in Sacramento. The ASP rules are intended to protect, maintain, and improve riparian habitats for state and federally listed anadromous salmonid species. These rules are permanent regulations and replaced the interim Threatened or Impaired Watershed Rules (T/I Rules) which were originally adopted in July 2000 and readopted six times.

This THP complies with the ASP rules. The THP has several class III watercourses. These watercourses are within the selection silviculture prescription which is required to maintain at least 75 square feet of basal area. These retention standards often maintain at least 50% shade canopy. This THP also has Class II watercourses. These will maintain at least 50% canopy cover and range in width between 50-100', depending on slope. The THP also includes the class I watercourse. This

has been given a no-harvest designation and will retain its current shade canopy. The only exception to harvest is the harvest of trees used for tail-holding trees and trees that are needed to be cut for cable corridor clearance. This impact is expected to be negligible on shade canopy. Regardless, at a minimum, the THP must retain 80% overstory canopy in the inner zone from 30-100 of the class I watercourse.

On pages 7-8 of the CAL FIRE PHI report, the following was confirmed by CAL FIRE in the field:

- The post-harvest stand in the WLPZ provides for large wood recruitment that improves or maintains salmonid habitat on Class I and Class II large watercourses.
- The post-harvest stand in the WLPZ will retain the 13 largest conifer trees per acre, live or dead, on each acre that encompasses the core and inner zones for large wood recruitment.
- The proposed erosion control and soil stabilization measures for sediment control are adequate to protect salmonid habitat.

The 2013 road rules were developed over a 14 year period and included considerable work provided by two BOF committees. The BOF's primary objectives in adopting the new road rules were to ensure that the road-related Forest Practice Rules are adequate to prevent adverse impacts to beneficial uses of water, and organize all road-related Forest Practice Rules into a logical, consistent order and locate them in one portion of the Forest Practice Rulebook for ease of reference and understanding by all.

The THP complies with the FPR's road rules. The THP's existing and proposed roads are located along the main ridge line, which avoids proximity to watercourses. The CAL FIRE PHI Report stated, "The access road to the plan area is an existing all season rocked road in good condition." There are no proposed watercourse crossings and the ECP did not identify any existing CSDS's. Therefore, it is unlikely that roads will be a significant contributor of sediment to the watershed. The California Forest Practice Rules require that all roads be maintained during the life of the THP as well as 3 years after completion of operations.

THP 1-20-00203 SON contains enforceable mitigations designed to protect anadromous salmonids and anadromous salmonid habitat, including:

- Item 18 describes soil stabilization practices and mitigations to prevent sediment input into watercourses that drain from the THP area.
- Item 23 describes winter operations and includes a Winter Period Operating Plan (WPOP). The purpose of the plan is to prevent mobilization of sediment caused by operating on saturated soils.
- Item 24 contains operational instructions for road construction and maintenance standards. The instructions are designed to prevent erosion and sediment discharge.
- Item 26 describes watercourse protection measures designed to prevent unwanted inputs into watercourses, blockage of stream flow, and reduction of riparian habitat elements.

CAL FIRE has evaluated the THP and believes that the THP complies with Forest Practice Rules designed to protect anadromous salmonids.

(Please also refer to General Concern #4 - Sediment Impacts and General Concern #5 - Temperature Impacts for how the THP mitigates these concerns.)

10. GENERAL CONCERN: Northern Spotted Owl

The THP could impact the northern spotted owl (*Strix occidentalis caurina*) and its habitat.

RESPONSE: The northern spotted owl is state and federally listed as threatened. The THP addresses northern spotted owls on pages 50.9-50.11 and pages 194-243. The THP will comply with 14 CCR 919.9(e) of the California Forest Practice Rules which allows a landowner to consult with the United States Fish and Wildlife Service:

If the submitter proposes to proceed pursuant to the outcome of a discussion with the U.S. Fish and Wildlife Service, the submitter shall submit a letter prepared by the RPF that the described or proposed management prescription is acceptable to the USFWS.

For timber operations, the USFWS has provided standard surveying and mitigation measures in a letter "USFWS Take Avoidance Analysis and Guidance for Northern spotted owl (*Strix occidentalis caurina*) Attachment A," dated November 1, 2019. The THP will comply with these recommendations.

There are currently no known NSO activity centers within 0.7 miles of the THP. Protocol NSO surveys were conducted in 2019 and 2020. Additional surveys are required in subsequent years to determine whether there is a new NSO activity center in the THP area. The maps on pages 216 to 217 show the THP area is currently nesting habitat with a majority transitioning to foraging habitat post-harvest. The following habitat typing was used:

- Nesting/Roosting: Habitat with ≥60% canopy cover of trees that are ≥11 inches DBH and have a basal area of ≥100 square feet/acre of trees ≥11 inches dbh. Trees may be conifer or hardwood.
- Foraging: Habitat that contains ≥40% canopy cover of trees that are ≥11 inches DBH and have a basal area of ≥75 square feet/acre of trees ≥11 inches dbh. Trees may be conifer or hardwood.

It should be noted that the transition to foraging habitat is reported conservatively. The selection prescription for the THP requires a minimum of 75 square feet of basal area, which will easily be meet the foraging habitat requirement. However, it is likely that some of the area will meet the requirements of nesting habitat. In addition, it is likely that the area will become nesting/roosting habitat again in the near future. The maps on pages 216 and 217 indicate that there is significant nesting/roosting habitat in the watershed.

The CAL FIRE PHI report evaluated the selection harvest and documented that the post-harvest stand is expected to exceed the stocking requirements:

The THP meets the Forest Practice Rules and in some instances exceeds the Forest Practice Rules. As indicated on THP page 62, the residual stand will consist of healthy and vigorous dominant and co-dominant trees from the pre-harvest stand. the residual stand will exceed 75 square feet of basal area per acre of conifers (this exceeds the Forest Practice Rule requirement). This was verified by observing the sample mark during the PHI with the multi-agency review team. The estimated timber stand data on THP page 62 indicates a light single tree selection harvest.

On pages 8-9 of the CAL FIRE PHI report, the report documented the THP's NSO information:

- The NSO habitat definitions (USFWS) used in the plan accurately reflect vegetation conditions.
- The retained NSO habitat quantities depicted on the Plan maps are accurate.
- The proposed NSO call points are distributed appropriately and located adequately.

CAL FIRE has determined that the THP complies with 14 CCR 919.9(e) of the California Forest Practice Rules and the USFWS Attachment A guidelines. The THP will retain NSO habitat in the THP area and there is abundant NSO habitat in the watershed.

11. GENERAL CONCERN: Marbled Murrelet

The THP could impact the marbled murrelet (*Brachyramphus marmoratus*) and its habitat.

RESPONSE: The marbled murrelet is listed as state endangered and federally threatened. As stated in 14 CCR 919.11:

Where there is evidence of an active murrelet site in or adjacent to the THP area, or where there is evidence of a potential Impact to a murrelet, the Director shall consult with CDFW as to whether the proposed THP will result in a "take" or "jeopardy" (pursuant to the California Endangered Species Act) of the murrelet before the Director may approve or disapprove a THP.

The RPF identified eleven areas within the THP that had suitable habitat for marble murrelet. These areas were surveyed in 2019 and 2020 with negative findings. The surveys were reviewed by the CDFW who concluded that the areas could be categorized as "probable absence" for a period of three years. There are also marbled murrelet stands identified near the THP area. For these occupied areas, mitigation measures were developed. These findings and the CDFW analysis is found in Section V of the THP, with recommendations to avoid "take." The November 13, 2020, marbled murrelet consultation was revised February 3, 2021, with the following changes:

- Updating the location descriptions of both THPs
 - In the original version of the consultation, the Bootleg THP was incorrectly described as the northern THP unit and the Bootleg 2 THP was incorrectly described as the southern THP unit. The revised version corrects the location description of both THPs. Bootleg is the southern unit, Bootleg 2 is the northern unit.

- Updating the description of the Ox Bow Habitat Area to reflect submission of the 2020 protocol surveys (1-18-076-SON-DEV6 - OX BOW) and subsequent extension of the 'probable absence' site classification through the 2023 breeding season (top page 4 in attached PDF).
 - In the original version of the consultation, the 'probable absence' site classification for the Ox Bow Habitat Area was due to expire at the end of the 2020 breeding season. Per the post-consultation for the Ox Bow Habitat Area, dated April 23, 2018, if an additional year of surveys are conducted as the 2016/2017 surveys expire, and show no detections of MAMU, the results of the survey will be considered acceptable for an additional three years before resumption of two-year survey protocols. The 2020 surveys were submitted to CAL FIRE, and verified by CDFW, in January 2021, and showed no detections, resulting in an extension of the 'probable absence' site classification through the 2023 breeding season.
- Updating the map labeling of the Bootleg and Bootleg 2 THP locations (pages 16-18 in attached PDF).
 - In the original version of the consultation, all maps showed incorrect labeling for the Bootleg and Bootleg 2 THPs. The revised version corrects the map labeling to reflect the actual location of the THPs. Bootleg is the southern unit, Bootleg 2 is the northern unit.
- Updating the shading of the Ox Bow and L-Camp Habitat Area polygons to reflect their current 'probable absence' site classification (page 16 in attached PDF).
 - In the original version of the consultation, the shading of the Ox Bow and L-Camp Habitat Areas was incorrect, showing the site classification of both areas as 'suitable, not surveyed'. The revised version corrects the map shading to reflect the current site classification for both areas as 'probable absence'.

The following recommendations were incorporated into the THP, pages 50.12-50.14 to avoid take:

Entire Plan Area

Ravens, crows, and jays, which have large home ranges, are known predators of marbled murrelet eggs and nestlings (Marzluff and Neatherlin 2006). CDFW recommends that the plan require that all garbage and food scraps produced by workers be packed out and disposed of in animal-proof containers. Workers, when feasible, should consume food inside their vehicles.

Harvest Operations in Proximity to the 60-Best/Clipper Mill Habitat Areas

The Clipper Mill Habitat Area and the 60-Best Habitat Area are "occupied" by marbled murrelets based on surveys conducted in 2007 and 2008. Buffers shall be implemented in the Bootleg THP as shown in Figure 3, THP page 50.17 and described below.

1. No timber harvesting or any other vegetation modification shall occur within 300 feet of these Habitat Areas. This restriction shall be in effect year-round.
2. Timber harvesting activities producing High sound levels shall not occur within 500 feet of the Habitat Areas during the marbled murrelet breeding season.

3. Timber harvesting activities producing Very High sound levels shall not occur within 1,320 feet of the Habitat Areas during the marbled murrelet breeding season.
4. The 300-foot no-vegetation modification buffer and the 500-foot and 1,320-foot seasonal harassment minimization buffers shall be flagged in the field by the RPF prior to timber harvesting.
5. Prior to timber harvesting, the RPF shall inform all timber harvest crews of the above recommendation through a pre-project meeting.

Harvest Operations in Proximity to Habitat Areas 1-9 and the L-Camp Habitat Area

CDFW has determined that Habitat Areas 1-9 and the L-Camp Habitat Area may be considered "probable absence" sites. Survey results will be considered valid for up to three years. However, because marbled murrelets occupy habitat within the South Fork Gualala River watershed, the following protective measures should be amended into the THP:

1. Trees with canopy deformities or limbs exceeding four inches in diameter that provide relatively flat potential nesting platforms shall be retained as wildlife trees. Where feasible, screen trees and overlapping canopy trees shall be retained to promote and recruit lateral foliar of suitable nesting platforms. Proposed harvest of screen trees shall be evaluated during the Pre-Harvest Inspection.
2. The locations of suitable marbled murrelet habitat shall be conveyed to the Licensed Timber Operator to ensure retention and nearby harvested trees should be directionally felled to avoid damage to these mature trees.
3. If marbled murrelets are detected during the harvest activities, work shall stop immediately, and CDFW shall be consulted. Take of marble murrelet is prohibited under CESA without appropriate take coverage.
4. To avoid attracting ravens, crows, and jays, known nest predators of marbled murrelets, timber harvesting crews shall pack out all litter and food scraps. Food shall be consumed inside vehicles when possible. It shall be the responsibility of the RPF and/or his designee to inform work crews of this restriction.
5. Prior to timber harvesting, the RPF shall inform all timber harvest crews of the above recommendation through a pre-project meeting.

There was concern that the noise analysis was not adequate to protect marbled murrelets. CDFW conducted a noise disturbance analysis for the proposed THPs according to the U.S. Fish and Wildlife Service document titled "Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California" (USFWS 2006). Results from the analysis resulted in mitigation measures which were included in the consultation letter and Section II of the THP, page 50.13. Restrictions include 300-foot no harvesting near MAMU habitat areas and 500-foot or 1320-foot noise buffers.

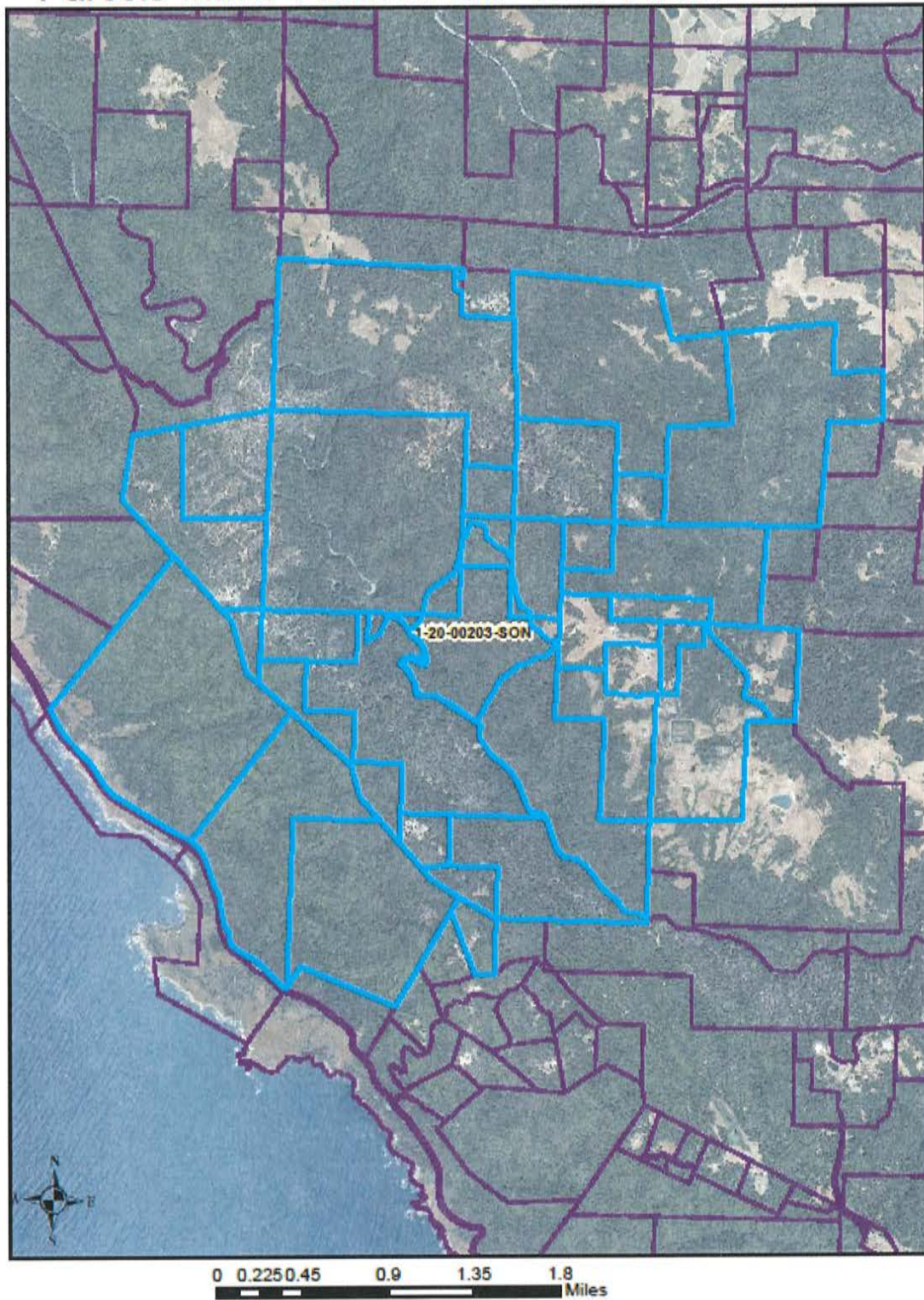
The THP complies with 14 CCR 919.11 by including the CDFW consultation letter and incorporating the mitigation measures into the THP. The Department has determined that the THP incorporates measures to bring the Impacts to a level at which "take" would not occur.

12. GENERAL CONCERN: Noise

Noise generated by the proposed timber operations will be a nuisance.

RESPONSE: The THP is located in a rural area. The map below shows that there are 30 parcels within 1 mile of the THP area. The majority of the parcels are zoned timber production zone (TPZ), accounting for 70% of the parcels. In addition to timber production, the second most common zoning is agriculture, accounting for 13% of the parcels. Of the 30 parcels, 2 are zoned miscellaneous, 2 residential, and 1 church. Because the majority of the area is rural and zoned for timber production and agriculture, periodic noise from timber harvesting is expected to occur.

Parcels within 1-mile of THP 1-20-00203-SON



The plan area is zoned TPZ and the statute that established this zoning classification is included in code sections 51100-51282.5 of the Government Code (GC). Code section GC 51115.5 alerts the public to the expectation that timber harvest is likely to occur:

Timber operations not nuisance; exceptions.

(a) Notwithstanding any other provision of law, timber operations conducted within a timber production zone pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511) of Division 4 of the Public Resources Code) shall not constitute a nuisance, private or public.

(b) This section is not applicable with respect to any timber operation which (1) endangers public health or public safety or (2) prohibits the free passage or use of any navigable lake, river, bay, stream, canal, or basin, or any public park, street, or highway.

(c) For purposes of this section, the term "timber operation" means the cutting, removal, or both, of timber or other wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for falling trees, fire hazard abatement, and preparation, transportation, and delivery of timber and other wood products to market.

Sonoma County has a "Right to Farm Ordinance" that addresses noise that may be associated with timber harvest operations.

Sec. 30-25. Nuisance - agricultural operation. No agricultural operation conducted or maintained on agricultural land in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the county, shall be or become a nuisance for purposes of this code or county regulations if it was not a nuisance when it began, provided that such operation complies with the requirements of all applicable federal, state, and county statutes, ordinances, rules, regulations, approvals, and permits. The provisions of this section shall not apply where a nuisance results from the negligent or improper management or operation of an agricultural operation.

