

**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:

1-20-00212-SCR
Redwood Empire Sawmills
Santa Cruz County
February 22, 2021
July 22, 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,



ERIC K. HUFF
Staff Chief-Forest Practice
RPF No. 2544



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

Notification Process

In order to notify the public of the proposed timber harvest, and to determine if there are any concerns with the plan, the following actions are taken by the Department of Forestry and Fire Protection on each Timber Harvesting Plan proposed in Santa Cruz County:

- Notice of Intent is submitted to the county clerk for posting with environmental notices (14 CCR 1032.8(a)).
- Notice of Intent is posted at the Department's local office and at the Northern Region Headquarters office in Santa Rosa (14 CCR 1032.8(c)).
- Notice of Intent is posted with the Secretary of Resources in Sacramento (14 CCR 1032.8(c)).
- Notice of the Timber Harvesting Plan is sent to those names on the Department's list for notification of plans in Santa Cruz County (14 CCR 1032.9(b)).
- A copy of the Timber Harvesting Plan is sent to the California Department of Fish and Wildlife (CDFW), Central Coast Regional Water Quality Control Board (CCRWQCB), California Geological Survey (CGS), the County Planning Department (CP), adjacent State Parks (DPR), and the Coastal Commission (CC) if the plan is in the Coastal Zone (1037.3(a)).
- All parties who received the Notice of Intent for timber harvesting are also noticed of the public hearing, if one is requested by the County. Notice is also published in the local newspaper (14 CCR 1115.2).
- When the plan is "filed" a Notice of Filing is sent to all owners of land within 300 feet of the parcel boundary for which harvesting is proposed and all owners of land fronting that portion of the haul route lying between the plan area and the nearest public road (Title 14 California Code of Regulations (14 CCR) 926.3(b)).

The Timber Harvesting Plan submitter is responsible for the following notifications:

- At least ten days prior to submission, a Notice of Intent is sent to all adjacent landowners within 300 feet of the parcel boundary for which harvesting is proposed and to all landowners with property fronting that portion of the haul route lying between the plan area and the nearest public road (14 CCR 924.1(c)).
- A Notice of Intent is sent to members of the Board of Supervisors in whose district any timber operation is proposed, the local school district, and the local publicly-owned water district (14 CCR 926.3(c)).
- A Notice of Intent is published in a newspaper of general circulation in the area (14 CCR 926.3(d)).

The THP Review Process in Santa Cruz County

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 (FPA) which is contained in the Public Resources Code (PRC) and Administrative law in the rules of the State Board of Forestry and Fire Protection (BOF) which are contained in Title 14 of the California Code of Regulations (14 CCR). The rules are designed to prevent significant adverse or cumulative impacts from timber harvesting operations and provide detailed and explicit instructions for permissible and prohibited actions that govern the conduct of on-the-ground timber operations. The major categories covered by the Rules include:

- THP Contents and the THP Review Process (CCR 1032-1052.3).
- Cumulative Impacts Assessment (CCR 912.9).
- Silvicultural Methods (CCR 913-913.11).
- Harvesting Practices and Erosion Control (CCR 914-914.9).
- Site Preparation (CCR 915-915.4).
- Watercourse and Lake Protection (CCR 916-916.12).
- Hazard Reduction (CCR 917-917.7).
- Fire Protection (CCR 918-918.10).
- Forest Insect and Disease Protection Practices (CCR 917.9-917.10).
- Wildlife Protection Practices (CCR 919-919.16).
- Coastal Commission Special Treatment Areas (CCR 921-921.9).
- Logging Roads and Landings (CCR 923-923.9).
- Santa Cruz County Rules (CCR 926-926.25).

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 may include representatives of CDFW, the appropriate Regional Water Quality Control Board, CGS, Department of Parks and Recreation, County Planning Department, and if within their jurisdiction, the Coastal Commission (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 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, a PHI is conducted in the field to review the adequacy of the THP. All agency personnel who comprise the multidisciplinary Review Team are invited to attend the PHI. During this field review, additional mitigation may be formulated to provide greater environmental protection.

