



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

NORTHERN REGION HEADQUARTERS REDDING

6105 Airport Road  
Redding, CA 96002  
(530) 224-2445  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



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

THP NUMBER: 2-21-00052-TRISUBMITTER: Corral Creek Timber Co. LLC.COUNTY: Trinity

END OF PUBLIC COMMENT PERIOD: June 3, 2021

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: June 7, 2021

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

Sincerely,

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

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

cc:  
Unit Chief  
Rick Holub, RPF  
Dept. of Fish & Game, Reg. 1  
Water Quality, Reg. 1  
Email letter from Cindy Buxton

**COMMON FOREST PRACTICE ABBREVIATIONS**

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

## **NOTIFICATION PROCESS**

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

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

## **THP REVIEW PROCESS**

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

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

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

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

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

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

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

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

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

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

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

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

### Public Comment

Public comment for this plan came in the form of an emailed letter to CAL FIRE's Public Comment Inbox. The specific concerns are copied below under each Concern # (#1, #2, etc.), the entire letter is attached at the end of the response for reference.

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

### Concern #1:

- 1) Potential damage to the county road and bridge from hauling during timber harvest.
  - a. The county-owned B Bar K Road and bridge is the sole access into our neighborhood. The road at its narrowest point is single lane on a blind corner with a steep drop-off, no shoulder, and cracks in the asphalt. An equally narrow portion of the county road in the neighborhood almost directly across from the Buxton home is sloughing into Browns Creek. The heavy traffic associated with the harvest will exacerbate this damage and should be addressed.
  - b. The county bridge into our neighborhood is old and not scheduled for replacement, to our knowledge. Potential impacts to the bridge from heavy hauling should be analyzed and a mitigation plan for damage should be developed before harvest proceeds.

### Response #1:

On page 87 of the THP, the Plan provides road use restrictions for a portion of the area discussed in Concern #1- see below.

The following restrictions shall apply to the appurtenant road system (road segment between the property line and the county road at the bridge over Browns Creek).

- The LTO(s) shall not blade, excavate, clean, or travel in any inside ditch where domestic waterlines may exist
- The LTO(s) shall make sure log trucks do not exceed 10 mph while travelling this stretch of road.
- The LTO(s) shall post signage at the Browns Creek bridge advising of log truck traffic prior to any log hauling
- The LTO(s) shall not commence log hauling prior to 7:00 a.m (0700) on any day of active operations

During the PHI, the multi-agency review team assessed the roads which fall under CAL FIRE's jurisdiction. The CAL FIRE Inspector provided the following statement in his PHI Report.

32. Comments or general observations regarding roads and landings: The main haul road is fairly steep. The road beyond the gate had rolling dips installed and were functional. Prior to the gate, there were segments where the rolling dips had overtopped. No changes to the THP are needed as installation of road drainage is required by the standard rules. Installation of functional drainage will be evaluated during and after operations.

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

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

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

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

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

#### **Concern #2:**

##### **2) Impacts to the private road through the neighborhood.**

- a. The county road into the neighborhood and private road through the neighborhood are single lane and there has been no written consideration for traffic management during the harvest operation that we are aware of.
- b. The private road is maintained by residents and use of the road for the commercial timber harvest will damage it. Tyler Geist of Corral Creek Timber (CCT) has said that dust abatement measures will be taken during the harvest operation and the road will be returned post-harvest to the same or better condition it was in before harvest. These measures are much appreciated. However, these assurances have not been received in writing and they are not included in the THP, which leaves us with some concern.

#### **Response #2:**

Please refer to the response to Concern #1.

**Concern #3:****3) Neighborhood access and fire danger during timber harvest work.**

- a. Transport of heavy equipment and logs into and through the neighborhood will result in periods when residential access will be blocked as the single lane roads are traversed.

The majority of residents in the neighborhood are elderly and such blockage will prevent emergency services from rapidly entering/exiting the area in cases when their services are required for life support.