Agricultural operations are defined in the ordinance:

Agricultural operation' means and includes, but shall not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, processing, and storing of any agricultural commodity, including viticulture, horticulture, timber, or apiculture, the raising of livestock, fur bearing animals, fish, or poultry, and any commercial agricultural practices performed incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation.

There is a trade-off between hours of operations and total duration of any project. By operating more days a week and more hours per day the total duration of the project is much shorter than if operations were to be confined to just week days or to shorter hours each day. Given that the plan is 267 acres of selection harvesting, it is expected that harvesting could be completed in one summer season or possibly two, depending on weather conditions. The noise generated from the operations

is intermittent in terms of seasonal operations and will not continue after timber operations are complete.

13. GENERAL CONCERN: Wildfire Risk

The THP will increase the chance of wildfire. Post-harvest fuel loading would be increased with the addition of logging slash without prescribed burning. The THP will also add to the 20 million acres of lands that need fuel reduction.

RESPONSE: There will be a short-term increase in finer fuels on the forest floor post-harvest. However, trees will be spaced farther apart which increases horizontal continuity of the tree crowns. In addition, selectively harvesting will eliminate some vertical continuity of fuels by harvesting the smaller understory trees and spacing out the residual trees. The THP states on page 62 that “the residual stand will consist primarily of healthy and vigorous dominant and codominant trees from the pre-harvest stand.” The remaining trees will have less competition and the forest will have increased resiliency to wildfire.

The THP area is within 2.5 miles of the Pacific Ocean so it is under a marine influence which maintains cooler temperatures and increases fog cover leading to higher soil moisture values. In this coastal forest, the vegetation doesn’t dry out as quickly and the microorganisms that live in the damp soil help the woody debris on the forest floor break down a little faster. Post-harvest, the slash layer also benefits the site by creating a layer of ground cover to decrease raindrop impact and trap sediment. Removing this logging slash through prescribed burning may damage residual trees. This may be an understandable consequence for restoring a park or preserve, but one of the landowner’s management objectives is commercial timber harvesting, so prescribed fire is an unwelcome risk to timber value.

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/skidlers 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 RPF has included the following information into the record on January 25, 2021, in response to PHI recommendations:

RRLLC has maintained and preserved legacy fire breaks built by Harold Richardson in the 20th century throughout the ownership to help preserve and protect both timberland, private property, and adjacent ownership's private property from the threat of wildfire. Falk

Forestry Inc. maintains a fleet of dozers, excavators, water tenders, and fire trucks to respond to wildfire threats on the ownership and adjacent properties. A recently acquired Tigercat 6050 Carbonator for Biochar purposes has been put to use on the ownership to treat post harvest slash and fuel loading created by logging operations.

CAL FIRE believes that the short-term increase in forest ground fuels is worth the improvement to breaking up the vertical and horizontal of fuels, improved growth, and increased resiliency of residual trees.

A concern is that CAL FIRE should focus on prevention of wildfires instead of fire suppression. While this comment does not raise a significant environmental concern, specific to this THP, it does relate to the commenter's general concern to wildfire severity.

The Department understands the public's concerns and has been rapidly increasing its prevention efforts by increasing CAL FIRE fuel reduction projects and by allocating millions of dollars in funding to the public.

On January 8, 2021, the Governor's Forest Management Taskforce released a comprehensive action plan to reduce wildfire risk for vulnerable communities, improve the health of forests and wildlands and accelerate action to combat climate change. The Task Force and the state's efforts going forward will be guided by this Action Plan with an overall goal to increase the pace and scale of forest management and wildfire resilience efforts by 2025 and beyond.

Here are only a few of the planned actions:

- The Department of Forestry and Fire Protection (CAL FIRE) and other state entities will expand its fuels management crews, grant programs, and partnerships to scale up fuel treatments to 500,000 acres annually by 2025.
- CAL FIRE will expand its fuels reduction and prescribed fire programs to treat up to 100,000 acres by 2025, and the California Department of Parks and Recreation (State Parks) and other state agencies will also increase the use of prescribed fire on high risk state lands.
- CAL FIRE will significantly expand its defensible space and home hardening programs and launch a new program building upon the Governor's 35 Emergency Fuel Break Projects by developing a list of 500 high priority fuel breaks across the state. This list will be continuously updated.
- CAL FIRE will coordinate the implementation of several grants and technical assistance programs for private landowners through a unified Wildfire Resilience and Forestry Assistance Program.
- CAL FIRE will use all fuels reduction methods, including prescribed fire, to expand its fuels reduction program with a goal of treating 100,000 acres of its 500,000-acre target.
- Using a science-based approach to identify priority areas for treatment, CAL FIRE will create a dynamic matrix of newly developed fuel break projects. These projects are described in CAL FIRE's Unit Fire Plans, including assessments of threats to vulnerable communities identified in the Community Wildfire Prevention and Mitigation Report.

The Department has funded a significant amount of fire prevention and forest health projects for the past five years as shown in the table below:

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Fire Prevention	\$9.3mil	\$5mil	\$15.7mil	\$79.6mil	\$43.2mil
Forest Health	\$14.7mil	-	\$21mil	\$91.5mil	\$63.4mil

The Department has also been actively conducting fuel reduction projects. In the past year, between July 01, 2019 to June 30, 2020, the Department treated over 50,000 acres as shown in the table below.

STATEWIDE SUMMARY

July 01, 2019 - June 30, 2020

Treatment Objective	Treated Acres	Personnel Hours	Equipment Hours
Broadcast Burn	27,589	45,790	21,889
Fuel Break	9,805	86,854	70,156
Fuel Reduction	18,207	164,324	141,005
Right of Way Clearance	3,051	17,050	22,666
Statewide Totals	58,652	314,018	255,716

SIGNIFICANT ENVIRONMENTAL CONCERNS AND RESPONSES

20PC-000000564 – from Ethan Arutunian on December 10, 2020

Our group is extremely concerned about the effects on water quality in the Gualala River as the result of the cumulative logging that has occurred along the Middle South Fork over the past 8 years. These impairments are the result of excessive sediments and increased water temperature in the river which is greatly exacerbated by logging.

The latest Timber Harvest Plan THP 1-20-00203-SON along the Middle-South Fork will put the total area logged of that watershed at 82%. A subsequent plan will put the total watershed logged at 91% of this Class 1 Watercourse watershed.

*This section of river sits *directly* on top of the San Andreas Rift Zone. The proposed harvest is along extremely steep slopes, making the chance of landslides and serious erosion even greater.*

The Gualala River is included on the Clean Water Act 303(d) list for impairments associated with excessive sediment and high temperatures. The Gualala River Sediment TMDL was adopted by the North Coast Regional Water Quality Control Board in November 2004.

*This property owner owns thousands of acres of timber that are *not* along the Middle South Fork watershed.*

Our group of concerned citizens is urging CalFire to thoroughly and diligently require alternative proposals to this plan.

Please make sure that a representative from the California Geological Survey participates in the Pre-Harvest Inspection and provides due diligence before signing off on this plan!

Please attend the Preharvest Inspection!!

RESPONSE: Please refer to the following General Concern responses: 2. Cumulative Impacts Assessment, 3. Timber Operations in a 303(d) Impaired Watercourse and Water Quality, 4. Sediment Impacts, 5. Temperature Impacts, 6. Geologic Impacts, and 7. Alternative Analysis.

The preharvest inspection was attended by Dave Longstreth, CEG # 2068, Senior Engineering Geologist for CGS. Mr. Longstreth authored a PHI report, dated January 11, 2021.

20PC-000000565 – from Ethan Arutunian on December 10, 2020

Our group is extremely concerned about the effects on water quality in the Gualala River as the result of the cumulative logging that has occurred along the Middle South Fork over the past 8 years.

There is ample evidence that this area provides critical habitat for endangered species. This latest plan THP 1-20-00203-SON will put the total area logged of that watershed at 82%. A subsequent plan will put the total watershed logged at 91% of this Class 1 Watercourse watershed.

*Furthermore, this section of river sits *directly* on top of the San Andreas Rift Zone. The proposed harvest is along extremely steep slopes, making the chance of landslides and serious erosion even greater.*

The cumulative effect of these harvests makes it impossible for the watershed to recover and do it's job of providing clean, cool water to the river.

These harvests increase the likelihood of Harmful Algal Blooms as a result of warmer water temperatures and more nutrients in the water. This is already a problem today.

*The property owner owns thousands of acres of timber that are *not* along this watershed. Our group of concerned citizens is urging CalFire to thoroughly and diligently require alternative proposals to this plan.*

Please make sure that your Environmental Scientists participate in the Preharvest Inspection and provide due diligence before signing off on this plan!

Please attend the Preharvest Inspection!!

RESPONSE: Please refer to the following General Concern responses 2. Cumulative Impacts Assessment, 3. Timber Operations in a 303(d) Impaired Watercourse and Water Quality, 4. Sediment Impacts, 5. Temperature Impacts, 6. Geologic Impacts, 7. Alternative Analysis, and 8. Algal Blooms.

CDFW reviewed the THP and provided first review comments on December 10, 2020. The RPF responded to these questions and revised the THP appropriately. The CDFW attended the PHI on January 5, 2021, providing a written PHI report on January 12, 2021, and a revised marbled murrelet consultation report on February 3, 2021. The RPF responded to the CDFW recommendations and revised the THP appropriately.

CONCERN: 20PC-000000566 - from Ethan Arutunian on December 10, 2020

As I indicated in my voicemail, our group is extremely concerned about the effects on water quality in the Gualala River as the result of the cumulative logging that has occurred along the Middle South Fork over the past 8 years.

This latest plan THP 1-20-00203-SON will put the total area logged of that watershed at 82%. A subsequent plan will put the total watershed logged at 91% of this Class 1 Watercourse watershed.

*Furthermore, this section of river sits *directly* on top of the San Andreas Rift Zone. The proposed harvest is along extremely steep slopes, making the chance of landslides and serious erosion even greater.*

The cumulative effect of these harvests makes it impossible for the watershed to recover and do it's job of providing clean, cool water to the river.

As you know, these harvests increase the likelihood of Harmful Algal Blooms as a result of warmer water temperatures and more nutrients in the water. This is already a problem today.

*The property owner owns thousands of acres of timber that are *not* along this watershed. Our group of concerned citizens is urging CalFire to thoroughly and diligently require alternative proposals to this plan.*

Please make sure the Water Quality Control Board takes a very close look at this plan before signing off on it!

Please attend the Preharvest Inspection!!

RESPONSE: Please refer to the following General Concern responses 2. Cumulative Impacts Assessment, 3. Timber Operations in a 303(d) Impaired Watercourse and Water Quality, 4. Sediment Impacts, 5. Temperature Impacts, 6. Geologic Impacts, 7. Alternative Analysis, and 8. Algal Blooms.

The RWQCB reviewed the THP and requested to attend the PHI on December 9, 2020. The NCRWQCB recommendations were incorporated into the CAL FIRE PHI report. A final NCRWQCB PHI report was submitted on February 17, 2021. The RPF responded to the PHI recommendations and revised the THP appropriately.

20PC-000000578 - from Leslie Arutunian on December 17, 2020

I am writing today regarding the Timber Harvest Plan #1-20-00203 SON request on the Gualala River. As a member and advocate of Friends of the South Fork Gualala, an adjacent landowner, and the owner of an environmental education organization, I am opposed to the continued logging of this area and ask you to deny the permit for Timber Harvest Plan #1-20-00203 SON.

A highly coveted watershed, the Gualala River ecosystem suffers from decades of abuse. Devastation from logging in the region is well documented and this new logging project will further harm the five species in this watershed already nearing extinction and protected under the Endangered Species Act (ESA): Northern California steelhead, Central California Coast coho salmon, California red-legged frogs, marbled murrelets and northern spotted owls. The Endangered Species Act prohibits "taking" of these animals, including actions that "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect" endangered species.

Further, the proposed logging project will use heavy equipment to remove redwoods and build logging roads and skid trails in the area. This will destroy the California red-legged frogs' habitat and is likely to kill or injure frogs. The logging plan itself acknowledges the potential for logging activities to kill slow-moving animals.

Marbled murrelets and northern spotted owls rely on old forest stands with dense canopy cover, a habitat type that continues to decline due to commercial logging operations. In addition to reducing the habitat these birds need to survive, logging leads to increased predation of murrelets and increased competition for spotted owls.

Further, and much more personal to my family and our adjacent land is the critical and continued need to preserve the sanctity of this land and these final remaining spaces of the Sonoma Coast watershed for its awe-inspiring beauty and the peaceful existence it provides us as humans. The struggle to protect the Gualala River watershed is a fight against an antiquated culture deeply rooted in the exploitation of the forest. It is a microcosm of the broader effort to conserve nature in a complex and changing world, a conservation ethic that values forests as more than just a source of timber. I personally believe, and hold within the mission of my organization, that individual personal connection to nature satisfies a basic human need that is more important to our well-being and our heritage than the tree's value in timber.

Before you proceed in processing Timber Harvest Plan #1-20-00203 SON, I insist that you answer the following questions. Please be sure to note that the species listed earlier are federally protected under the Endangered Species Act and all harvest plans are required to ensure their sanctity.

- Are coho salmon or steelhead trout present in any of the streams within the plan area? How was this determined?

- Have thresholds of significance for both direct and cumulative effects been established for endangered species habitat?

- What about studies of cumulative effects and impacts of past logging?

Does this plan offer alternatives for the proposed reduction of critical wildlife habitat?

- Does the plan evaluate the feasibility of such alternatives?

Again, I ask that you deny the permit request for timber removal on Timber Harvest Plan #1-20-00203 SON. This area not only protects critical endangered species, it also provides a sanctuary for the human spirit.

RESPONSE: Please refer to the following General Concern responses 2. Cumulative Impacts Assessment, 4. Sediment Impacts, 5. Temperature Impacts, 7. Alternative Analysis, 9. Anadromous Salmonids, 10. Northern Spotted Owl, and 11. Marbled Murrelet. Specific questions not covered by these general concern responses are listed below.

The California red legged frog is addressed in the THP on page 116:

The California red-legged frog is a pond-breeding frog usually associated with ponds, wetlands) and other lentic aquatic habitat, and adjacent terrestrial areas. The California red-legged frog is a subspecies of the red-legged frog and its current distribution includes isolated localities in the Sierra Nevada, northern Coast and northern traverse ranges. It is still common in the San Francisco Bay area and along the central coast. The California red legged frog breeds from November through April.

Class I and Class II watercourses are present within the THP boundary that could harbor California red-legged frog. However, due to an inner 30-foot no cut WLPZ buffer on Class I's and Large Class II's along with 15-foot no cut WLPZ buffers on Class II's and an additional outer 70 foot light selection harvest buffer on the Class I and a 35-85 foot light selection harvest buffer on the Class II's and wet areas, and the maintenance of streamside canopy cover, no significant adverse impacts are expected.

The THP limits road construction to the ridgetop area of the THP, which is far from the frog's ideal habitat. In addition, the Class I watercourse has been given full no-harvest protection. Due to the WLPZ protections, red legged frog habitat will not be destroyed.

20PC-000000591 - from Ethan Arutunian on December 18, 2020

The following comments regard THP 1-20-00203 SON and are made on behalf of the Friends of the South Fork Gualala River.

I own property in the proposed watershed and adjacent to the harvest plan property.

My property also borders previous THP 1-95-250 SON, a 355 acre harvest which is in this watershed on the direct opposite side of the river from the proposed THP. That THP took 5 years to complete, officially completed in October 2000, and was particularly damaging to the watershed. In recent years, I have personally witnessed sheet slides and gulley erosion in this Class I watershed as a result of the road construction from that THP.

That same area has seen additional extensive salvage operations as recently as 2017-2018. The effects of these operations, and the original THP from 2000, are clearly visible in subsequent years of historical satellite imagery.

Specifically,

In Section 4D, Past Projects: The RPF fails to include THP 1-95-250 SON in the list of known harvests for cumulative effect in the watershed. That area of Class I watershed has seen extensive salvaging and harvesting as recently as 2017/2018.

- 1. Why did the RPF fail to include THP 1-95-250 SON in the list of Past Projects?*
- 2. What is the accurate total cumulative watershed harvested in the past 25 years?*
- 3. Have the cumulative impacts been discussed quantitatively? Data is required. What is the baseline?*
- 4. Have previous impacts been assessed quantitatively?*
- 5. What criteria has CalFire established for "cumulatively considerable" for each of these effects? That is, how much is too much? What are the "thresholds of significance"?*
- 6. Is the logic for each conclusion made explicit so that it may be critiqued?*

Additionally,

In Section 4 Cumulative Impacts Assessment Checklist (pg 1): The RPF on this proposal is also a Landowner of the property. This presents a significant Conflict of Interest. With that in mind,

- 7. Are the answers in the chart with regard to Watershed, Soil Productivity, Biological, Recreation, Visual, Traffic, Greenhouse Gases, Wildfire Risk and Hazard, and Other correct?*
- 8. Are these assertions based upon data in the record or are they merely opinion? Assertions without "substantial evidence in the record" precludes "meaningful public participation".*
- 9. Could these assertions be biased by the Conflict of Interest in being both Landowner and RPF?*

If yes, an independent 3rd-party review and analysis should be provided for each of the resource subjects in the chart.

RESPONSE: Please refer to the following General Concern responses 1. Conflict of Interest and 2. Cumulative Impacts Assessment.

20PC-000000592- from Jordon Beckler on December 22, 2020

This public comment was a letter in an attached email. The text from the letter, dated December 20, 2020, is shown below:

The following comments are made in regard to Timber Harvesting Plan ("THP") 1-20-00203-SON.

Harmful algae blooms (HABs) are increasing in intensity globally and in the Pacific coastline due to eutrophication, i.e. increases in nutrients. These blooms often generate toxins harmful to human health, but regardless almost always cause some degree of environmental damage (hypoxia, fish kills, "suffocation" of benthic sea vegetation).

The causes of many blooms are under investigation. As an analogy, it is no secret the causes of the dust bowl, and the lessons learned, i.e. don't destroy the foliage that provides immense ecological benefits of maintaining natural, healthy, unperturbed soils. These same lessons apply to algae blooms, but in this case instead of serving as a "windblock", the foliage provides critical filtration of natural or excess nutrients.