If requested by the board of supervisors or planning commission of the county in which the plan is located, the Department will conduct a public hearing (14 CCR 1115). Once held, the Department's Public Hearing Officer prepares a report following the hearing. The Department will provide written responses to significant issues raised at the public hearing in the official response of the director, if at the end of the review process, the plan is determined to be in conformance with the rules of the Board (14 CCR 1037.8 and 1115.3)

Once the PHI has concluded, the multidisciplinary review team meet to review all the information on 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 Department's 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, comments made at the public hearing, 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 determination is made if the THP is in conformance to the Rules of the Board of Forestry and Fire Protection.

If a THP is determined to be in conformance with the Rules of the Board of Forestry and Fire Protection, logging may commence after five days. 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 926.2 and 1035.2); a CAL FIRE representative may attend this meeting. During active timber operations, 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. The contents of the THP and the 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 which 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.

Once a THP is completed, a completion report must be submitted to the Department certifying that the area meets the requirements of the rules. The Department inspects the completed area to verify that all the rules have been followed, including erosion control requirements. The selection regeneration method is the only harvest system allowed in Santa Cruz County. This harvest system involves the removal of single trees or small clumps of trees. The harvested area must meet the stocking standards of the rules immediately upon the conclusion of timber operations.

FOREST PRACTICE TERMS

CAL FIRE	Calif. Dept. of Forestry & Fire Protection	NCRWQCB	North Coast Water Quality Control Board
CCR	California Code of Regulations	PHI	Pre-Harvest Inspection
CDFW	California Department of Fish and Wildlife	PRC	Public Resources Code
CEQA	California Environmental Quality Act	RPF	Registered Professional Forester
CGS	California Geological Survey	THP	Timber Harvesting Plan
DBH/dbh	Diameter Breast Height	WLPZ	Watercourse & Lake Protection Zone
LTO	Licensed Timber Operator		

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

PUBLIC COMMENT SUMMARY

During the public comment period for this THP as described above, there was a single public comment email received at the CAL FIRE Region Headquarters in Santa Rosa. A copy of the original email sent to the Department is accessible online from the 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.

SIGNIFICANT ENVIRONMENTAL CONCERNS AND RESPONSES

1. CONCERN:

Public comment is made before the end of the comment period on the following concerns. Certain conditions require the Director disapprove the THP including 1) likelihood of immediate, significant, and long-term harm to the resources of the State. 2) information in the THP is misleading or insufficient to evaluate significant environmental impacts (14 CCR 898 3) violation of County Rule 14 CCR 926.25 (in the Notice of Special treatment plan).

#1) The APN in proposed plan is 08901102 owned by Roger Burch/Redwood Empire's Plan proposed harvesting on 660 acres, that wasn't even completed (1-15-017 SCR) before another and different plan (1-20- 00212 scr)(sic) is submitted to take place on the same 660 acre parcel. Being that it was over 60% + harvested (including salvage logging, burl root excavation (sic)) reentry is 14 years (CCR 926.25). It is 13 years premature to approve this THP. [fn 1]

§ 926.25. Special Harvesting Methods – santa cruz county

In addition to 14 CCR § 913.8 subsection (a)(1), the harvesting limitation, re-entry period and leave tree standards shall be modified as follows:

(a) The cutting standards are as follows:

(1) For areas where the proposed harvest rate is fifty-one to sixty (51-60) percent of the trees greater than eighteen (18) inches d.b.h., the minimum re-entry period shall be fourteen (14) years.

(2) For areas where the proposed harvest is fifty (50) percent or less of the trees greater than eighteen (18) inches d.b.h., a ten (10)-year re-entry period shall apply.