- b. Fire danger in the neighborhood is high for most the year, especially during these recent dry years, and homes are predominantly located near the forest. There are considerations in the THP for reducing the wildfire potential post-harvest, but safeguards are not listed for residents from fire that could be ignited by the harvest operation. Because fire hydrants are not available in the neighborhood and the nearest fire station in Douglas City is 8 miles and 20 minutes away by road, we believe CCT should implement a fire protection plan that would provide onsite protection for homes from fire.

**Response #3:**

The Forest Practice Rules provide very specific requirements as it relates to fire danger and road accessibility.

In addition to any specific practices specified in the Plan, the following rules pertaining to fire danger apply and are enforced on all Timber Harvesting Activities. These rules are not required to be reiterated into the timber harvest plan, but must be followed for every timber harvest plan. Fire tools and clearance are regularly enforced by CAL FIRE Inspectors.

Per Article 8 of the FPR.

**Article 8 Fire Protection****918, 938, 958 Fire Protection [Coast, Northern, Southern]**

When burning permits are required pursuant to PRC § 4423. Timber Operators shall:

- (a) Observe the fire prevention and control Rules within this article.
- (b) Provide and maintain fire suppression related tools and devices as required by PRC §§ 4427, 4428, 4429, 4431, and 4442.
- (c) Submit each year, either before April 1st or before the start of Timber Operations, a fire suppression resources inventory to the Department as required by the Rules.

**918.1, 938.1, 958.1 Fire Suppression Resource Inventory [All Districts]**

The Fire Suppression Resource Inventory shall include, as a minimum, the following information:

- (a) Name, address and 24-hour telephone number of an individual and an alternate who has authority to respond to Department requests for resources to suppress fires.
- (b) Number of individuals available for firefighting duty and their skills.
- (c) Equipment available for firefighting. The Fire Suppression Resource Inventory shall be submitted to the ranger unit headquarters office of the Department having jurisdiction for the timber operation.

**918.3, 938.3, 958.3 Repealed [All Districts]****918.4, 938.4, 958.4 Smoking and Matches [All Districts]**

Subject to any law or ordinance prohibiting or otherwise regulating smoking, smoking by persons engaged in Timber Operations shall be limited to occasions where they are not moving about and are confined to cleared Landings and areas of bare soil at least three feet (.914 m) in diameter. Burning material shall be extinguished in such areas of bare soil before discarding. The Timber Operator shall specify procedures to guide actions of his employees or other persons in his employment consistent with this subsection.

**918.5, 938.5, 958.5 Lunch and Warming Fires [All Districts]**

Subject to any law or ordinance regulating or prohibiting fires, warming fires or other fires used for the comfort or convenience of employees or other persons engaged in Timber Operations shall be limited to the following condition:

- 1. There shall be a clearance of 10 feet (3.05 m) or more from the perimeter of such fires and flammable vegetation or other substances conducive to the spread of fire.
- 2. Warming fire shall be built in a depression in the soil to hold the ash created by such fires.
- 3. The Timber Operator shall establish procedures to guide actions of his employees or other persons in their employment regarding the setting, maintenance, or use of such fires that are consistent with (a) and (b) of this subsection.

**938.8 Inspection for Fire [Northern]**

- (a) The Timber Operator or his/her agent shall conduct a diligent aerial or ground inspection within the first two hours after cessation of felling, Yarding, or loading operations each day during the dry period when fire is likely to spread. The person conducting the inspection shall have adequate communication available for prompt reporting of any fire that may be detected.

**918.10, 938.10, 958.10 Cable Blocks [All Districts]**

During the period when burning permits are required, all tail and side blocks on a cable setting shall be located in the center of an area that is either cleared to mineral soil or covered with a fireproof blanket that is at least 15 ft. in diameter. A shovel and an operational full five-gallon back pump or a fire extinguisher bearing a label showing at least a 4A rating must be located within 25 feet of each such block before Yarding.

**Per 14 CCR 943.6(d) Use of Logging Roads and Landings**

- (d) When burning permits are required pursuant to PRC § 4423, Logging Roads and Landings that are in use shall be kept in passable condition for fire trucks.