I would argue that along with a general increase in temperature of the planet, the most likely culprit of algae blooms is indeed detrimental land-use practices. While this is typically identified as additions of excess phosphate fertilizer during poorly executed agricultural activities, practices such as logging also likely affect both not only the ability of a forest to filter any excess nutrients and damp erosion, but also remove tree cover that provides shading of light, in turn increasing the temperature of the water bodies, soils, and entrained groundwaters. While to some extent, this "extra" light may promote the growth of submerged aquatic vegetation, increased erosion (again, think dustbowl) will simultaneously increase soil/particulate loading to streams, in turn increasing turbidity, and promoting the growth of algae that may opportunistically thrive in low light conditions - in lieu of healthy, natural aquatic vegetation.

Regarding the recent bloom in the Gualala River lagoon, it is quite possible that the upriver impoundments became stagnant, hypoxic, and chemically "reducing" (e.g. sulfidic and eutrophic), leading to release of excess phosphorous from the soils. This is the case of our Indian River Lagoon, an estuary in my own backyard which covers much Florida's east coast. As of 2011, a regime shift occurred in which we now have permanently elevated phosphorous and persistent toxic algae blooms. This condition was activated like a light switch in 2011, probably brought on by decades of soil "abuse" (i.e. excess soil anoxia, eutrophication via septic and contaminated inflows). The phosphorous has nowhere to go except into HABs.

Overall, there are numerous potential and logical effects of removal of the natural vegetation, especially when close to a natural stream. While the ideas I've expressed in this letter are based on my understanding of HABs and environmental issues, it is impossible to fully understand the problem and mitigate using the most optimal techniques without a holistic monitoring program in

place. Regardless, these stream-adjacent lands are critical “buffer” areas that should be protected at all cost.

RESPONSE: Please refer to the following General Concern responses 3. Timber Operations in a 303(d) Impaired Watercourse and Water Quality, 4. Sediment Impacts, 5. Temperature Impacts, 8. Algal Blooms

20PC-000000593 – from Ethan Arutunian on December 18, 2020

The following comments regard THP 1-20-00203 SON and are made on behalf of the Friends of the South Fork Gualala River.

I own property in the proposed watershed and adjacent to the harvest plan property.

In October 2020 the Gualala River experienced a Harmful Algal Bloom (HAB). Also known as toxic algae blooms, these events are fueled by increased nutrients in the water and warmer water temperatures. HABs can be extremely toxic to humans, fish, and wildlife.

Timber Harvests along Class I watercourses contribute to toxic algal blooms through increased erosion, increased water temperatures, and less absorption of the nutrients that fuel HABs. The cumulative effect of concurrent harvests in a single watershed can easily fuel these blooms.

The Gualala River is a Class I watercourse listed on the Clean Water Act 303(d) list for impairments associated with excessive sediment and high temperatures. The North Coast Regional Water Control Board is tasked with sustaining and improving the water quality of the river.

The North Coast Regional Water Control Board has stated the need to manage freshwater cyanoHAB blooms through improved monitoring, assessment, and increased educational outreach. At the present time, however, there is no public-facing HABs monitoring plan for the Gualala river or Middle-South Fork watershed.

Before proceeding with reviewing this THP, the North Coast Regional Water Control Board needs to establish baseline measurements for all of the following common HABs indicators in the Gualala River and Middle-South Fork: Conductivity, Temperature, O2 Saturation, Air Saturation, Backscatter at 470nm, 532nm, and 650nm, ChlorophyllA, CDOM, Turbidity, Phycocyanin, and Velocity in 3-dimensions.

These measurements should be taken both upstream, downstream, and inside the proposed harvest area, as well as other strategic sites along the river. Ideally, monitoring would take place throughout the year, certainly during peak flows.

A lack of resources is not an excuse for lack of oversight.

Please respond to each of the questions below.

1. What HABs indicators are you measuring in the Gualala River, how often, and at what locations?

2. Have you established a baseline for each of these indicators at each location?
3. What are the thresholds of cumulative effect for each indicator? How much is too much?
4. What percentage of the watershed should remain forested to be considered "healthy", or successful, at HABs mitigation?
5. This plan is proposing to harvest on very steep terrain. How can you guarantee that the expected increases in erosion caused from this harvest will not introduce more nutrients into the watershed that fuel HABs causing poorer water quality?
- 5a. How will you measure, inspect, and report that?
6. How will this plan contribute to the stated goal of "maintaining or improving" the watershed with regards to HABs?
7. What is the difference in HABs nutrient absorption in a forested watershed vs. the open plains, for example along the hill tops?
- 7a. How is that considered in the total cumulative effect calculation? Section 2, Item 25, ASP Watersheds:
- "2) What offsetting mitigation measures are needed to minimize potential adverse impacts on the watersheds from the road system?"
8. The RPF fails to respond to this question with regards to water quality measures.

Section 4, Sediment Effects, RPF states: "the Landowner is committed to continued demonstration of its stewardship through the implementation of on-the-ground projects that will result in direct benefits to aquatic resources". However the RPF provides no reference to past, continued, or future monitoring or mitigation of HABs or other water quality indicators, neither upstream nor downstream of the proposed harvest area, nor any previous harvest area listed.

9. What will the Landowner do to baseline, monitor and mitigate for HABs water quality indicators inside the proposed and previous harvest areas in the watershed?

Section 4G/H, Interactions and Impact Evaluation: the RPF states a Low impact

10. How is it possible to evaluate the adverse cumulative watershed effects without first gathering quantitative baseline scientific water quality data?

Section 5, Item 23 Winter Operations: This THP directly borders a Class I watercourse.

11. What text has been removed from CCR 916.3(a), and why does this text not list Class I waters as well?

RESPONSE: Please refer to the following General Concern responses 2. Cumulative Impacts Assessment, 3. Timber Operations in a 303(d) Impaired Watercourse and Water Quality, 4. Sediment Impacts, 5. Temperature Impacts, and 8. Algal Blooms. Specific questions not covered by these general concern responses are listed below.

The Department has concluded that the THP will not increase the likelihood of harmful algal blooms through THP mitigations that prevent temperature and sediment impacts. Therefore, no pre- or post-monitoring by the landowner, the Department, or the NCWQCB is warranted before reviewing THP 1-20-00203 SON. These specific monitoring questions relate to the entire Gualala River watershed as a whole and should be directed to the NCWQCB instead of an individual THP.

In response to item 2 page 41 of the THP, this is a standard THP form question "What offsetting mitigation measures are needed to minimize potential adverse impacts on the watersheds from the road system?" This THP form item is in reference to 14 CCR 923.1(g) which includes the following for reference:

In watersheds with listed anadromous salmonids and in planning watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids, where Logging Road or Landing construction or reconstruction is proposed, the plan shall identify:

- (1) How the proposed operations will fit into the systematic layout pattern.
- (2) What, if any, offsetting mitigation measures, including, but not limited to, Abandonment of Logging Roads and Landings, are needed to minimize potential adverse impacts to watersheds from the road system.

The question does not necessarily require additional mitigation beyond standard rule implementation since it says, "what, if any." However, on page 65 of the THP, the RPF discusses the road system and mitigations that are proposed to minimize the impact of the road system including the following:

- 1) Incorporation of existing roads and tractor roads whenever possible.
- 2) Use of systematic layout patterns that will minimize total mileage.
- 3) Use of layout patterns that conform to fit natural topography in order to minimize disturbance to natural features.
- 4). Avoidance of routes near the bottoms of steep and narrow canyons, watercourses, marshes and other wet areas, unstable areas, and nesting sites of threatened or endangered bird species.
- 5) Use of road layout patterns that are consistent with long term enhancement and maintenance of the forest resource and that minimizes damage to soil resources, fish and wildlife habitat, and prevents degradation of the quality and beneficial uses of water.
- 6) Implementation of a layout that best accommodates appropriate yarding systems and economic feasibility.

In compliance with 14CCR 923.9(a), to minimize the effects of long-term site occupancy of the transportation system within the watershed and to help offset the new road construction that is proposed, the existing tractor road network will not be re-used within

cable designated areas except as provided for under item 20 above. The non-use of these existing trails, which have since been predominantly re-occupied by conifer regeneration, will allow this growing space to be placed back into permanent timber production.

In reference to the last question, under item 23, Winter Operations, the RPF has quoted 916.3(a)

When there is reasonable expectation that Slash, debris, soil, or other material resulting from Timber Operations, falling or associated activities, will be deposited in ...Class II waters below the Watercourse ...Transition Line... those harvest activities shall be deferred until equipment is available for its removal, or another procedure and schedule for completion of corrective work is approved by the Director.

The full rule language is as follows:

When there is reasonable expectation that Slash, debris, soil, or other material resulting from Timber Operations, falling or associated activities, will be deposited in Class I and Class II waters below the Watercourse or Lake Transition Line or in Watercourses which contain or conduct Class IV water, those harvest activities shall be deferred until equipment is available for its removal, or another procedure and schedule for completion of corrective work is approved by the Director.

In this case the RPF removed Class I because no operations are proposed in the Class I WLPZ. He has also removed lake and Class IV water because those do not apply to the THP area. In this case, the RPF was giving specific directions to the LTO that were specific to this THP rather than quoting the whole rule.

14. CONCERN: from Katie Arutunian on December 21, 2020

I own a property in the Middle-South Fork watershed bordering the THP landowner (Richardson Ranch LLC) and directly across the river from the proposed THP.

I am writing to highlight a significant conflict of interest issue: the Registered Professional Forester ("RPF") - the author and submitter of the THP, is also the landowner. Essentially, the landowner has hired himself to provide the required studies and documentation in support of his THP. The documentation is thus impliedly biased and clearly self-serving, and not at all independent.

In this case, Richardson Ranch LLC, the landowner of record, is managed by Daniel Falk, per the Statement of Information, Form LLC-12, filed with the California Secretary of State January 12, 2020. The RPF, Falk Forestry Inc. is also owned by Daniel Falk. For example, both the Chief Executive Officer and President of Falk Forestry Inc. is Daniel Falk. Daniel Falk also serves as the agent for service of process for Falk Forestry Inc. Finally, Mr. Falk is the Licensed Timber Operator ("L TO") in this case. In all respects, Daniel Falk is the one and only party in this transaction: the landowner, the RPF, and the LTO.

As you know, a Forester is charged with working to protect and wisely utilize the state's forest resources, and is accountable to the public. However, it is highly suspect, in this case, that the Forester is working to protect the state's forest when the RPF is also the landowner, who desires to harvest the forest on his land. Indeed, in this case, the integrity of the process is highly questionable.

The THP at hand is littered with conflicts of interest. For example, by letter dated June 15, 2020, from the RPF to himself as landowner and L TO, Mr. Falk notifies himself that he should hire himself to provide professional advice to himself, all to/from the same P.O. box. In other areas of the THP, he advises himself of the requirements of the THP, which he prepared. This is simply wrong. The landowner also conducted and then sent to himself the archeological survey and the Northern Spotted Owl survey. All required reports should be performed by an independent third-party. Further, the Erosion Control Plan states that site inspections will be conducted by Mr. Daniel Falk. How can we be confident that Mr. Falk would report any adverse issues should he discover any during an inspection of timber harvesting on his own land? Similarly, there is a section on "alternatives" to this proposal, where Mr. Falk basically speaks for the landowner as the Forester and says there are no alternatives that are satisfactory to the landowner. Of course there would be no alternatives satisfactory to the landowner, since the RFP and the landowner is one and the same, and the landowner wants this THP to be approved. This is another clear conflict of interest. The proposal in this case is simply one-sided, not properly supported, and should be rejected.

The landowner should be required to hire an independent RPF for his timber harvests, not simply act as both the RPF and the landowner, and submit self-serving supporting documentation. Therefore, I respectfully request that you require Mr. Falk to retain an independent third party (or parties) to prepare and submit the THP, conduct site inspections, and prepare all required supporting studies.

RESPONSE: Please refer to the following General Concern responses 1. Conflict of Interest and 7. Alternative Analysis.

20PC-000000649 – from Peter Schmidt on December 28, 2020

This concern letter included both confidential and non-confidential concerns. Listed below are the non-confidential concerns:

2. Noise:

Noise from the 2020 harvest along the south fork by the Richardson Ranch LLC led to unacceptable and constantly irritating noise throughout each day logging operations were conducted; at times it prevented normal civil conversation, not to mention its debilitating psychological effects. There is something in the acoustic conditions of the canyon that amplify and carry the noise across the river. This must be mitigated in the future: it is intolerable, especially the chain saw noise, which may require special muffling (it is worse than hearing a chain saw, say, 100 yards away in the forest).

3. Inconsistent Justifications:

Under Project Alternative Analysis, section iv (3) Delaying the Timing of the project: The owners declare, "Delays would be detrimental in terms of improving stand structure, wildfire access, and aesthetic appeal of the forest and the recreational potential of the property." This is an odd if not

alarming declaration. The statement wants us to believe that the aesthetic appeal will be improved by the implementation of the harvest plan. This begs these questions:

- For whom will the aesthetic appeal be improved? The owners, hunters, winter kayakers?*
- Isn't the contrary true?: That the aesthetic appeal will be diminished for several decades to come, given the viewsheds from across the river and above?*
- Why is it important that aesthetic appeal be improved? The answer lies hidden in the next phrase: "recreational potential of the property." It appears that the owners have a hidden, unstated agenda—the development of the property for recreational purposes in the post-harvest period. They deny that they want to sell it to a conservation organization in its current condition, but such a denial does not preclude future sale for other purposes.*

The possibility that this THP is part of an unstated goal to change the land zoning for this property to recreational is a red flag and suggests that the TPHs presented by Richardson Ranch LLC must be scrutinized with the utmost care.

Conclusion

I look forward to receiving substantial responses to these concerns, not simply a box checked off that you have heard from x number of citizens.

I want answers to these concerns, particularly the issues surrounding conflict of interest which at the present time compromise the integrity of the so-called surveys conducted by the RPF/LTO/OWNER.

I hold deep and sincere interest in the welfare of this threatened watershed and its multiple resources.

RESPONSE: Please refer to the following General Concern responses 1. Conflict of Interest 7. Alternative Analysis, and 12. Noise.

21PC-000000018 – from Ellen Rosser on January 2, 2021

The Gualala River is listed on the Clean Water Act 303 d as an impaired river with high temperatures and excessive sediment. It needs to be protected and repaired. The current harvest plan--THP 1-20-00203 submitted by the Richardson (Falk) family, will further impair the river and will cause high algae bloom. The river is supposed to be repaired and the water quality improved to support salmonids and other endangered species.

Therefore it is necessary to reject this proposed logging that will further damage the already impaired Gualala River.

Please do your job. Protect the resources of California. Do not allow greedy individuals to exploit the resources needed by all. Reject the THP 1-20-00203 SON.

RESPONSE: Please refer to the following General Concern responses 3. Timber Operations in a 303(d) Impaired Watercourse and Water Quality, 4. Sediment Impacts, 5. Temperature Impacts, 8. Algal Blooms, and 9. Anadromous Salmonids

21PC-000000019 – from Marc Schmidt on January 3, 2021

There are several issues with this THP, and they need to be addressed. There is a conflict of interest with Mr. Daniel Falk, one of the property owners. Not only is he the RPF (Registered Professional Forester), but also the LTO (Licensed Timber Operator) of this proposed THP. Wouldn't a licensed RPF be aware that this is a obvious conflict? This THP needs an independent RPF.

This THP will have a direct impact on the watershed; mainly erosion, leading to sediment issues, which we all know leads to numerous other issues. (example: impact on any type of wildlife). Even though this THP is located on the Middle-South Fork of the Gualala River, water quality could be impacted on the Northern end near the town of Gualala; which receives its drinking water from wells along the river. It is unfortunate that the citizens of Gualala and the greater surrounding area are not aware of this THP, and its potential impact.

As indicated in other public comments (and I was previously aware of this), the property owners own thousands of acres. This THP should be rejected, and the owners should seek other sites that do not impact any watershed.

RESPONSE: Please refer to the following General Concern responses 1. Conflict of Interest, 2. Cumulative Impacts Assessment, 3. Timber Operations in a 303(d) Impaired Watercourse and Water Quality, 4. Sediment Impacts, 5. Temperature Impacts and 7. Alternative Analysis.

21PC-000000020 – from Peter Schmidt on January 4, 2021

This letter is modified from a previous submission that Cal Fire refused to post because it supposedly discussed confidential archaeological site location (see Dec. 31 online posting of a notification about my letter). It did not discuss site locations, yet it was held from public view.

While this action abridges my rights to speech allowable under legislation protecting site locations, by resubmitting this modified/redacted letter I am not forfeiting these rights.

I trust that my concerns about significant conflict of interests that prevail in archaeological survey and other RPF-conducted surveys will be addressed and that the public will be informed how these remedies are implemented.

I have also incorporated the text of the letter, below, for immediate online posting.

The following comments pertain to THP 1-20-00203-SON and are made on behalf of the Friends of the South Fork Gualala River.

To provide you with some background: I am a professional archaeologist with decades of experience evaluating the significance of cultural heritage sites. As State Archaeologist of Idaho and SHIPO (1975-77), I evaluated scores of THPs. I am a Sonoma County taxpayer, owning property since 1979 within the South Fork of the Gualala River watershed and just 1 mile to the south southeast of and across the Gualala river (28060 Nutwood Ct.) from the THP landowner.

My concerns about the proposed THP are multiple, but for the sake of brevity and focus, I will address three: 1) the significant conflict of interest that pertains to Mr. Dan Falk being one of the owners, RPF, LTO, and certified 'archaeologist'; 2) the noise impacts; and 3) the confusing and contradictory statements in Project Alternative Analysis.

1. Conflict of Interest

Under item 11d in the above referenced document, it is noted that there are archaeological sites present on the property. My following comments have no content that in any way compromises the confidentiality of site locations.

The RPF and LTO, Dan Falk, is one of the owners of the property to be logged. The Richardson Ranch LLC was originally registered as an LLC in the State of Nevada [Nevada Business ID 20121668076 and Entity # E0572672012-8] and subsequently registered in California with Falk as "Manager". The Richardson Ranch LLC is a managerial instrument for the Richardson Trust—the overall owner of the property in which Falk has a proprietary interest. By virtue of his certification to conduct archaeological survey, he cannot play the role of owner, RPF, LTO, and "archaeologist". The same applies to other surveys that he has conducted as 'certified' under the Forest Practices Rules.