(3) Regardless of re-entry period, no more than forty (40) percent of the trees greater than fourteen (14) inches and less than eighteen (18) inches d.b.h. shall be harvested. Note: Authority cited: Sections 4516.5 and 4553, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

RESPONSE:

The Registered Professional Forester (RPF) states on page 97 of the Timber Harvesting Plan (THP) that the last THP on record for the property was 1-01-189-SCR. He goes on to state that logging occurred under this THP between 2001 and 2003. As excerpted below, the CAL FIRE Preharvest Inspection Report prepared by CAL FIRE Forest Practice Inspector, Scott Bullock corroborates the RPF's statements on page 2 of the Report under the header, "Evaluation of Whether the Proposed Silvicultural Methods are Appropriate for the Existing Stand Structure [THP Item 14]:"

The plan proposes to harvest per 14 CCR § 913.8(a), cutting no more than 60% of trees 18" DBH and greater, so a minimum 14-year re-entry applies. The previous conifer harvest was completed June 15, 2004 almost 17 years ago...Due to the past three harvests on the property, there are several age classes. The uneven-aged structure will be maintained by the proposed harvest, and the silviculture is appropriate.

CAL FIRE's evaluation of the proposed silviculture and timber stand conditions in the THP concluded that previous harvest history as stated by the RPF is accurate and the proposed harvest entry under this THP is appropriate.

2. CONCERN:

#2) Attempts to conceal double re-entry logging is seen (or rather not seen) through (sic) the many 2020 plan THP documents (sic). For instance, section III page 5 and 7 below tries to avoid mention by making the prior Timber harvest permit number illegible while omitting the APN number.

CAL FIRE records indicate the following timber harvest projects completed, occurring, or proposed within the last 10 years in the Kings Creek Planning Watershed.

Kings Creek Watershed (Calwater v2.2 3304.120101)

THP NUMBER	ACRES IN ASSESSMENT AREA	LEGAL DESCRIPTION
1-11-102-SCR	36.3	Sec 17 & 18, T 9S R 2W, MDB&M
1-15-017-SCR	237.8	Sec 31 & 32, T 8S, R 2W, MDB&M
1-17-027-SCR	104.1	Sec 6, T 9S, R 2W, MDB&M
1-17-102-SCR	0.6	Sec 6, T 9S, R 2W, MDB&M
TOTAL	378.8 ac	

RESPONSE:

The RPF of Record for the THP submitted revised pages 121 and 123, respectively, to accurately and legibly document in a revised table the completed, occurring, or proposed timber harvest projects within the preceding 10-year period. An excerpt of the corrected table from page 121 of the THP is shown below:

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1-17-027-SCR	104.1	Sec 6, T 9S, R 2W, MDB&M
1-17-102-SCR	0.6	Sec 6, T 9S, R 2W, MDB&M
1-19-00095-SCR	117	Sec 13, T 9S, R 3W, MDB&M
1-19-00102-SCR	34	Sec 31, T 8S, R 2W, MDB&M
TOTAL	529.8 ac	

These timber harvest plans account for approximately 6.8% percent of the 7,775-acre Kings Creek Watershed. This is an average harvest level of 0.68% (~53 acres) per year over the last decade.

All timber harvesting was by the selection method. The estimated tractor yarding acreage is 93% overall. Estimated yarder acreage is 7% overall. Impacts from each timber harvest are mitigated through site-specific measures incorporated in the THP/NTMPs and implementation of the Forest Practice Rules.

Please also refer to the response to Comment 1 above for discussion of CAL FIRE's evaluation and conclusions regarding timber harvest entry periods and proposed silviculture in the THP.

3. CONCERN:

#3) More intentional omissions plain - No where (sic) else does the plan 1-20-00212 SCR mention plan 1-15-017 SCR (they both refer to 1-89-089 SCR as the last entry). Both of Plans are submitted by the same RPF employee, David Lan Nennup (sic). There are reports in 1-15-017 SCR that could be used in 2020 plan (2014 Tim Best, geology review) but never mention them, as well as the many major deviations (sic), landslides caused by operations, illegal water drafting, and approved alternate prescription document, along with Timber harvesting operations (including full bench road reconstruction (sic)) on mapped debris slides, steep debris slide slopes and headwall swales. How well that worked out should be discussed.