Below are pertinent excerpts from the Public Resources Code, Division 4, Chapter 6.



**4428. Use of hydrocarbon powered engines near forest, brush or grass covered lands without maintaining firefighting tools.**

No person, except any member of an emergency crew or except the driver or owner of any service vehicle owned or operated by or for, or operated under contract with, a publicly or privately owned utility, which is used in the construction, operation, removal, or repair of the property or facilities of such utility when engaged in emergency operations, shall use or operate any vehicle, machine, tool or equipment powered by an internal combustion engine operated on hydrocarbon fuels, in any industrial operation located on or near any forest, brush, or grass-covered land between April 1 and December 1 of any year, or at any other time when ground litter and vegetation will sustain combustion permitting the spread of fire, without providing and maintaining, for firefighting purposes only, suitable and serviceable tools in the amounts, manner and location prescribed in this section.

(a) On any such operation a sealed box of tools shall be located, within the operating area, at a point accessible in the event of fire. This fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools, and a sufficient number of shovels so that each employee at the operation can be equipped to fight fire.

(b) One or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area, or, in the alternative, a full set of timber-felling tools shall be located in the fire toolbox, including one crosscut falling saw six feet in length, one double-bit ax with a 36-inch handle, one sledge hammer or maul with a head weight of six, or more, pounds and handle length of 32 inches, or more, and not less than two falling wedges.

(c) Each rail speeder and passenger vehicle, used on such operation shall be equipped with one shovel and one ax, and any other vehicle used on the operation shall be equipped with one shovel. Each tractor used in such operation shall be equipped with one shovel.

(d) As used in this section:

(1) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn over any land surface, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(2) "Passenger vehicle" means a vehicle which is self-propelled and which is designed for carrying not more than 10 persons including the driver, and which is used or maintained for the transportation of persons, but does not include any motor truck or truck tractor.

**4429. Camps or local headquarters, firefighting equipment.**

During any time of the year when burning permits are required in an area pursuant to this article, at any camp maintained in such area for the residence of employees, or at any local headquarters in such area of any industrial, agricultural, or other operations on or near any forest-covered land or brush-covered land, there shall be provided and maintained at all times, in a specific location, for firefighting purposes only, a sufficient supply of serviceable tools to equip 50 percent of the able-bodied, personnel, resident of such camp, or working out of such headquarters, for fighting fires. Among these tools shall be included shovels, axes, saws, backpack pumps, and scraping tools. With such tools there shall also be one serviceable headlight adaptable for attachment to at least one-half of the tractor-bulldozers used on the operation, and a sufficient number of canteens and flashlights to equip a third of the able-bodied personnel.

**4431. Gasoline powered saws, etc.; firefighting equipment.**

During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate or cause to be operated in the area any portable saw, auger, drill, tamper, or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, brush-covered land, or grass-covered land, within 25 feet of any flammable material, without providing and maintaining at the immediate locations of use or operation of the saw or tool, for firefighting purposes one serviceable round point shovel, with an overall length of not less than 46 inches, or one serviceable fire extinguisher. The Director of Forestry and Fire Protection shall by administrative regulation specify the type and size of fire extinguisher necessary to provide at least minimum assurance of controlling fire caused by use of portable power tools under various climatic and fuel conditions.

The required fire tools shall at no time be farther from the point of operation of the power saw or tool than 25 feet with unrestricted access for the operator from the point of operation.

**4442. Spark arresters or fire prevention measures; requirement; exemptions.**

(a) Except as otherwise provided in this section, no person shall use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester, as defined in subdivision (c), maintained in effective working order or the engine is constructed, equipped, and maintained for the prevention of fire pursuant to Section 4443.

(b) Spark arresters affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

(c) A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

(d) Engines used to provide motive power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.

(e) Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.