This means that the RPF/LTO/OWNER has a significant CONFLICT OF INTEREST. He should not be responsible for archaeological survey on his property, given that he has a vested financial interest in overlooking archaeological sites that might impede or reduce his logging operation. This is unethical and creates grave questions about the integrity of the review process. Given this serious misstep, a bona fide survey must be conducted by an independent professional archaeologist who is outside the old-boy network of "certified" RPFs in the immediate area. Until such time this happens, the archaeological survey and site designations must be considered compromised and unacceptable.

2. Noise:

Noise from the 2020 harvest along the south fork by the Richardson Ranch LLC led to unacceptable and constantly irritating noise throughout each day logging operations were conducted; at times it prevented normal civil conversation, not to mention its debilitating psychological effects. There is something in the acoustic conditions of the canyon that amplify and carry the noise across the river. This must be mitigated in the future: it is intolerable, especially the chain saw noise, which may require special muffling (it is worse than hearing a chain saw, say, 100 yards away in the forest).

3. Inconsistent Justifications:

Under Project Alternative Analysis, section iv (3) Delaying the Timing of the Project: The owners declare, "Delays would be detrimental in terms of improving stand structure, wildfire access, and aesthetic appeal of the forest and the recreational potential of the property." This is an odd if not alarming declaration. The statement wants us to believe that the aesthetic appeal will be improved by the implementation of the harvest plan. This begs these questions:

- For whom will the aesthetic appeal be improved? The owners, hunters, winter kayakers?

- *Isn't the contrary true?: That the aesthetic appeal will be diminished for several decades to come, given the viewsheds from across the river and above?*
- *Why is it important that aesthetic appeal be improved? The answer lies hidden in the next phrase: "recreational potential of the property." It appears that the owners have a hidden, unstated agenda—the development of the property for recreational purposes in the post-harvest period. They deny that they want to sell it to a conservation organization in its current condition, but such a denial does not preclude future sale for other purposes.*

The possibility that this THP is part of an unstated goal to change the land zoning for this property to recreational is a red flag and suggests that the TPHs presented by Richardson Ranch LLC must be scrutinized with the utmost care.

Conclusion

I look forward to receiving substantial responses to these concerns, not simply a box checked off that you have heard from x number of citizens.

I want answers to these concerns, particularly the issues surrounding conflict of interest which at the present time compromise the integrity of the so-called surveys conducted by the RPF/LTO/OWNER.

I hold deep and sincere interest in the welfare of this threatened watershed and its multiple resources.

RESPONSE: The confidential concerns mentioned above were responded to in a separate confidential letter. For a response to the remaining comments, please refer to the following general concern responses 1. Conflict of Interest, 7. Alternative Analysis, and 12. Noise. Specific responses not covered in the general responses are below.

The commenter is concerned about the alternative analysis discussion pertaining to delaying the timing of operations, which the RPF includes would be detrimental to improving aesthetic appeal of the forest and the recreational potential of the property. There is also speculation that the landowner plans to sell or change the land zoning of the property.

Department can't speculate on whether the landowner plans to sell or change the land zoning of the property. The ownership has not changed hands in many years. The RPF states the following:

Daniel Falk is a 5th Generation ranch and timberland steward in the Richardson Family. His 25 years of mentored work under Harold Richardson established a continuity of stewardship principles sent down by Harold Richardson and his forebears. The evidence of the quality of management is easily seen throughout the ownership in areas proposed for current harvest, areas of past harvest, the established Conservation Easement area, and with the continued preservation of the Harold Richardson Redwood Reserve.

The RPF's desire to improve the aesthetics is personal, based on the fact that a thinned healthy forest is more aesthetically pleasing to the family than an overgrown one. Some people view an unmanaged forest as more aesthetic while others prefer the more manicured and open look of a thinned forest. The THP proposes no-harvest in the Class I watercourse and selection in the remaining portion of the THP. This will preserve a well-stocked forest with high canopy cover, which should remain aesthetically pleasing. A few years after harvest, sprouting of redwoods and growth in the understory will green up the open areas where logs were skidded out of the forest.

The landowners desire to improve the recreation opportunities in the forest are also a personal management objective since the property is private and public recreation is limited. This does not mean that the landowner has ulterior motive to their proposed timber operations.

21PC-000000050 – from Ethan Arutunian on January 4, 2020

The following comments regard THP 1-20-00203 SON and are made on behalf of the Friends of the South Fork Gualala River.

I am a property owner in the proposed watershed directly across the river from the proposed harvest plan.

The RPF of the proposed plan is the same RPF/LTO of THP 1-18-076 SON "Ox Bow", actively harvesting right now and located just south of the proposed THP.

*Based on how sound projects outwards from the steep slopes along the Gualala River, the current Ox Bow THP has been projecting *extreme* noise levels onto my community, Seaview Highlands, for over 6 months. This noise has been the cause of much concern, disruption, and fatigue for myself and my neighbors. The chainsaws begin cutting at 6am everyday (including Saturday) during the summer and fall months, and only switch to 8am start time from November-Feb.*

The unacceptable levels of noise that are generated from the Ox Bow THP have resulted in many community issues.

For example,

- At 6 am one morning at the beginning of the harvest operation, the chainsaws were so loud that a neighbor ran down to his property line in his pajamas, thinking the logging had crossed the line onto his property. His property line is 1.5 miles from where the harvest was occurring.*
- 3 different sets of neighbors all believed the Ox Bow harvest was occurring directly along my property line, when in fact it is occurring nearly 1 mile away.*

In addition,

- The property owner was notified about the excessive noise and unacceptable start time. The property owner stated they would talk to the RPF.*
- The Sonoma County Sheriff's Office was alerted to the noise problem, but there is no noise ordinance for THPs in Sonoma County.*

- CalFire Santa Rosa Office, the Duty Forester, and the THP inspector were all notified about the noise issues, but took no action to mitigate it. The noise problem is noted in CalFire's second inspection report of the Ox Bow THP.
- The local Sheriff's Deputy was notified about the noise and unacceptable start time on at least 3 occasions. He talked directly to the RPF/LTO about the issue. The RPF stated that he was working inside of his harvest plan and proceeded without making any adjustments to working hours or noise levels.

This behavior is completely intolerable and totally disrespectful of the local community!

Director, the hours of specific timber harvesting operations may be regulated when the noise of such operations will create a serious public nuisance. In this case, as demonstrated by the neighboring Ox Bow harvest, the proposed THP does create a serious public nuisance.

Before this new THP is considered, we respectfully demand that CalFire implement the following:

- 1. A noise survey should be performed on the active Ox Bow THP. This noise survey should occur in the affected communities to the south and west of the current harvest, where the noise is actually projected.*
- 2. Due to the amount of noise generated from this location, this THP must be restricted to reasonable working hours: e.g. 9am-3pm. Other rural counties in California have noise ordinances for timber harvest operations, and this is not unreasonable. For example, Santa Cruz County, which is similar in many respects to Sonoma County, implements a 9am start time when harvest operation noise is a factor.*
- 3. The RPF must be required to use unmodified chainsaw mufflers with silencers and other noise prevention measures, including on any large equipment, to mitigate the amount of noise that is projected outwards from the project.*
- 4. Anyone living inside the noise projection zone as defined in the survey (#1) should be notified about this THP by the RPF and provided a reasonable opportunity to provide public comment.*
- 5. Based on our experiences with the Ox Bow THP, what assurances does the public have that the RPF will respect the community and mitigate noise levels during this proposed harvest operation?*

RESPONSE: Please refer to 12. General Concern: Noise

21PC-000000061 – from Mike Sellers on January 6, 2021

The following comments regard THP 1-20-00203 SON and are made in solidarity with our Friends of the South Fork Gualala River. As a property owner in Mendocino County that lives adjacent to many upcoming THPs affecting our coastal watersheds, I strongly object to the subject THP for it's affects on the Gualala River watersheds. Our friends have personally witnessed sheet slides and gully erosion in this Class I watercourse as a result of the road construction from past THPs. That same area has seen additional extensive salvage operations as recently as 2017-2018. The effects of these operations, and the original THP from 2000, are clearly visible in subsequent years of

historical satellite imagery. Specifically, in Section 4D, Past Projects: The RPF fails to include THP 1-95-250 SON in the list of known harvests for cumulative effect in the watershed. That area of Class I watershed has seen extensive salvaging and harvesting as recently as 2017/2018.

1. Why did the RPF fail to include THP 1-95-250 SON in the list of Past Projects?
2. What is the accurate total cumulative watershed acreage harvested in the past 25 years?
3. Have the cumulative impacts been discussed quantitatively? Data is required. What is the baseline?
4. Have previous watershed impacts from THP roads been assessed quantitatively?
5. What criteria has CalFire established for "cumulatively considerable" for each of these effects? That is, how much is too much? What are the "thresholds of significance"?
6. Is the logic for each conclusion made explicit so that it may be critiqued?

Additionally,

In Section 4 Cumulative Impacts Assessment Checklist (pg 1): The RPF on this proposal is also a Landowner of the property. This presents a significant Conflict of Interest. With that in mind:

7. Are the answers in the chart with regard to Watershed, Soil Productivity, Biological, Recreation, Visual, Traffic, Greenhouse Gases, Wildfire Risk and Hazard, and Other correct?
8. Are these assertions based upon data in the record or are they merely opinion? Assertions without "substantial evidence in the record" precludes "meaningful public participation".
9. Could these assertions be biased by the Conflict of Interest in being both Landowner and RPF? If yes, an independent 3rd-party review and analysis is demanded for each of the resource subjects in the chart.

I request that THP-20-00203 SON not be approved and all questions noted above be completely answered with current backing science, not past surveys or studies.

RESPONSE: Please refer to the following General Concern responses 1. Conflict of Interest, 2. Cumulative Impacts Assessment.

21PC-000000097 – from Karen Jamgochian on January 12, 2021

I would like to voice concerns regarding the Middle South Fork Gualala River (THP Bootleg) Timber Harvest Plan (THP) submitted as THP 1-20-00203-SON. Upon review of the THP in question, I did not find the submitted THP to be sufficient in addressing the impacts to the region. Please include these comments in the record for the above referenced THP.

Conflicts of Interest

There appears to be some major conflicts of interest occurring with this proposed THP as the land/timber owner, registered professional forester (RPF), and the licensed timber operator (LTO) are all the same person. In Section 5 (pages 189-190), the RPF even writes a letter to the 'land/timber owner' (himself) about the THP he has prepared for Richardson Ranch LLC. Please note that Daniel Falk signs the letter as the RPF and he is also the manager/chief executive director of Richardson Ranch LLC as shown in the LLC filed with the State of California.

In Section 4, the RPF documents that he has done the required studies for biological assessments. This is a giant conflict of interest; the person who owns the land/timber, has also done the surveys, and if any of these species of concern are found during the harvest, the same person (LTO now) is supposed to stop the harvest and let the same person (RPF now) know. This THP requires independent third-party biological assessments and an independent RPF to ensure the natural resources are being adequately protected.

Cumulative Impacts

As of the writing of this letter, the landowner is planning multiple timber harvests in the region. Furthermore, there are numerous timber harvests that have been completed within the last 10 years immediately adjacent to these proposed THPs.

While Section 4 of the THP includes a 'cumulative impact assessment', it is inadequate and does not include thresholds of significance to properly evaluate each impact category. In reality, due to the proximity and timeline of harvesting, the impacts of the THPs should be fully investigated cumulatively. The California Environmental Quality Act (CEQA) prohibits 'piecemeal' review of the significant environmental impacts of a project. Agencies cannot allow environmental considerations to become submerged by breaking a large project into many smaller ones. Each small project may have a minimal potential impact on the environment, but considered cumulatively will have disastrous consequences. This piecemeal review is exactly what is occurring with these THPs and the impacts are not being evaluated cumulatively for the region. The extent of the logging proposed will have enormous consequences on the environment.

I request that the cumulative impacts of all these planned THPs and the previous THPs in the immediate area be evaluated as one larger plan with thresholds of significance included for each impact area to properly evaluate all impacts.

Hydrology and Water Quality

The proposed Bootleg THP is up-slope of the Middle South Fork of the Gualala River. The Gualala River is currently listed as impaired for sediment and temperature as a 303(d) impaired watercourse by the EPA. Logging decreases the time of concentration for runoff and increases runoff velocities. This, along with increased runoff from lack of ground cover, leads to high erosivity and consequently heavy sedimentation. The sediment runs into all the little rivulets and swales and eventually makes its way into the river resulting in drastic consequences to wildlife habitat.

The construction of logging roads can cause landslides and significant sediment runoff, which in turn can pollute streams. The geologic report prepared for this THP points to several past and ongoing slide conditions that are present within the THP area. In addition, the watershed within the proposed harvest plan has been heavily impaired by past logging activities. The plan acknowledges that past timber operations and road construction were a major source of sediment and created a legacy of accumulated channel deposits, road conditions, and erosion sites that continue to contribute sediment to streams in the assessment area to this day decades later. Combining these legacy effects with proposed operations will create new sediment issues and exacerbate existing ones.

Biological Resources

In Section 2 of the THP, listed and sensitive species with potential for occurrence in the plan area are discussed.

*Coho endangered (federal and state), and Steelhead threatened (federal and state)
The primary concern for coho and steelhead is water quality. The two main dangers are sediment loading and temperature increase. Both of these items have a high potential for worsening due to logging operations within this watershed.*

The Gualala River is an essential rearing habitat for salmonids. These systems are all interconnected; the entire watershed that will be impacted. Increased sediment loads to the small rivulets and drainage swales increases sedimentation to the river. Sedimentation destroys habitat and suffocates fish. Having a buffer zone around creeks is insufficient when the surrounding area that drains to the creeks is logged and new roads are constructed.

Marbled Murrelet

In Section 2 page 51, marbled murrelet (MAMU) is shown on the map. The THP discusses having a 300' buffer around these habitats and there is an entry in the legend on page 51 for this buffer; however, these buffers are not actually shown. Please update the map so that the LTO knows where the 300' MAMU habitat buffers occur.

Northern Spotted Owl

In Section 3 page 78, the RPF states "NSOs [Northern Spotted Owls] are not known to occur within 0.7 miles of the THP." However, in Section 2 page 50.9, the RPF states that the THP area contains suitable habitat for NSOs and that there are known NSO activity centers within 0.7 miles of the plan boundary. Which is it? A NSO survey should be completed by a qualified, independent biologist for this THP.

Noise

Logging trucks, equipment, and operations generate significant noise. This noise disrupts the natural environment. Many local species (some endangered, such as the northern spotted owl and marbled murrelet) are particularly sensitive to noise. Furthermore, the THP is located near residences and a retreat center. The cumulative impacts section of the THP (Section IV) does not even address noise anywhere. Noise is addressed in one small paragraph in an amendment to the THP where the RPF states that he does not think noise will be an issue (page 30 of document: 20210104_1-20-00203SON_1stRTQs_RPF-Resp). This is an opinion of the author and does not have a scientific basis. The THP is insufficient with respect to mitigation of noise impacts on the surrounding region. A full noise study should be performed detailing equipment and duration of use and potential impacts of resulting noise on wildlife, local residences, and the retreat center. This will provide a scientific basis on which a buffer zone from logging operations can be determined to mitigate noise impacts.

THP Not ADA Accessible

Lastly, I would like to note that the THP documents posted to the CalTrees website are not accessible as required by the American's with Disability Act (ADA) or state AB 434. All state websites and content posted to those sites are required by law to be accessible as of July 1, 2019. Please repost the THP with all documents being accessible and allow sufficient time for comment.

Given the discussion herein and the other public comments submitted with respect to this THP, the Bootleg THP does not sufficiently address the individual nor the cumulative impacts to the area.

RESPONSE: Please refer to the following General Concern responses 1. Conflict of Interest, 2. Cumulative Impacts Assessment, 3. Timber Operations in a 303(d) Impaired Watercourse and Water Quality, 4. Sediment Impacts, 5. Temperature Impacts, 6. Geologic Impacts, 9. Anadromous Salmonids, 10. Northern Spotted Owl, 11. Marbled Murrelet, and 12. Noise. Specific concerns not covered in the general concern responses are listed below:

In response to the marbled murrelet map and 300' buffer, the map has been updated on revised page 50.17. The CDFW consultation also requires that all buffers be flagged in the field prior to operations. In addition, the RPF must meet with the LTO prior to operations. These operational requirements are included on revised page 50.13 of the THP.

In response to the northern spotted owl concerns. There is habitat in the THP area and within 0.7 miles of the THP. Two years of protocol surveys were conducted with negative results. There can be the presence of northern spotted owl habitat but no use by northern spotted owls. Please refer to General Concern 10. Northern Spotted Owl, for more information.

In regards to the ADA compliance concern with CalTREES, the Department acknowledges that the online Timber Harvesting Documentation system may not be fully updated for ADA compliance. CAL FIRE is currently working to provide compliant documents and is supportive in providing transparency and accessibility to the public. Please contact the Santa Rosa Northern Region Headquarters Forest Practice at (707) 576-2959 if there is difficulty accessing or viewing uploaded documents.

21PC-000000122 - from Nick Lorenzen on January 19, 2021

Thank you for communicating with us about your timber-harvesting plans. As you know our community loves nature and has worked to preserve the environment. We don't have an objection to your recent request to timber-harvest on your own property.

Odiyan Community

RESPONSE: This is a support letter and no significant environmental concerns were raised.

21PC-000000140 - from Ethan Arutunian on January 25, 2021

The following is submitted on behalf of the Friends of the South Fork Gualala.

Please review the attached cumulative effects acreage calculations regarding THP 1-20-203 SON for the MiddleSouth Fork Gualala watershed planning area (Calwater 2.2.1).

According to our analysis of this watershed planning area (based on CalWater 2.2.1), the total cumulative acreage in this watershed breaks down as follows:

Total Watershed Area: 7,904 acres

<i>Proposed THPs</i>	<i>7.5%</i>
<i>THPs 2010-2020</i>	<i>24.8%</i>
<i>Active NTMPs</i>	<i>9.1%</i>
<i>Out-of-bounds 2010-2020</i>	<i>2.3%</i>
<i>THPs 2000-2010</i>	<i>9.6%</i>
<i>THPs 1985-2000</i>	<i>10.1%</i>
<i>Subtotal</i>	<i>63.5%</i>
 <i>Open Pastureland</i>	 <i>20.1%</i>
 <i>Total Remaining</i>	 <i>16.4%</i>

Important Note: there have been 2 undocumented timber harvests (marked as "out-of-bounds") inside this watershed planning area in the past 10 years (attached aerial imagery, before/after pgs 4-7). Both of these undocumented harvests occurred on the same property owned by the current Landowner/RPF in the THP.

The cumulative effects on this watershed are completely unsustainable and unacceptable.

It is simply not possible for the watershed to accomodate the additional proposed THPs and they must therefore be rejected.

Director - based on cumulative effects that have occurred in this watershed, it is your duty to deny this THP, and any future THP, in the Middle South Fork Gualala watershed planning area.

----- Forwarded Message -----

*On behalf of the Friends of the South Fork Gualala -
I finally had a chance to go over the cumulative effects of the planning watershed (calwater 2.2.1, Middle South Fork Gualala) for this THP and my numbers appear to correspond with yours for the last 10 years (seeattached).*

I find it difficult to believe that a harvested watershed has restored itself to a functioning capacity after only 10 years. I understand this is the number you may use in a cumulative effects analysis. However, longer term effects are clearly visible in historical aerial imagery and on-the-ground.

I took my research further and am providing you with all activity documented in the past 35 years for the Middle South Fork watershed, clearly broken down and THPs listed.

I am also providing undocumented activity. There were 2 undocumented harvests that occurred in the past 10 years in the watershed area that are clearly visible in historical aerial imagery (before/after photos, pgs 4-7). These should be considered in your cumulative effects calculations.

Finally, I calculated the non-forested grazing lands, situated on the eastern edge of the watershed assessment area, at approximately 20% of the watershed area (green border). I believe that this area should be considered in the cumulative effects calculations, however you may not agree.

Can you please review the attached calculations and GIS imagery as soon as possible and let me know if there are any discrepancies between my calculations and your calculations?

Also - I know I asked for this before: can you please provide me with the numbers you use as thresholds for cumulative effect?

As you can see in the spreadsheet - if you approve these THPs - we will be left with 16% forest in this watershed after 35 years.

That is completely unsustainable and unacceptable.

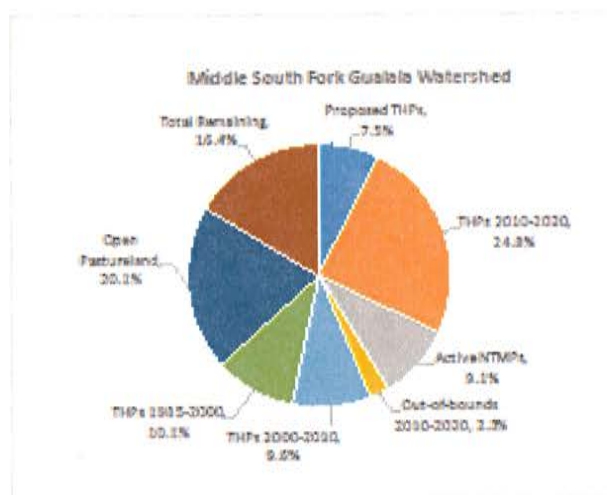
*On 12/14/20 8:38 AM, Fitt, Justin@Waterboards wrote:
Good Morning Mr. Arutunian,*

Thank you for your concern and for reaching out to our agency. I, along with Jim Burke will be reviewing this Timber Harvest Plan (THP) for compliance with water quality regulation and for impacts to beneficial uses within the watershed. In section IV of the THP, the harvest history for the last 10 years (2010-2020) within the Biological Assessment Area and Watershed Assessment Area is listed. I have calculated the cumulative total harvest plan acres of the planning watershed (Middle South Fork Gualala) to be around 40%. Can you tell me where you have obtained the numbers leading to your calculations? They are significantly higher. Water Quality will be attending the PHI with interest in maintaining and improving water quality standards within the watershed.

Justin Fitt - North Coast Regional Water Quality Control Board

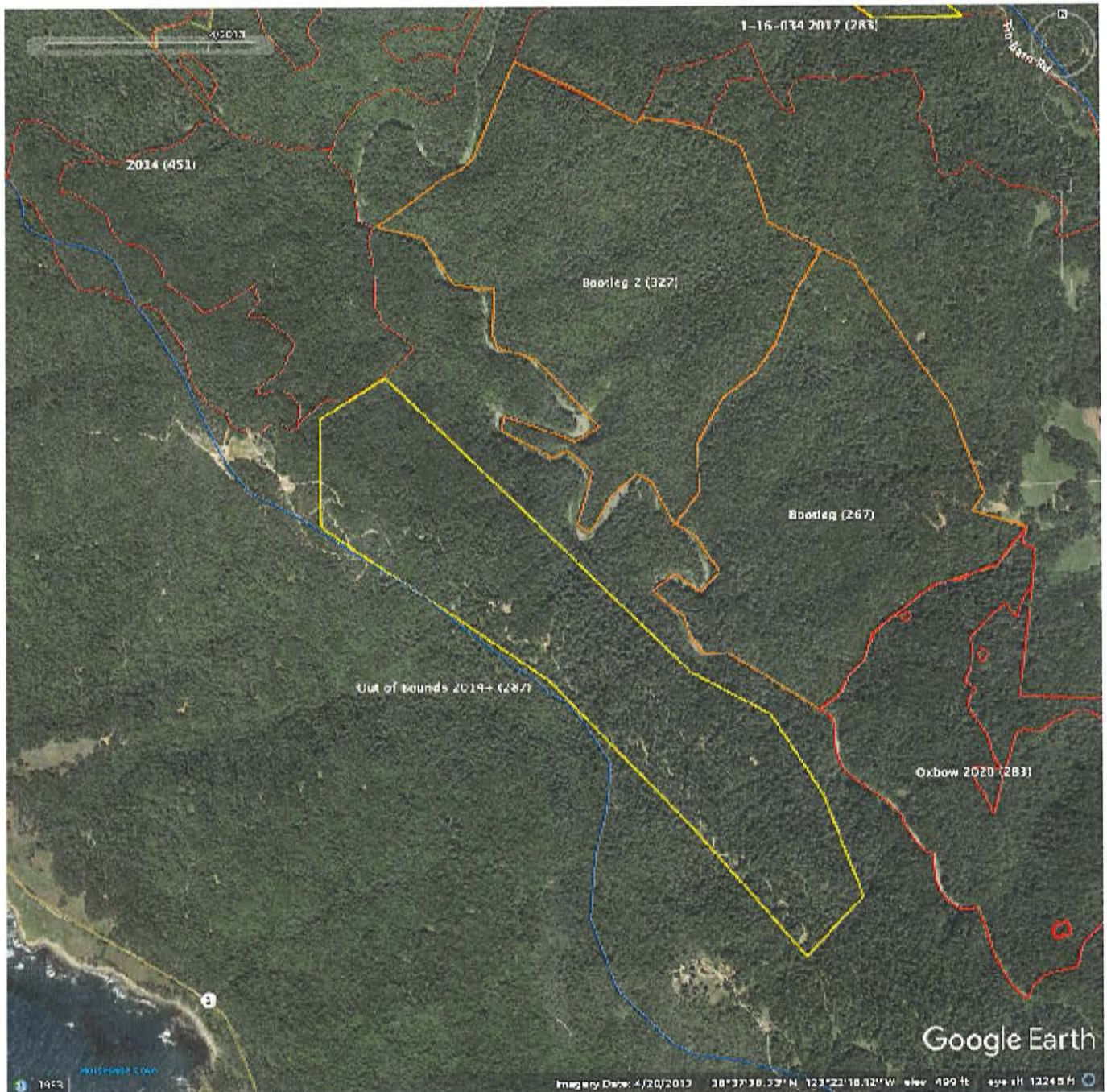
	<u>THP Acres</u>	<u>Watershed Acres</u>	<u>% Total Watershed</u>
Total Watershed Area		7904	
Open Pastureland		1587	20.1%
<u>Proposed THPs</u>			
Booting	267	267	
Booting 2	327	327	
SUBTOTAL 2010-2020		594	7.5%
<u>THPs 2010-2020</u>			
1-18-082 SON	505	505	
1-18-075 SON	248	248	
1-17-031 SON	118	118	
1-16-034 SON	283	283	
1-13-062 SON	451	451	
1-13-002 SON	192	192	
1-12-059 SON	163	163	
SUBTOTAL 2010-2020		1960	24.8%
<u>Active NTMPs</u>			
1-01NTMP-008 SON	734	219 * overlaps 1-18-082	
1-99NTMP-054 SON	500	500	
SUBTOTAL		719	9.1%
<u>Out-of-bounds 2010-2020</u>			
2017	72	70	
2014+	287	114 * overlaps 1-95-250	
SUBTOTAL		184	2.3%
<u>THPs 2000-2010</u>			
1-08-193 SON	161	161	
1-06-006 SON	38	38	
1-04-117 SON	40	40	
1-00-468 SON	113	113	
1-99-184 SON	23	23	
1-98-314 SON	32	32	
1-95-250 SON	355	355 completed 10/2000	
SUBTOTAL 2000-2010		762	9.6%
<u>THPs 1985-2000</u>			
1-92-068 SON	85	85	
1-90-6225 SON	250	250	
1-90-1313 SON	250	250	
1-89-1325 SON	55	55	
1-88-1365 SON	35	35	
1-87-3275 SON	27	27	
1-86-2165 SON	54	54	
1-85-3095 SON	45	45	
SUBTOTAL 1985-1995		801	10.1%
Total Harvested Acres		4242	

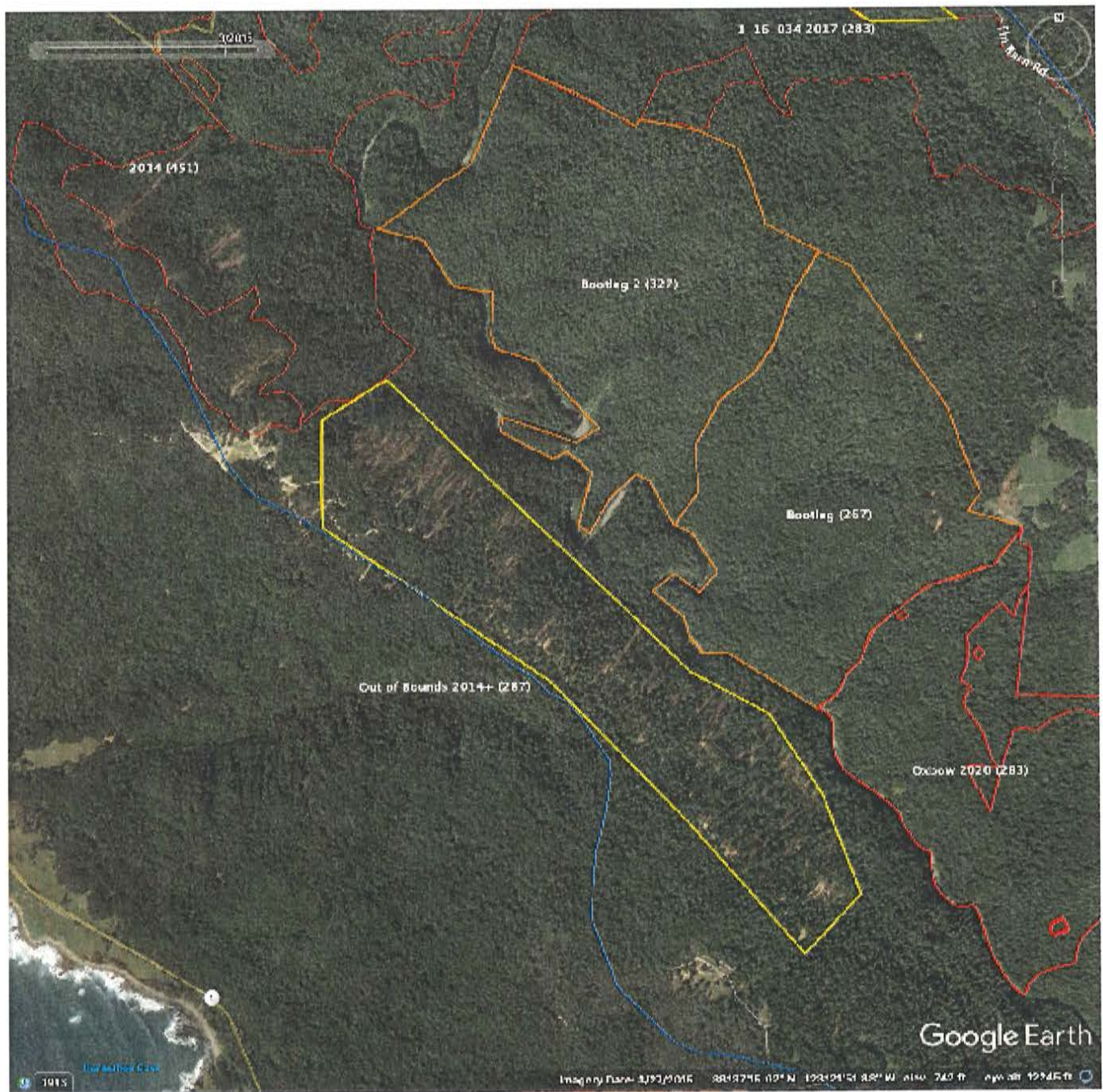
<u>Cumulative Effects</u>	<u>% Total Watershed</u>
Proposed THPs	7.5%
THPs 2010-2020	24.8%
Active NTMPs	9.1%
Out-of-bounds 2010-2020	2.3%
THPs 2000-2010	9.6%
THPs 1985-2000	10.1%
Subtotal	63.5%
Open Pastureland	20.1%
Total Remaining	16.4%

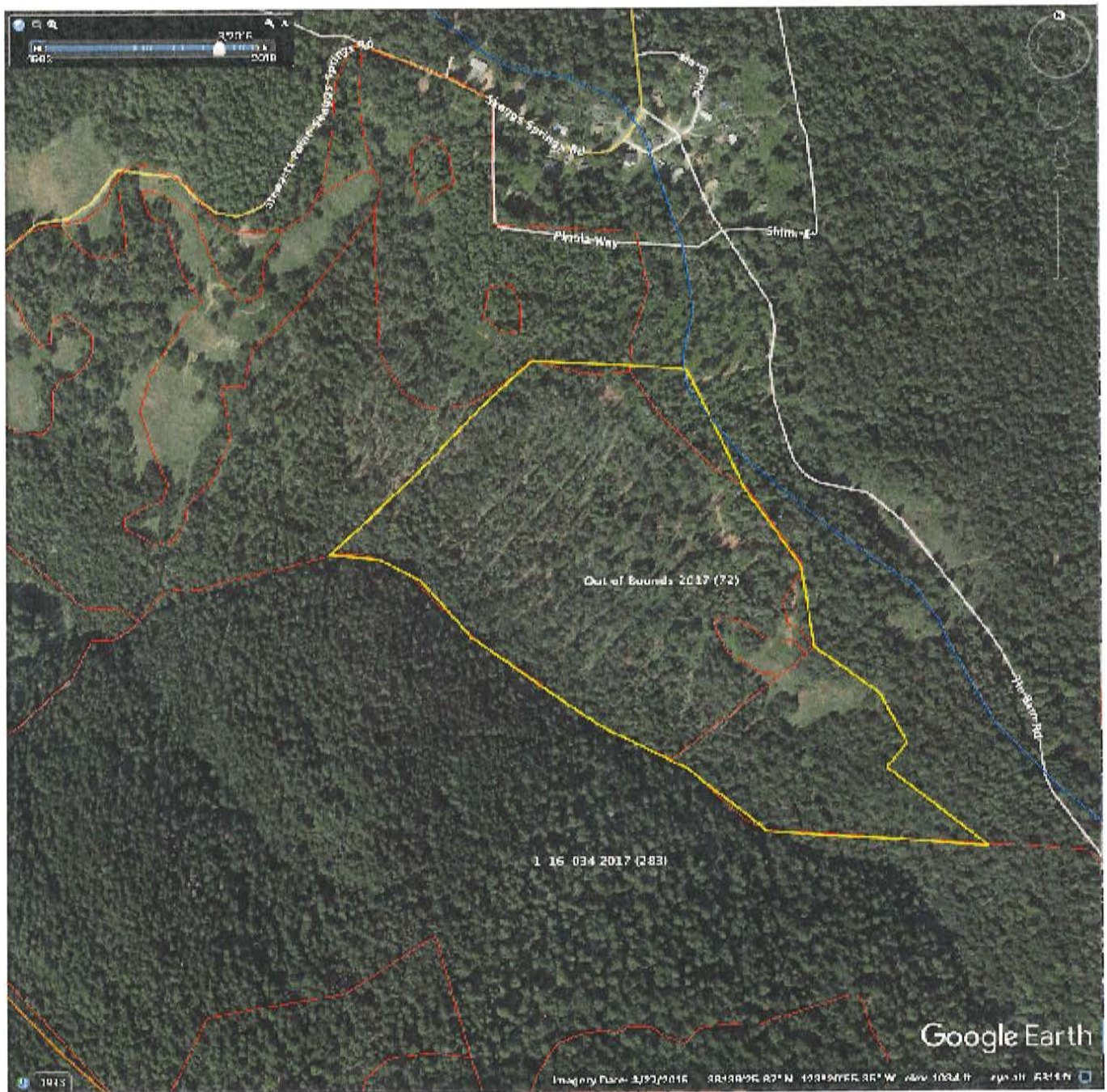














RESPONSE: Please refer to 2. General Concern: Cumulative Impacts Assessment. This discusses why only the last 10 years of projects is documented in the THP and describes the acreage in exemptions. In reference to non-forested grazing lands, these would not be included in rate-of-harvest calculations because they do not include timber harvesting impacts.

21PC-000000152 - from Ethan Arutunian on January 25, 2021

The following comment was submitted by email as a public comment on January 25, 2021. It included a completion report from THP 1-08-193 SON showing that the final completion and stocking

was completed on January 29, 2011. It also included a CAL FIRE inspection report, dated May 7, 2012, indicating that timber operations were complete, the harvest area met the stocking requirements, and that a 3-year erosion control period was required.

*Yet another THP that Falk *failed* to include in his cumulative analysis. I had to ask CalFire for the completion report. I did not include this one in my past 10 year calculations either, but it actually was not completed until 1/2011 (see attached). Therefore, it must be included in the cumulative effects calculations of the past 10 years!*

There is no way around this one.

I will update my calcs and send to you. Please update yours as well.