**Concern #4:**

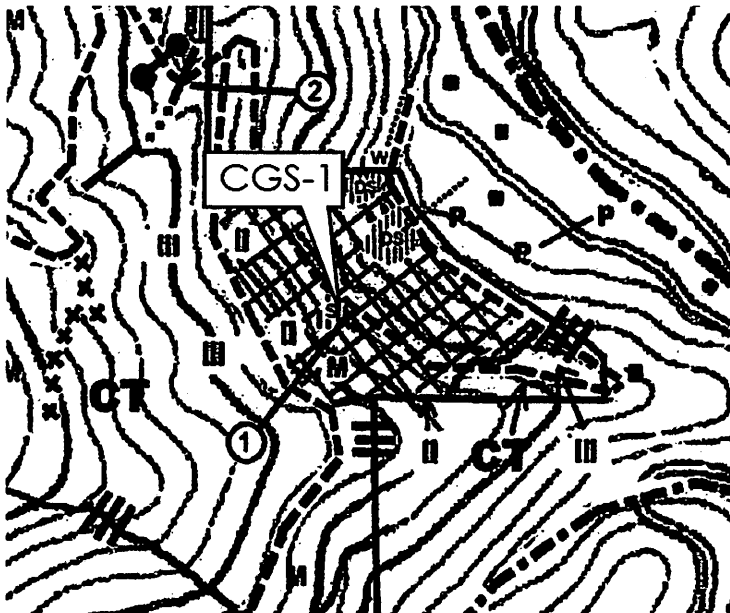
- 4) The proposed level of deforestation and yarding of logs in the seed tree harvest area (Fig. A) will endanger the water supply for the majority of neighborhood residents.
- a. Tree removal in the seed tree stand would reduce the density of trees to around 8 trees/acre with up to a 300 ft spacing between trees on the 60-70% slope, which has a moderate erosion rating. Our shared experience with the hydrology in this area of the watershed is that the hillslope is a shallow aquifer, as springs that are our domestic water supplies exhibit a rapid response to rainfall events. The unprecedented loss of canopy cover from tree harvest will remove shelter for soils that will experience surface erosion from rainfall impact and concentration of overland and subsurface flows. This risks sedimentation of the shallow aquifer that could impact water quality in springs and/or redirect flow paths that could result in dewatering springs that supply Alan and Pam Johnson, Boyd Beattie, Florence O'Reilly, Annette Moore, Kathy Shawver, and Sadie Marriot their potable water needs soon after harvest is complete.
  - b. A longer term impact to the shallow aquifer will result as the roots from harvested trees rot and the mechanical stability they provide the hillslope is lost. This could result in shallow hillslope failures and/or collapse of soil-root networks that conduit water to the aforementioned water supply points. These occurrences would promote overland flow and erosion that is not desirable to anyone, increase the peak runoff during precipitation events, and reduce resupply of the aquifer thus endangering water sources in summer.
  - c. The hillslope area that supplies water to the residential springs is not excluded from the application of herbicides post-harvest, which is of great concern to the neighborhood.
  - d. We appreciate that harvest will be reduced from 15 ft<sup>2</sup> basal area/acre for seed trees ≥18" diameter at breast height on the hillslope to 75 ft<sup>2</sup> basal area/acre within a 50 ft buffer where springs exit the ground, but this does nothing to protect the drainage area that feeds the springs. We respectfully believe that a strong reduction in harvest in at least the switchback between roads into the forest (Fig. A) is warranted for spring flow protection, if not removal of this area from harvest altogether.

**Response #4:**

The California Geological Survey (CGS) had a representative attend the Pre-Harvest Inspection. This representative is a Licensed Geologist and a Certified Engineering Geologist. He specifically reviewed the harvest Unit largely associated with the questions above, to look at a mapped unstable area, harvesting within that area, and the terrain surrounding that location. His specific observations are:

CGS-1/THP Map Point (M1) (Figure 3): CGS-1 refers to a previously mapped dormant-historic translational/rotational failure located in the eastern portion of the THP area (Figure 3). Based on observations, the feature initiated within a swale, approximately 100 to 200 feet upslope of a haul road, and is denoted by the presence of a moderately weathered 2 -to 4-foot tall concave scarp. The slide body measures about one-quarter acre and displays a hummocky slope morphology. Slopes within the slide area are steep (50 to 60 percent), underlain by gravelly clay (CL) soils, and are vegetated with a moderately-dense 6 -to 24-inch DBH mixed conifer canopy, most of which display near vertical boles. A spring mapped along the toe of the feature suggests the presence of a perched water table daylighting the surface that may have contributed to slope failure by causing elevated pore water pressures.

The unstable area is located within a Watercourse and Lake Protection Zone (WLPZ), where a cable yarded individual selection harvest is proposed. Based on the observed marked within the unstable area, approximately 90 percent of the overstory will be retained. Upslope of the WLPZ, the proposed harvest within the area draining toward the unstable area is composed primarily of a tractor yarded Commercial Thinning. Therefore, the potential for adverse impacts to slope stability from timber operations appear to be low and no recommendations appear warranted at this time.



While the predominant Unit is shown as Seed Tree Seed Step, the Selection areas around the springs, the unstable area and the Commercial Thinning area around the Switchback location (around Figure A in the comment letter) will all provide additional tree retention for both visual, adjacent stand vigor, and domestic spring protections. Also, as noted by the CGS Representative, the area above the primarily Seed Tree Seed Step Unit is designated as commercial thinning, helping to moderate any flows into the Unit below.

The picture below is a rough approximation of the Selection and Commercial Thinning areas (in hatch marks) of the Seed Tree Seed Step unit:





The CAL FIRE Inspector made the following observation for the marking of the Seed Tree Seed Step areas:

If "No" or proposed thinning operation is for stand health, explain: The seed tree seed step was evaluated. The seed trees were marked with yellow paint with a DBH band and stump mark. The retention trees appeared to be good seed trees. Within the area inspected, no areas were greater than 150' from a retained seed tree.

Herbicide use is discussed in a few locations within the THP. Page 11 states that herbicide use will only occur by hand application, and can only occur with a Pest Control Advisor's (PCA) recommendation. Page 116 has the following statement:

#### **d. CHEMICAL CONTAMINATION**

Chemical contamination effects are not expected from this THP. Herbicide applications may be warranted within the clearcut and seed tree seed step units to control competing vegetation and ensure complete occupancy of the site by desired conifers. Should an herbicide application be needed then only EPA approved chemicals, strictly used at rates that coincide with labeling instructions, shall be used. All equipment will be refueled at road and landing locations and away from watercourses. There is site preparation anticipated within some of the harvest units which will consist of tractor piling and/or whole tree yarding to the nearest landing. Piles will be located away from watercourses and erosion control facilities will be installed as necessary to prevent any excess nutrient release from reaching a watercourse.

It is reasonable to assume that CCT may engage in herbicide applications associated with their small percentage of even-aged management associated with future management practices.

There are not any conditions within this proposed THP that could combine and contribute to a significant adverse impact, with respect to chemical contamination, within the assessment area.

Finally, herbicides, adjuvants and potential impacts to public trust resources are provided on pages 162 through 167. All pesticide registration goes through a separate California Environmental Quality Act (CEQA) process, in addition to the federal EPA process, providing additional environmental review and public input. Also, the THP provides the following notification process for adjacent landowners on page 166:

Adjacent landowners shall be given prior notification of any application of chemicals. Adjacency is defined as anyone living within 300 feet of the spray area or immediately downstream (within 1000 feet) of the treatment area.

This additional measure is not required by the Forest Practice Rules and will provide notice to landowners prior to application of herbicides in the locations most likely to impact neighbors.

#### **Concern #5:**

- 5) One of the planned clear cuts is large in area and likely to endanger the local water supply and water quality in Browns Creek.
  - a. The largest clear cut (28 acres) is planned in a portion of the watershed that is listed as having a high erosion potential and slopes greater than 65%. Our inspection of aerial photographs from 1944, 1965, 1971, 1975, 1980, 1990, 1993, 1998, 2004, 2005, 2009,

2012, 2016, and 2018 indicates this area has never been clear cut. However, sometime between July 2012 and May 2016, an ~19.3 acre clear cut was made upslope of the proposed area, and there is happily no evidence this area has experienced any significant erosion since. It is fair to mention, however, that between aerial photographs that bracket the timing of this cut, only one year has been designated wet and the other three years have been classified as dry or critically dry, so a significant hydrological event has not occurred to "test" the erodibility of the hillslope following deforestation.