State of California
Department of Forestry
and Fire Protection
Completion/Stocking Report
RM-71 (Rev. 12/08)
Page One of Three

Admin. Use Only

Area: _____

Date Received: _____

Date Approved: _____

Date Sent to B.O.E.: _____

TIMBER OPERATIONS WORK COMPLETION AND/OR STOCKING REPORT
(As per Div. 4 Chap. 8, Sections 4585 and 4587 PRC, and Title 14 CCR Sections 1070-1075)

Certification By Timber Owner or Agent: I certify that the declarations herein are true and correct to the best of my knowledge and belief. I am notifying the Department of Forestry and Fire Protection of the status of compliance with the completion and stocking requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection for:
Harvest Document Number 1-08 190 SON

Harvest document includes a Timber Harvesting Plan (THP), a Nonindustrial Timber Management Plan's Notice of Timber Operations (NTO), a Less Than Three Acre Conversion Exemption (LX), or an Emergency Notice (EN). For Timber and Conversion Permits (TCP), include the THP Number above, as well as the Conversion Permit No.: _____

Completion Report

- ☒ **Final Completion Report.** On (date): January 29 2011 all work on the operation was completed and no further harvesting shall be conducted.
- ☐ **Partial Completion Report.** On (date): _____ all work on a part of the claim as shown on the attached map was completed. Additional harvesting is anticipated on the remaining portion of the logging area. **Only one partial completion report may be accepted by the CAL FIRE during any calendar year.**
- ☐ **NTO/NTO Completion Report.** On (date): _____ all work on this NTO was completed for this calendar year. Additional harvesting is anticipated in following year.
- ☐ **LX Completion Report.** On (date): _____ all work on this Less Than Three Acre Conversion Exemption was completed. No stocking report is required.
- ☐ **TCP Completion Report.** On (date): _____ all work on this Timber and Conversion Permit was completed. No stocking report is required.

Stocking Report: The area declared as complete in this report or a previously approved completion report meets all of the stocking requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection. The stocking status after completion of timber operations was determined by:

- ☐ One of the sampling procedures adopted by the Board of Forestry and Fire Protection. The identification of the person sampling, plot data, and a map of the area sampled are attached.
- ☒ Physical examination of the area by the timber owner or the agent thereof after completion of timber operations determined that the area's stocking obviously meets the requirements of the Forest Practice Rules and a waiver of stocking sampling is requested.
- ☐ As stated in the harvest document, the area was **substantially damaged** as per 14 CCR 1030.1 and only dead, down, or dying trees were salvaged, or the Site Class is IV or V, hence no restocking is required.

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RESOURCE MANAGEMENT

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Department of Forestry and Fire Protection
COMPLETION AND/OR STOCKING REPORT
Page Two of Three

Harvest Document Number: 1-08-193-SON

This is a stocking report for the:

- ☒ Entire operating area covered by the harvest document.
☐ Entire operating area covered by this completion report or the completion report previously submitted on (date) _____
☐ Part of the operating area for which this completion report is submitted.

A map indicating the area completed (if the actual area harvested is less than approved) and/or stocked must be submitted with this report. Additional information can be found in the Instruction pages of this form.

Signature [Signature]

Date 4-03-2012

Print Name Daniel Falk

PO Box 99 State Portland City Ca Zip Code 95480

Telephone Number (with Area Code) (707) 367-0312 RPF License Number, if appropriate 2901

DIRECTOR'S CERTIFICATION

Report in Conformance

- ☐ The Director has determined that all of the requirements of the Forest Practice Act and rules of the Board of Forestry and Fire Protection have been completed **except** stocking for the area described in this report. Erosion control maintenance is required for at least one year following the submission of this report, or until stocking is met, whichever is later, and it may be extended to three years.
- ☒ The area described by this report has been found to meet all of the requirements of the Forest Practice Act and forest practice rules **including** stocking as shown on the attached map. Erosion control maintenance is required for at least one year following the submission of this report or until stocking is met for the entire area of the harvest document, whichever is later, and it may be extended to three years.
- ☐ The area described by this report has been found to meet all of the requirements of the Forest Practice Act and Forest Practice Rules including stocking for the entire area as shown on the THP (or other harvest document) map. Erosion control maintenance is required for at least one year following the submission of this report, and it may be extended to three years.

Maintenance Period

The prescribed maintenance period for erosion control shall be:

- ☐ One Year. Ending date: _____
- ☒ Three Years. Ending date: April 2, 2015
- ☐ Other. Specify length: _____ years and ending date: _____

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Department of Forestry and Fire Protection
COMPLETION AND/OR STOCKING REPORT
Page Three of Three

Harvest Document Number: 1-JU-193 SON

Report Not in Conformance

- ☐ The area described by this report has been found not to be in compliance with the Forest Practice Act and Forest Practice Rules. See attached documents for further information. A new completion and/or stocking report must be submitted upon completion of the work required in the documents attached.
- ☐ The Director has determined that the stocking requirements of the Forest Practice Act and forest practice rules have not been met. See attached documents for further information. A new completion and/or stocking report must be submitted upon completion of the work required in the documents attached.

Other Reports

- ☐ Conversion Permit. The Completion Report is necessary, but a stocking report is not required.
- ☐ Less Than Three Acre Conversion Exemption. The Completion Report is necessary, but a stocking report is not required.
- ☐ Emergency Notice or a THP with Substantially Damaged Timberland as per 14 CCR § 1689.1, where a stocking report is not required.

For the selection from Other Reports above, the Director has determined that all of the requirements of the Forest Practice Act and Forest Practice Rules:

- ☐ Have been completed.
- ☐ Have not been completed and are not in compliance with the regulations and/or the rules. See attached documents for further information. A new completion report must be submitted upon completion of the work required in the documents attached.

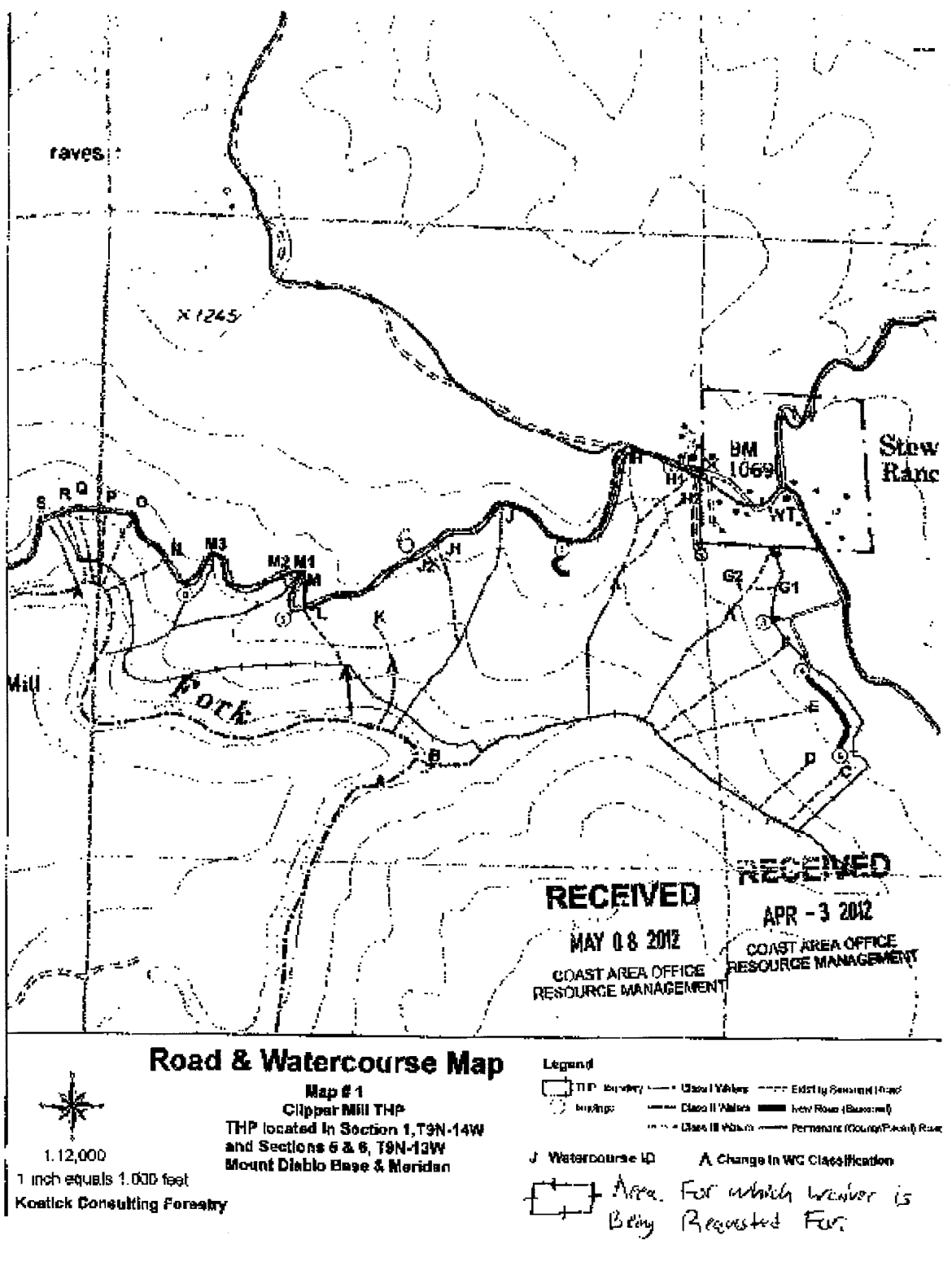
Director, California Department of Forestry and Fire Protection

By: [Signature]
Signature

Kimberley Sone
Print Name

Division Chief Resource Mgmt 2745 5-7-2012
Title RPT # Date

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STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., Governor



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Sonoma Lake Napa Unit**

2210 West College Ave
Santa Rosa, CA 95401
(707) 576-2344
Website: www.dfo.ca.gov



May 07, 2012

DANIEL FALK
FALK FORESTRY SERVICES
P O BOX 88
STEWARTS POINT, CA 95480

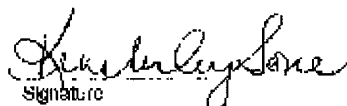
NOTICE OF INSPECTION

Section 4604 of the Public Resources Code (PRC) requires the department to inspect timber operations for compliance with the Forest Practice Act and rules of the Board of Forestry and Fire Protection.

Harvest Document: 1-08-193-SON CLIPPER MILLS
Inspection Date: May 02, 2012
Inspection Type: Final Completion and Stocking
Inspection Number: 5
Person Contacted: DAN FALK

On May 2, 2012 a final completion and stocking inspection was conducted on THP 1-08-193 SON. The timber harvest plan area stocking levels obviously meet the requirements of the Forest Practice Rules. The prescribed maintenance period for erosion control shall be three years, ending on April 2, 2015. No violations observed on the area inspected. Pursuant to 14 CCR 1050, erosion controls to include drainage structures and drainage facilities, inspection and maintenance shall be performed for a prescribed maintenance period of one to three years from the date CDF receives the Timber Operations Work Completion Report. The LTO is responsible for proper construction, inspection and maintenance of erosion controls during the prescribed maintenance period until the Work Completion Report, as described in PRC 4585, is approved by the Director. **The landowner is responsible for inspection and any needed repair and maintenance of erosion controls during the remainder of the prescribed maintenance period.** Responsibility for erosion control maintenance may be assumed at an earlier date by the landowner or can be delegated to a third party provided that the assuming party acknowledges such responsibility in writing to the Director (14 CCR 1050(c)). The landowner's responsibility for the remainder of the prescribed maintenance period starts on the date of this Work Completion Report CDF inspection.

If you have any question about this matter, please contact Kimberley Sone at (707) 576 2344.


Signature

KIMBERLEY SONE
Division Chief, Resource Management
Sonoma Lake Napa Unit
2210 West College Ave
Santa Rosa, CA 95401

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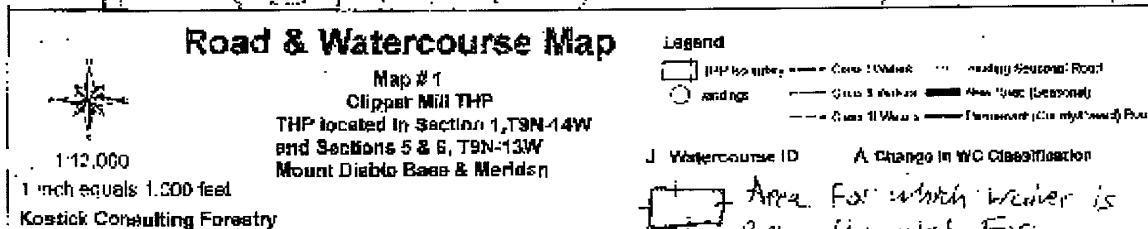
MAY 08 2012

**COAST AREA OFFICE
RESOURCE MANAGEMENT**

cc: Unit, Region, PS, RPS, LTO, other (WQ, DFG, BCE)

CONSERVATION: WWW.CALIFORNIAGREENANDCOLD.COM

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION VISIT WWW.CALIFORNIAPOWER.COM AT WWW.CALIFORNIAPOWER.COM



RESPONSE: The concern is that THP 1-08-193 SON is not included in the list of past projects in the cumulative impacts section of the THP. Please refer to 2. General Concern: Cumulative Impacts Assessment. Only plans submitted within the last 10 years need to be included in the past projects list.

21PC-000000169 – from Zia Cattalini on January 29, 2021

The rapid extraction of second growth redwood trees from our coastal watersheds is the last act of a genocidal play.

First generation Coast Redwoods, lived upwards to 2000 years of age and were annihilated from nature's stage in less than a century. Their understudy offspring, second growth redwoods, are today's default elders of California's coastal forests.

Coast residents decry the logging of second growth redwoods stands in Jackson State Forest, Albion River's Enchanted Meadow and Gualala River's south fork. These areas have proposed THPs mapped close together and operated in shared windows of time. Consequently, broad swaths of dehydration will brand the forest floor, biological losses will concentrate as a locale within the greater watershed.

Does not CEQA discourage proposed THPs operated in close proximity with similar time frames and isn't increased cumulative analysis study required in such circumstances?

The forests and ecological health of the south fork of the Gualala are subject to one individual land owner, Falk, who is enabled as registered professional forester and timber operator. He has logged the Gualala watershed for two decades, and since 2016, he's cut 1224 acres of second growth redwoods on the south fork.

Current aspirations are to log THP 1-20-00023, a.k.a. Bootleg #1 and nearby nascent, Bootleg #2. These timber operations combine 594 acres and will destroy the last stands of recovering second growth redwoods on the south fork. In five years, at the close of 2021, the actions of one individual will have impacted 23% of the south fork's ecosystem.

At hand on the south fork, Falk has predominant latitude over the sylvan structure we know as watershed with undue influences to the fate of a river's water quality, a slope's stability, a critter's viability, a forest's vitality and a wild fire's pathology.

*Isn't it a conflict of interest to have the RPF also be the timberland owner and operator?
When an individual or corporate influence has dominion over a specific area, does the timber harvest review process have measures in place to balance such power?*

Two areas of the south fork were logged without assigned THPs. Therefore the acreage and impacts from these cuts are excluded from the watershed's cumulative impact analysis study. Timber owner, Falk and state agencies deny the logging occurred.

These under-the-radar cuts are referred to as "Out of Bounds" and are clearly visible in GIS imagery provided as attachments to public comment letter written by Ethan Arutunian on behalf of Friends of the South Fork Gualala, re THP 1-20-00203 SON.

An onsite inspection with the appropriate state agencies, timber owner and concerned public present, would resolve this issue. An inspection excluding any of the aforementioned parties would be counterproductive.

To approve THP 1-20-00203 SON without resolving this issue could lead to abuse of discretion under 14 CCR 898.2(c), if the area has been logged, and impacts from said logging are not included in the THP's cumulative analysis, rendering the THP incorrect, incomplete and misleading.

The Gualala River had a harmful algae bloom (HAB) in October, 2020 also known as toxic algae bloom, these can be extremely harmful to humans, fish and wildlife. This river is also a Clean Water Act listed 303.c impaired waterway, due to excess silt and warmer than normal temperatures. In light of the river's sensitivity and it's harmful toxic condition it is necessary for for the North Coast Water Regional Control Board to intervene prior to the conclusion of the THP review process re THP 1-20-00203 and conduct all tests base measurements and monitoring to understand the problem at hand and to avoid any oversights that may cause greater harm. Logging acerbates the conditions that cause HABs.

To not require necessary steps be taken by the North Coast Water Regional Control Board prior to approval of THP 1-20- 00203 SON, CALFIRE would acerbate the HAB condition and render the THP incomplete and misleading 14 ccr 898.2(c).

Bad actors, poorly written scripts and lack of visionary foresight charted the demise of an entire class of old growth redwoods, destroyed in the first act. Time to get smart and let our forests heal.

Please deny approval of THP 1-20--00203 SON..

RESPONSE: Please refer to the following General Concern responses 1. Conflict of Interest, 2. Cumulative Impacts Assessment, 3. Timber Operations in a 303(d) Impaired Watercourse and Water Quality, and 8. Algal Blooms. Specific concerns not covered in the general concern responses are listed below:

The commenter is concerned about the rapid extraction of second growth redwoods and destroying the last stands of recovering second growth redwoods on the South Fork Gualala River. The THP proposes to harvest timber on 267 acres of second growth redwood and Douglas fir using single tree selection and retaining a minimum of 75 square feet of basal area. In addition, the THP proposes no harvesting along the Class I watercourse. Within the THP, wildlife trees with specific values will also be retained. Therefore, the second growth forests within the THP will be retained and not destroyed. Selectively harvesting will accelerate the development of larger diameter redwood trees promoting old forest structural features faster than no harvesting because the trees crowns can expand growing larger branches. Retaining the selectively harvested second growth forest with intact wildlife trees also retains wildlife habitat throughout the THP area.

21PC-000000170 - from Ethan Arutunian on February 1, 2021

We have identified a significant error in CDFW's "Timber Harvesting Noise Harrassment Analysis" of THP 1-20-00203 SON, provided to you in a letter dated November 13, 2020 (Section 2, starting on page 55).

The following comments below describe the errors in detail. The incorrect analysis from CDFW is attached.

To correct this problem, the original analysis provided for CalFire by CDFW should be rescinded. A corrected analysis should be performed and sent to CalFire and all other parties involved, and the Bootleg THP must be corrected and Section 2 resubmitted. Once that is completed, an adequate period of public commentary must once again be established.

----- Forwarded Message -----

Dear Mr. Miller,

On behalf of the Friends of the South Fork Gualala River,

I am writing to inform you of a serious error in your Noise Harrassment Analysis of the Bootleg/Bootleg 2 Timber Harvest Plan 1-20-00203 SON, included in Section 2 of the THP (starting on page 55, attached). Your letter is dated November 13, 2020, and addressed to Mr. Dominik Schwab, Director CalFire.

In your analysis of the Marbled Murrelet habitat areas for the proposed THP, you have completely misidentified the Bootleg and Bootleg 2 plan areas on all maps (pages 16-18 of your letter).

As made clear in other maps and discussions throughout the Bootleg THP, as well as during the Preharvest Inspection (map attached) at which you were present on January 5, 2021, "Bootleg" is the southern THP – this is the stand that the RPF plans to harvest first -- and "Bootleg 2" is the northern THP, bordering Clipper Mill and 60-Best to the North. Your analysis states the opposite.

Mr. Miller, this is a highly significant error. The proposed "Bootleg" THP, when properly located on the map, is directly next to the Ox Bow stand, currently being harvested right now (THP 1-18-076-SON). These errors make it look like the proposed harvest will not be contiguous to Ox Bow, when in fact it will be.

As you should be aware, THPs are legally required to follow CEQA rules. Is it not the case that CEQA strongly discourages contiguous THPs with similar timeframes? These proposals, if approved, would allow 3 contiguous harvests of well over 250 acres each to occur back-to-back without any buffers in time or distance.

Furthermore, the proximity to the existing known MAMU occupied areas is concerning, not well described in the analysis, and additionally confused by the errors.

For example, the MAMU habitat map on page 16 of your letter identifies the Ox Bow stand as "Suitable, Not Surveyed". How is the Ox Bow stand possibly suitable for MAMU when it is being harvested right now? The Ox Bow harvest has been generating "very high" levels of noise since April 2020. It is more likely that any suitable habitat, or occupied areas, have already been recently irreparably destroyed. However, if Ox Bow is "suitable, not surveyed" as you identified, then it requires a minimum 1,320 foot buffer zone from a correctly located Bootleg THP, as stated in your letter.

According to your letter, "The Clipper Mill Habitat Area and the 60-Best Habitat Area are 'occupied' by marbled murrelets based on surveys conducted in 2007 and 2008." This is not well labelled in Figure 1. Clearly, this watershed is perfect MAMU habitat, as indicated on the PHI map attached, and observing them occupying the area is no surprise. However, these known habitat areas are directly inside and adjacent to the proposed THPs! Due to the continuous and daily logging occurring there today, the buffer zones you indicate are entirely insufficient.

Additionally, the noise analysis provided is misleading and makes an incorrect assumption that noise in the THP area projects equally in all directions. The proposed THP is along very steep slopes of the Middle-South Fork Gualala river. Simply put, the noise is projected outwards, in this case across and up the river, and "very high" levels of noise are measured on the ridge to the southwest, over 3000' away. To accurately measure noise projections, a noise survey should be performed now on the active Ox Bow harvest. This survey should then be used to properly inform and identify adequate buffer zones for MAMU habitats around Ox Bow and Bootleg.

Mr. Miller, a THP provides the equivalent of an EIR. The Endangered Species Act prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered or threatened, and prohibits attempting to engage in any such conduct. "Take" includes harassment and harm, including significant habitat modification or degradation which impair essential behavioral patterns, including breeding, feeding, and sheltering.

As written, your analysis provides an incorrect and misleading representation of the proposed THP. The letter is a significant source of confusion and misinformation within the document. The analysis does not provide adequate assurances against harassment and harm of Marbled Murrelet, and as written could result in permanent, irreparable, and irreversible damage to occupied habitat.

These errors must be corrected.

To correct this problem, the original analysis provided for CalFire should be rescinded. A corrected analysis should be performed and sent to CalFire, and the Bootleg THP must be corrected and Section 2 resubmitted. Once that is completed, an adequate period of public commentary must once again be established.

Mr. Dominik Schwab 11
California Department of Forestry and Fire Protection

11

November 13, 2020

station location provided adequate visual and auditory survey coverage of the respective habitat area. The survey data sheets were reviewed by CDFW to ensure compliance with the Pacific Seacird Group's survey protocol (Evans Mack 2003).

Based on our review of the survey data sheets and survey stations, the marbled murrelet surveys conducted for the Bootleg THP adequately followed the survey protocol, and the status of the habitat areas within the plan area may be categorized as "probable absence" for a period of up to three years (through 2023) unless extended in consultation with CDFW.

CDFW conducted a noise disturbance analysis for the proposed THPs according to the U.S. Fish and Wildlife Service (USFWS) document titled "Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California" (USFWS 2008). The analysis identified the dominant pre-project sound level for the occupied marbled murrelet Habitat Areas as "natural ambient." Operation of the THP has the potential to generate sound levels categorized as "high" and "very high." High sound levels are produced from the operation of timber harvesting equipment such as a tractor, front-end loader, skidder, chainsaw, and log-loader. Very high sound levels are produced by timber harvesting equipment such as logging trucks using Jake brakes, yarder whistles, helicopters, dump trucks dumping rocks, and activities such as the felling of residual (i.e., dominant and co-dominant) conifers.

Based on the above-described expected noise levels, the disturbance guidance recommends disturbance buffers of 500 feet for timber harvesting operations producing high sound levels and 1,320 feet for very high sound levels around occupied or suitable, unsurveyed habitat areas.

To avoid 'take' or adversely affecting marbled murrelets during project operations, the following conditions should be incorporated into the project as enforceable conditions:

Entire Plan Area

Ravens, crows, and jays, which have large home ranges, are known predators of marbled murrelet eggs and nestlings (Marzluff and Neatherlin 2006). CDFW recommends that the plan require that all garbage and food scraps produced by workers be packed out and disposed of in animal-proof containers. Workers, when feasible, should consume food inside their vehicles.

Harvest Operations in Proximity to the 60-Best/Clipper Mill Habitat Areas

The Clipper Mill Habitat Area and the 60-Best Habitat Area are "occupied" by marbled murrelets based on surveys conducted in 2007 and 2008. Buffers shall be implemented in the Bootleg THP as shown in Figure 3 and described below.

50.12

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Mr. Dominik Schwab
California Department of Forestry and Fire Protection

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November 13, 2020

1. No timber harvesting or any other vegetation modification shall occur within 300 feet of these Habitat Areas. This restriction shall be in effect year-round.
2. Timber harvesting activities producing High sound levels shall not occur within 500 feet of the Habitat Areas during the marbled murrelet breeding season.
3. Timber harvesting activities producing Very High sound levels shall not occur within 1,320 feet of the Habitat Areas during the marbled murrelet breeding season.
4. The 300-foot no-vegetation modification buffer and the 500-foot and 1,320-foot seasonal harassment minimization buffers shall be flagged in the field by the RPF prior to timber harvesting.
5. Prior to timber harvesting, the RPF shall inform all timber harvest crews of the above recommendation through a pre-project meeting.

Harvest Operations in Proximity to Habitat Areas 1-9 and the L-Camp Habitat Area

CDFW has determined that Habitat Areas 1-9 and the L-Camp Habitat Area may be considered "probable absence" sites. Survey results will be considered valid for up to three years. However, because marbled murrelets occupy habitat within the South Fork Gualala River watershed, the following protective measures should be amended into the THP:

1. Trees with canopy deformities or limbs exceeding four inches in diameter that provide relatively flat potential nesting platforms shall be retained as wildlife trees. Where feasible, screen trees and overlapping canopy trees shall be retained to promote and recruit lateral foliar of suitable nesting platforms. Proposed harvest of screen trees shall be evaluated during the Pre-Harvest Inspection.
2. The locations of suitable marbled murrelet habitat shall be conveyed to the Licensed Timber Operator to ensure retention and nearby harvested trees should be directionally felled to avoid damage to these mature trees.
3. If marbled murrelets are detected during the harvest activities, work shall stop immediately, and CDFW shall be consulted. Take of marble murrelet is prohibited under the California Endangered Species Act without appropriate take coverage.
4. To avoid attracting ravens, crows, and jays, known nest predators of marbled murrelets, timber harvesting crews shall pack out all litter and food scraps. Food shall be consumed inside vehicles when possible. It shall be the responsibility of the RPF and/or his designee to inform work crews of this restriction.
5. Prior to timber harvesting, the RPF shall inform all timber harvest crews of the above recommendation through a pre-project meeting.

50.13

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Mr. Dominik Schwab
California Department of Forestry and Fire Protection

13

November 13, 2020

CDFW requests that the above recommendations remain in effect during the life of the THP. Please ensure that the above listed measures are incorporated into the THP as enforceable conditions and that a copy of this marbled murrelet pre-consultation is attached as an appendix to the THP.

Consultation with CDFW will be required if the location and boundary lines of the proposed THP areas are modified, or if CDFW receives any new information regarding marbled murrelet occurrences near the proposed plan area. CDFW's evaluation and recommendations are consistent with recovery objectives and goals of the Marbled Murrelet Recovery Plan (USFWS 1997). The recommendations in this report apply to these THPs alone. Protective measures may need to be modified following completion of surveys to reflect site-specific conditions; CDFW is available to provide assistance when the surveys are complete. Additional or modified measures may be recommended for future THPs.

If you have questions or comments, please contact Mr. Barry Miller, Environmental Scientist, at (707) 576-2793 or Barry.Miller@wildlife.ca.gov; or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at (707) 576-2786 or Randi.Adair@wildlife.ca.gov.

cc: Dan Falk, Falk Forestry – falkforestry@gmail.com
Stacy Martinelli, CDFW Region 3 – Stacy.Martinelli@wildlife.ca.gov

REFERENCES

- California Department of Fish and Wildlife (CDFW). 2008. Marbled Murrelet Consultation for the Clipper Mill Timber Harvesting Plan (1-08-093 SON), South Fork Gualala River, Sonoma County. 03 September 2008. Prepared by Stacy Martinelli.
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Mr. Dominik Schwab
California Department of Forestry and Fire Protection

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November 13, 2020

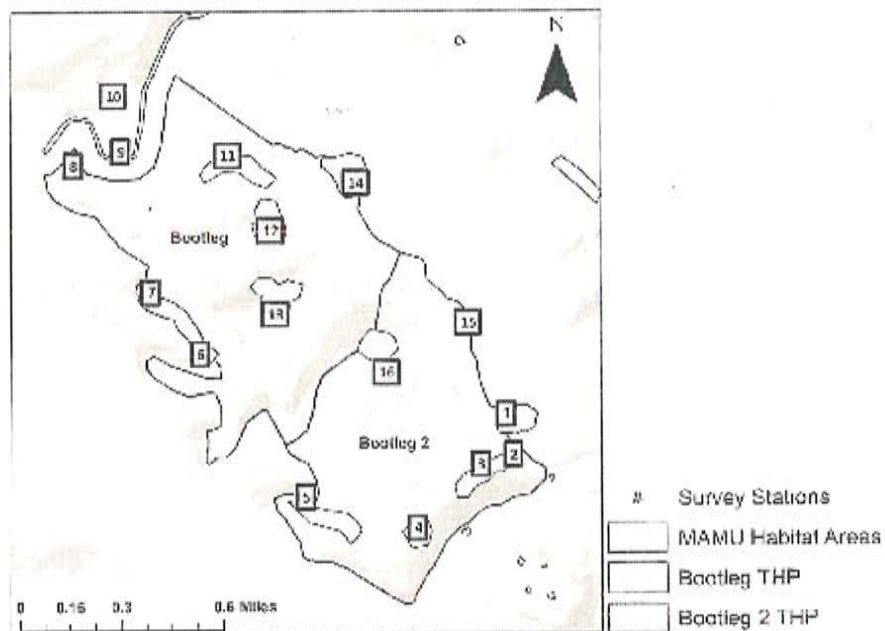


Figure 2. Bootleg and Bootleg 2 THP Marbled Murrelet Survey Station Locations.

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Design Location ID: M000000 5647 48-18 M00 0 403-000437 1

Mr. Dominik Schwab
California Department of Forestry and Fire Protection

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November 13, 2020

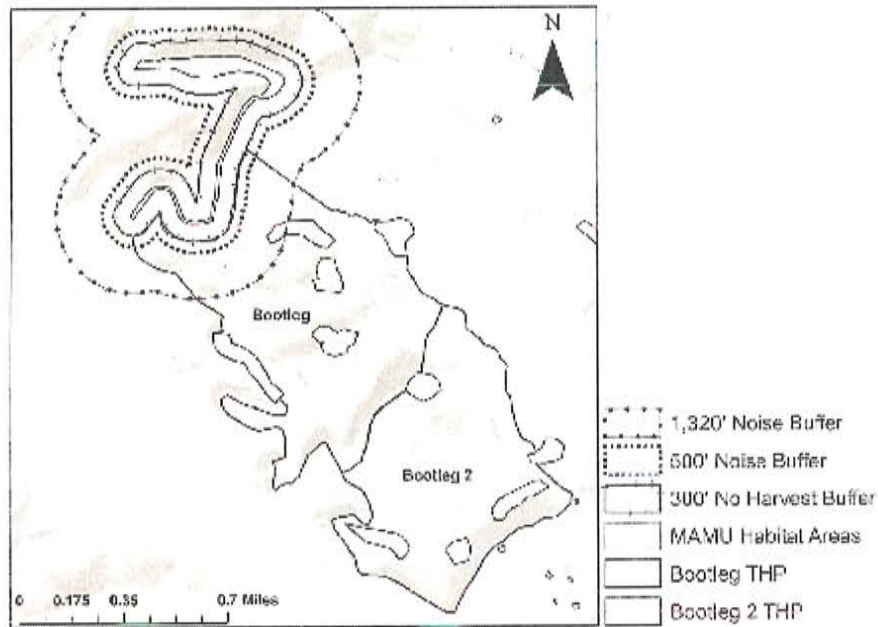
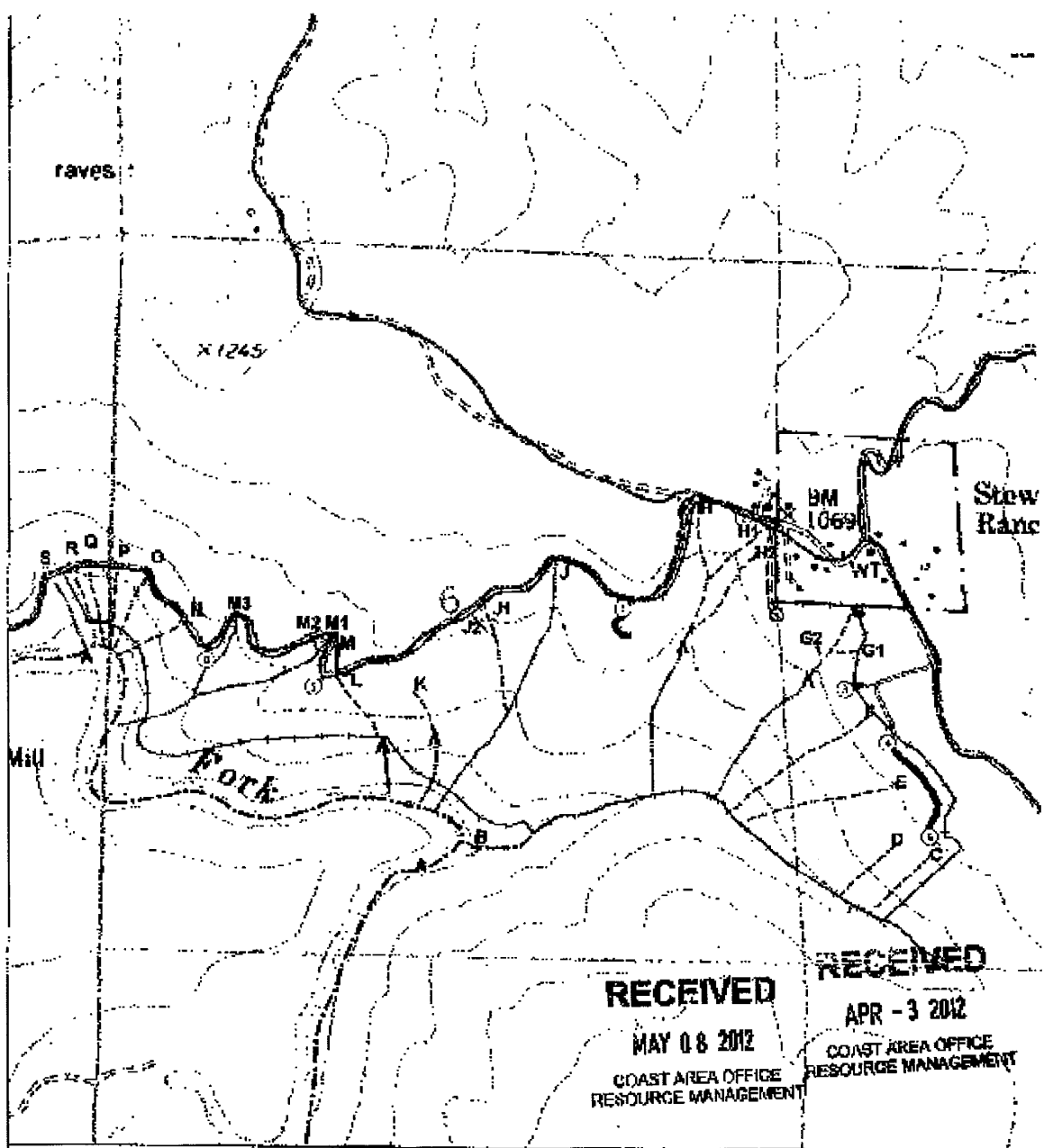


Figure 3. Marbled Murrelet Habitat associated with the Bootleg and Bootleg 2 THP areas.