Nonetheless, our concern lies in the planned clear cut being proposed downslope of the one just mentioned. This will increase the flow path for water concentration to drive erosion on the deforested hillside from 855 ft now to 1,810 ft after the new clearcut is completed. It is hard to imagine a level of denudation not occurring to this area if a significant hydrological event ensues before vegetation recolonizes the area. One concern in this regard is for the impact from potential sedimentation to and erosion of Ron and Marina Mix and Laurie and Shannon Pellman's water source that is located 60 ft downstream from the proposed clear cut. It would be economically untenable for these landowners to lose their water source under any circumstance, and we hope your plans for the clear cut can be modified to eliminate this potential.

- b. The watershed where the 28 acre clear cut is proposed is a tributary to Browns Creek, which supports threatened coho salmon. The THP specifies leaving litter on the forest floor to reduce erosion potential, but this does not address the loss of mechanical stability in the hillslope from tree root decay post-harvest nor the increased flow path issue raise above. Therefore, hillslope failures, rilling, and/or surface erosion post-harvest are likely, and with the increased flow from reduced evapotranspiration and lack of canopy interception of rain and snow, sediment routing to Browns Creek will likely increase as a result of the harvest. This has not been addressed in the THP.
  - c. The application of herbicides in the aforementioned clear cut have not been specifically excluded from use, and this risks danger to the landowner's water sources mentioned above. We hope that you will reconsider herbicide use for this reason.

**Response #5:**

After review of the public comment letter, additional questions were asked of the RPF concerning the watercourses within the clearcut Unit. The questions from CAL FIRE were specific to the watercourse classification. The RPF provided the following response:

**Second Review Question CF1-**

Status: **PO**

The southernmost watercourse in the Cable Clearcut unit was evaluated during the PHI on 4/29/2021. Dan Dresselhaus (CAL FIRE), David Haynes (CDFW), Chris Gryszan (CGS), Tyler Geist (Corral Creek Timber), and myself all concurred that the Class III classification was accurate based on conditions on the ground. This is the largest of the watercourses within the Cable unit and has the most definitive channel. The other class III watercourses are minor in scope and did not even show evidence of surface flow during this past winter. I did not author the '97 plan and can only account for the accuracy of what is on the Corral Creek Timber ownership.

Upon submittal of the THP, the PRF provided the following protection measures for Class III watercourses (the classification of watercourses that drain the clearcut unit):

**Class III Watercourses**

- The ELZ shall be clearly identified on the ground by the RPF, or his/her designee with yellow/white printed "Equipment Exclusion" flagging prior to the start of timber operations adjacent to the watercourse where non-tracked equipment is proposed for use.
- Harvest trees within an ELZ shall be marked as per Item 14d.
- At least 50% of the understory vegetation present before timber operations shall be left living and well distributed within the ELZ to maintain soil stability.
- ELZ's will not be flagged when tracked equipment enters perpendicularly to the watercourse and retreats perpendicularly from the watercourse for a minimum of 50'.
- Within an ELZ no new construction of tractor roads is permitted, no ground based equipment on slopes >50% are allowed; and ground based timber operations are limited to existing stable tractor roads that show no visible evidence of sediment deposition being transported into the adjacent watercourse.
- Retain all pre-existing large wood on the ground within the ELZ that is stabilizing sediment and is necessary to prevent potential discharge into the watercourse.
- Retain all pre-existing down wood and debris in the channel zone.
- Retain hardwoods, where feasible, within the ELZ.
- Retain all snags (except as required to be felled for safety) within the ELZ.
- Retain all countable trees needed to achieve resource conservation standards.
- Harvest trees may be felled across the watercourse and end lined out.
- Channel trees and trees in the ELZ which show visible indicators of providing bank or bed stability shall not be harvested. Visible indicators of stability include roots that permeate the bank or provide channel grade control.

During the Pre-Harvest Inspection, the CAL FIRE Inspector had the following observation for a watercourse within the clearcut:

Inspector Observations: The spring within the clearcut was evaluated. The RPF flagged a class II WLPZ for the wetted portion of the channel, then transitioned to a class III further down slope. The protections by the RPF were appropriate as the water dissipates below the spring leaving a dry class III channel.

After the field review of the THP, the CAL FIRE Inspector provided the following recommendation:

42. Comments or general observations regarding watercourse protection: Regarding class III protections, page 45, the RPF allows for ELZ's not to be flagged under certain conditions. With the ASP requirements, the class III watercourses need to be flagged for the protection of water quality. Recommendation: In section II, item 26b, page 45, the RPF shall remove the language allowing for class III watercourses not to be flagged.

The RPF agreed with the recommendation and revised the plan to include the recommended changes. Also, the RPF revised the plan after Second Review to include the following for any domestic water sources not presently known:

Domestic supply Springs/Seeps/Wet areas

- Any spring/seep/wet area associated with permitted domestic use shall be afforded the protection measures outlined in Class I Watercourses above.
- If new information reveals the presence of any other domestic water supplies (in close enough proximity to the plan to require protection) then Class I Watercourse protection will be afforded and the plan will be amended to show the location prior to the commencement of operations.

The RPF also provided the response for the Ron and Marina Mix property:  
**Second Review Question CF4-**

Public Comment refers to the property owned by Ron and Marina Mix. We do not currently have permission to access this parcel, but we are working with both Ron and Marina to schedule a mutually agreeable time to meet out on the ground. At that time, the water source will be evaluated, its precise location will be determined, and if warranted it will receive Class I protection similar to the other domestic springs located within the seed tree seed step unit.

CAL FIRE asked a question, after review of public comment, to review the adjacent clearcut on SPI's property to determine if any impacts had occurred on Corral Creek's property. The RPF provided the following in revised page 142.1:



## **SECTION IV**

### **CUMULATIVE IMPACTS ASSESSMENT**

#### **A. Cumulative Visual Resources Impacts Assessment Continued...**

The eastern and northern edges of the 14 acre seed tree seed step are also adjacent to non-tpz lands. The parcels located to the east are primarily residential and would be most subject to a visual impact. The lower portion of the seed tree seed step unit has two domestic watersources and have Class I protection. These WLPZ's nearly overlap creating an approximate 300' buffer adjacent to these neighboring properties. In addition, the areas extending beyond 100' from the domestic supplies have had the harvest trees marked consistent with the selection silvicultural method. The southeast portion of the seed tree seed step unit lies further away from the residences and there will exist a stand of adjacent screening trees that will buffer the visual impacts of the unit.

#### **Neighboring Even-aged Regeneration Units**

The SPI clearcut (2-12-064) directly to the west of this THP was evaluated during THP preparation and layout.

The Corral Creek ownership was examined along the property line to determine the presence of any windthrow, sun scald, insect/pest problems, slope stability issues, or the presence of unwanted brush species becoming established on the ownership. None of the aforementioned issues were observed and the neighboring even-aged regeneration unit appears to have had little to no impact on the Corral Creek Timber Co. adjacent timber stand.

With geologic review from CGS and the CAL FIRE Inspectors' observations and recommendations, the clearcut unit was appropriately evaluated in regards to impacts to public trust resources. Negative issues associated with the use of the clearcut silvicultural prescription was not noted during the field review, and the one recommendation for flagging Class III watercourses was accepted by the RPF and the plan revised. These circumstances, along with the clearcut unit being cable logged, which is less impactful than tractor logging from a soil disturbance standpoint, leads CAL FIRE to conclude the impacts have been reduced to less than significant.

## **SUMMARY AND CONCLUSIONS**

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

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

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

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

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

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