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Road & Watercourse Map

Map # 1

Clipper Mill THP

THP located in Section 1, T9N-14W
and Sections 5 & 6, T9N-13W
Mount Diablo Base & Meridian



1:12,000

1 inch equals 1,000 feet

Koetick Consulting Forestry

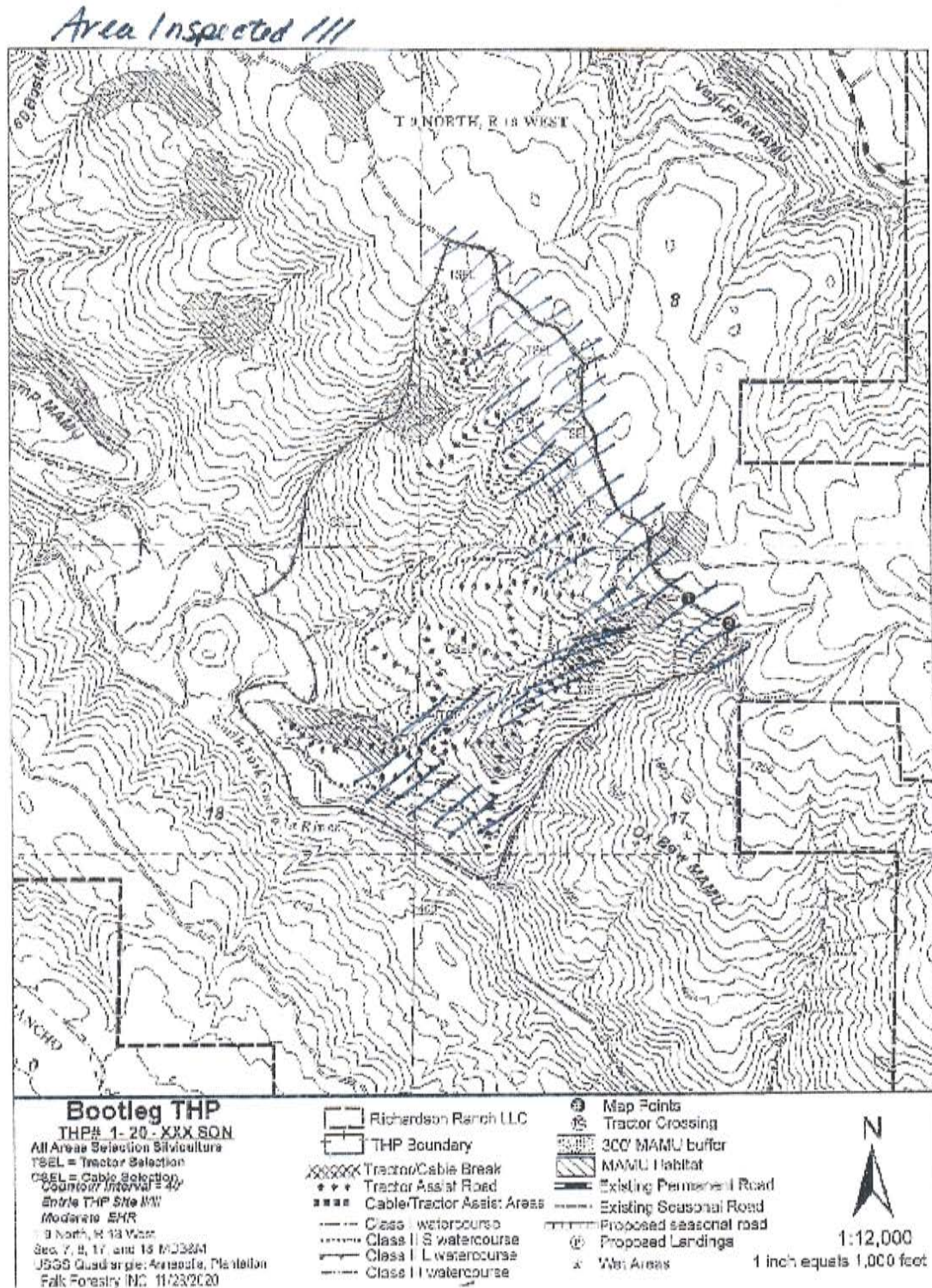
Legend

- THP boundary
- Class I Watercourse
- Class II Watercourse
- Class III Watercourse
- Existing Seasonal Road
- New Road (Seasonal)
- Permanent (County) Road

J Watercourse ID

A Change in WC Classification

Area For which Water is Being Requested For



RESPONSE: The November 13, 2020, marbled murrelet consultation was revised February 3, 2021. These concerns were corrected and addressed in the revised marbled murrelet consultation. Please refer to 11. General Concern: Marbled Murrelet.

The public comment period was open until February 22, 2021.

21PC-000000179 – from Nita Ishcomer on February 1, 2021.

As proposed this THP should not progress any further. The post THP condition of this area will add more fuel load, thus increasing the severity and magnitude of Wildfires, if one occurs. Tens of thousands of branches and tops will be strewn on the ground and in piles. The plan will add more acreage to the more than 20 million acres of Federal, State and Private lands in Ca, that are in dire need of fuel reduction treatment. That is 2/3rds of CAL FIRE's 31 million acres of State Responsibility Area. This THP would not be a potential hazard if Cal Fire focused on fire prevention, versus fire suppression. The end result being a contiguous swath of fire avenues connecting this area to other previously logged zones with the same fuel load treatment.. Given the State's stance on Climate Change, why would this plan be approved, if one of it's side effects is to dry out the forest. Canopy loss leads to more ambient and direct sunlight hitting the forest floor and drying out vegetation. Tree removal also leads to increased wind corridors, which in turn creates more tree falls and "widow makers", leading to more fuel for wildfires. Between 2012 and 2019 more than 100 million trees died due to drought, this increases insect attack. This fact has been raised by various agencies, including Cal Fire. This "die off" is expected to rise until precipitation levels rise in the forest. How can this ever happen when logging practices, such as this one, contribute to precipitation evaporation. There are too many trees competing for water in the soil, with no actions to stop this. My Choctaw Grandmother, who came to the North Coast, from Oklahoma, in the 1940's tried to warn the industry. She worked in logging the Ca, North Coast from 1942 to 1967. She told foresters, scientists and the public 3 results that would occur from the logging practices of the day. People could eat Tan Oak Acorns or people could pull Tan Oak seedlings when they sprouted. Both methods would stop an explosion of the Oaks leading to an unbalancing act of the forest. She stated that if the industry did nothing about the Oaks, the industry would pay for it decades later. That debt being, drying out of the Redwood "rain forest" from the logging practices, coupled with Tan Oaks, mainly, overly competing with other trees for water and nutrients.. She was told by everyone that Tan Oaks would never become a problem as it was a Redwood Forest. The point being, the situation the state of California's Forests are in, was fore seen by any. Yet, the state refused to heed any advice or knowledge, back then and right now. In the past, Cal Fire would have had reservations about this THP, due to their priority of fire prevention (as stated in the name). 2021 is all about fire suppression and the vast budget that comes along with it. Cal Fire, in the early 2000's discouraged state rangers from doing prescribed burning. The rangers were influenced by the better paid, paramilitary attitude of Cal Fire.. One thing I was taught in the navy was, preventative maintenance was better than doing corrective maintenance. This was done to avoid major problems. Cal Fire should take a science based decision, and not a financial one, and deny this THP. Cal Fire should then launch an all out controlled burn, fire break blitzkrieg across the state. This could be paid for by employing people to execute the aforementioned instead of funding task forces, think tanks, working groups and consultants. Fighting fires is like fighting a division of tanks, you are guaranteed to be victorious, if you deprive them of fuel..I am sending some photos of the aftermath of a 2020 THP 00070 MEN, on the Albion River. Cal Fire claims that this area is not in danger of a wildfire, because all the fuel will breakdown in a

few years and it will no longer be a fire threat. This is in a HIGH threat area for fire. Climate Change can not be blamed for these photos. Will this THP be left in the condition as is in these photos?





Nita T. Ishcomer

RESPONSE: The commenter has a general concern about the THP increasing wildfire severity in the area. Please refer to 13. General Concern: Wildfire Risk. Specific concerns are addressed below:

The concern was expressed that there are too many trees competing for water in the soil with no action to stop this. In addition, tanoak is competing with the other trees for water and nutrients.

The THP proposes to harvest timber on 267 acres of second growth redwood and Douglas fir using single tree selection and retaining a minimum of 75 square feet of basal area. The remaining trees will have more space to grow due to less competition. The proposed timber operations will reduce competition for light and moisture. On page 62 of the THP, the preharvest stand is estimated to have only 16 tanoak trees per acre making up 11 square feet of basal area. The THP notes that this number will be reduced by half after timber operations. Therefore, tanoak competition does not appear to be significant factor on this site, which is dominated by redwood and Douglas-fir.

There is concern that canopy loss that will dry out the forest leaving it more vulnerable to fire. Harvesting also leaves wind corridors leaving the stand susceptible to tree fall and additional fuel build up.

The THP proposes single tree selection in the majority of the THP area. The Class I watercourse buffer is a no harvest area. There will be significant crown cover remaining post-harvest. Residual trees will expand their crowns with the additional growing space resulting in higher canopy cover within a few years. As mentioned above, the forest is located within 2.5 miles of the Pacific Ocean so it is under a marine influence which maintains cooler temperatures and increases fog cover leading to higher surface moisture values. The remaining trees will have more space to grow due to less competition for soil moisture. Therefore, there should be negligible effect on surface moisture conditions.

The stands will be more open to wind due to the selective logging. However, it is anticipated that trees will be evenly spaced out and the most windfirm trees selected for retention. Typically, the poorer growing spindly trees with small crowns are removed to reduce competition leaving well-spaced codominate and dominate trees. Because of this, wind corridors are not expected to change dramatically from preharvest conditions.

21PC-000000191- from Chad Swimmer on February 3, 2021

The following comments regard THP 1-20-00203 SON and are made in solidarity with our Friends of the South Fork Gualala River. I am president of the Mendocino Trail Stewards. I am fully aware that public comments rarely stop a timber harvest plan, but I also know that by law a human being must read them. Thus I am taking the opportunity to just tell a story, to include a moment in my life, in 1987, when I was but 19 years old. This is not a legally-actionable statement, but an appeal to our mutual humanity in a time of mass extinction.

I had a girlfriend who lived far out a dirt road, just across the watershed from this plan. We would often sleep out in the redwoods under the stars--no tent, just a ground cloth, pads, and a pile of blankets. 34 years later, I can clearly remember the wonder I felt as I lay awake through the night,

listening to the crescendos and silences of the Pacific Chorus Frogs. the tens of thousands of little throats from the wetland below her house. All night, nearly every night of the Summer, these resilient little amphibians sang--and continue to sing--their song of survival and, some would even say, love. I wonder if they are still there.

The Gualala River is heavily sediment impaired. That little wetland from my young life may be upriver from the timber harvest being considered, but, from an ecologists' standpoint, watersheds need to be evaluated as a whole, not a sum of their parts. Adding any sediment to an already impacted watercourse is not good stewardship nor good policy. And fire risk management also demands a change in the actions of the agencies charged with reviewing these plans--in this case Cal Fire, demonstrating an obvious conflict of interest by reviewing yet never denying THPs, fighting fires, and carrying out timber harvest themselves. All the latest evidence shows that logging, even selective thinning (without prescribed burning in the following years), does not lessen the risk, but in fact increases it. Sonoma county clearly does not need any increase in the fire risk. I am not citing these statements as I know it won't affect your decision, but we have links to pertinent studies on our website, linked below. I would like to quote the public comments of Ethan Arutanian, a neighbor of the THP being proposed:

- 1. Why did the RPF fail to include THP 1-95-250 SON in the list of Past Projects?*
- 2. What is the accurate total cumulative watershed harvested in the past 25 years?*
- 3. Have the cumulative impacts been discussed quantitatively? Data is required. What is the baseline?*
- 4. Have previous impacts been assessed quantitatively?*
- 5. What criteria has CalFire established for "cumulatively considerable" for each of these effects? That is, how much is too much? What are the "thresholds of significance"?*
- 6. Is the logic for each conclusion made explicit so that it may be critiqued?*

Additionally,

In Section 4 Cumulative Impacts Assessment Checklist (pg 1): The RPF on this proposal is also a Landowner of the property. This presents a significant Conflict of Interest. With that in mind,

- 7. Are the answers in the chart with regard to Watershed, Soil Productivity, Biological, Recreation, Visual, Traffic, Greenhouse Gases, Wildfire Risk and Hazard, and Other correct?*
- 8. Are these assertions based upon data in the record or are they merely opinion? Assertions without "substantial evidence in the record" precludes "meaningful public participation".*
- 9. Could these assertions be biased by the Conflict of Interest in being both Landowner and RPF? If yes, an independent 3rd-party review and analysis should be provided for each of the resource subjects in the chart.*

RESPONSE: Please refer to the following General Concern responses 1. Conflict of Interest, 2. Cumulative Impacts Assessment, 4. Sediment Impacts, and 13. Wildfire Risk.

21PC-000000244 – from Peter Schmidt on February 18, 2021

I have read both the Cal Fire comments on the above referenced THP and the responses to recommendations by the Owner/LTO/RPF, Daniel Falk.

CONFLICT OF INTEREST

When I read your response to the conflict-of-interest issues regarding the archaeological survey and the biological survey, I learned that you found there was no conflict of interest in a dual role of LTO/RFP because Forest Practice Rules did not prevent it. My suspicions were raised by this finesse of the issue. Why?

First, I pointed out that there was a far deeper conflict of interest—that Falk is also an owner under inheritance rights from Harold Richardson trust. There is no denying this constitutes a conflict of interest. In view of that fact and multiple California laws speaking to the issue, it is irrelevant that the Forest Practice Rules do not prevent LTO/RFP dual roles. He is an owner and that proves the conflict of interest.

Despite your avoidance of the substance of the observation of conflict of interest, our query obviously got Falk sufficiently concerned that he abandoned claims to his survey role and has presented, ex post facto, the name of a Mr. Elliot Brooks in that role. This is not credible, nor is it revealed in any previous document.

I should point out to you that this unconvincing attempt to mask the inadequacies of an archaeological survey does not escape scrutiny of professionals. I made very clear in my letter to you of December 31 past, that anyone belonging to Falk's 'old boy' networks of certified RPFs would not be credible. Elliot Brooks falls into this category. He and Falk are friends, members of the same class at Humboldt State University, contemporaneous members of the HSU Loggers sports team, and contemporaneous members of the Forestry Club (several years behind Shawn Headley it would appear). You could not find a more compromised relationship. It will not do; it is an embarrassing attempt to hide inadequacies.

Moreover, it staggers the imagination that somehow a quick and very limited walk over by the Cal Fire archaeologist and a representative of the Kashia band is a claim for adequacy (this has now been made a part of the public record by Falk that you have not suppressed). The truth lies elsewhere—this is a big parcel of land that has not been examined adequately. I and other professionals I have consulted will not be satisfied until Falk hires an outside, independent archaeologist—with whom he has no relationship—to conduct a neutral and objective survey.

OTHER SURVEYS

The absence of credible scientific evidence for other surveys stands out starkly in Falk's response. He itemizes the biological surveys he has conducted and the years they have been conducted, e.g., Barrel Owls, MAMU, Sonoma Tree Vole, Red Legged Tree Frog, Western Pond Turtle, etc. Like many of his other treatments, there is no evidence for substantive results of those surveys. The list is meaningless without data that show the survey results.

NOISE

Your finding that the noise issue is not covered in Forest Practice Rules defies logic. There are countless offenses that are not covered by the FPRs, yet that does not give them a waiver. Need I remind you that Cal Fire lost the Artesa case based on noise issues, among other problems? Cal Fire lost that case, yet you continue to ignore and pretend that people currently plagued by the

ongoing noise from Falk's timbering operation are not harmed? This is unreasonable and constitutes an official abuse of our rights to well-being. There is a particular revealing statement made by Falk in his responses to your team comments to wit:

"Local neighboring landowners were consulted [he names 3] during review of the Bootleg THP. Issues discussed related to noise disturbance, operations, and past forest practice by Daniel Falk on the Richardson Ranch. All parties related a positive relationship and support for the stewardship of Daniel Falk, Falk Forestry Inc., and the Richardson Ranch LLC."

This statement is disingenuous. Pertaining to noise, only 1 of the cited "neighbors" are truly neighbors. The statement sweeps aside multiple public comments, truly consultative in substance, by close neighbors who find significant noise problems prevail with the timber operations of Daniel Falk on the Richardson Ranch. At the very minimum, Falk should be advised to equip his chain saws with special noise suppressing mufflers. He should do this simply out of consideration for his neighbors. It is a matter of being a good neighbor. If you remain in disbelief, please send representatives to my residence for several days this next summer to experience it for yourselves. Allow me to amend that invitation: 1-2 hours should be sufficient to make you aware and ready to flee to a more peaceful refuge.

In conclusion, it is disheartening to see such weak and embarrassing attempts to hide inadequacies in this THP. By now Cal Fire should have realized that the citizens of California and Sonoma County are tired of 'old boys' and their mutual back scratching at the expense of public well-being.

RESPONSE: For a response to these comments, please refer to the following General Concern responses 1. Conflict of Interest and 12. Noise.

In regards to the Artesa project, this involved the conversion of timberland to a vineyard. The court ruled that the Department failed to address alternatives to converting the redwood forest, lost carbon sequestration, pesticide impacts, and noise impacts. This is because the site would be permanently converted to agricultural land growing grapes with agricultural infrastructure. Continued use as an agricultural site would be much different than retention of the forest with intermittent harvesting. The current THP is not proposing to convert timberland, but proposing to maintain a redwood forest that will be managed with periodic selection harvesting. The short-term noise from logging is not permanent because the land use is not changing.

REFERENCES

California's Wildfire and Forest Resilience Action Plan. Available on 03/23/2021 at <https://fmtf.fire.ca.gov/media/cjwfpckz/californiawildfireandforestresilienceactionplan.pdf>

CEQA Portal Topic Paper. *Definition of Piecemealing Under CEQA*. Available on 03/23/2021 at <https://ceqaportal.org/tp/Project%20Description%2003-23-16.pdf>

2021 California Environmental Quality Act. *Statute and Guidelines*. Available on 03/23/2021 at [2021 California Environmental Quality Act \(CEQA\) Statute and Guidelines \(califaep.org\)](https://califaep.org/2021-California-Environmental-Quality-Act-(CEQA)-Statute-and-Guidelines)

2021 California Forest Practice Rules and Forest Practice Act. Available on 03/23/2021 at https://bof.fire.ca.gov/media/3qebuoma/2021-forest-practice-rules-and-act_final.pdf

California Water Quality Monitoring Council website search for HAB Incident reports. Available on 03/23/2021 at https://mywaterquality.ca.gov/habs/where/freshwater_events.html

Sonoma County Right to Farm Ordinance, Chapter 30, Article II. Available on 03/23/2021 at [https://s30428.pcdn.co/wp-content/uploads/sites/2/2019/09/Sonoma County Right to Farm 1.pdf](https://s30428.pcdn.co/wp-content/uploads/sites/2/2019/09/Sonoma-County-Right-to-Farm-1.pdf)

SUMMARY

The preharvest inspection held on January 5, 2021, 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 February 10, 2021, 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 February 11, 2021.

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.