RESPONSE:

THP 1-15-017-SCR is included in the revised table on pages 121 and 123 of the THP, respectively, as excerpted in the previous response to Comment 2.

Following initial office review of the submitted THP document, the Review Team led by CAL FIRE with participation of the California Geological Survey (CGS), California Department of Fish and Wildlife (CDFW), and County of Santa Cruz (County) conducted a field review of the THP area on January 19, 2021. Multiple revisions to the THP to address geologic and biological concerns of CAL FIRE, CGS, and CDFW were incorporated into the revised THP by the RPF of Record. Based upon the interdisciplinary Review Team office and field review, and the RPF's concurrence with the THP revisions provided by CAL FIRE, CGS, and CDFW, the Review Team found that no significant unmitigated cumulative impacts had been identified.

4. CONCERN:

#4) All agencies involved assist violating County rules by omission of the just already logged parcel. All documents submitted and/or approved cannot comply with CEQA. This entire plan is so factually false, its impossible to review or further comment.

RESPONSE:

Please refer to the responses to the preceding three comments.

Based upon the interdisciplinary Review Team office and field review, and the RPF's concurrence with the THP revisions provided by CAL FIRE, CGS, and CDFW, the Review Team found that no significant unmitigated cumulative impacts had been identified.

5. CONCERN:

#5) Unauthorized Diversion THP 1-15-017 DFW issued water diversion permits without permittee (sic) having water rights, nor the legal authority to do so, that violate Water Board Codes. We wonder how long diversion is going to be allowed on this parcel. Redwood Empire has No water right (while the river has been "fully appropriated" decades ago). Per State Water Board *'Diversion when there is no available (sic) water under the priority of your water rights is an unauthorized (sic) diversion and use and is subject to enforcement (sic) by the SWB. Penalties up to \$1,000 per day of violation and \$2,500 for each acre-foot diverted in excess of a valid water right. (Water Codes Sec 1052, 1055, 1831, 1845, Art. X, sec. 2 Cal Constitution).*
http://www.waterboards.ca.gov/waterrights/water_issues/programs/fully_appropriated_streams/docs/fas_maps/santa_cruz.pdf

Reference THP 1-15-017SCR LOGAN CREEK 2014 APN 08901102 660 acres RPF

CENTRAL COAST WATER BOARD WDR Order No. R3-2012-0008 (expires 7/12/17)
DEPT. FISH AND WILDLIFE : Streambed Alteration Agreement No. 1600-2015-0123-R3
(includes water drafting into unlimited number of 5000 gallon water tanks from spring fed pond for 5 years.)

RESPONSE:

The referenced Central Coast Water Board and CDFW permits are not applicable to this THP.

The Central Coast Regional Water Quality Control Board no longer requires waste discharge reporting for timber management operations in their Region.

The RPF of Record has indicated at Item 26(e) on page 60 of the THP that a CDFW Streambed Alteration Agreement is not necessary for this THP. The RPF also indicated at Item 26(s) on page 63 of the THP that water drafting will not occur in association with timber operations.

The Domestic water supply protection measures and notifications received by the RPF of Record in response to a "Domestic Water Inquiry" are discussed in the THP at Item 28 and summarized as follows in the CAL FIRE Preharvest Inspection Report:

2.12 DOMESTIC WATER SUPPLY PROTECTION AND PUBLIC NOTICE [THP ITEM 28]

The RPF complied with the 14 CCR § 1032.10 notification process. The "Notice of Intent" is included on page 174 of the THP along with the "Domestic Water Inquiry" letter. All landowners within 300 feet of the project parcel were mailed a notice. In addition, five neighbors within 1,000 feet downstream of the project received the letter including, "Prinz, Post, Hearthmath, and Moustirats".

Two letters were received by Vaughan Forestry regarding the water inquiry, and were written by Emmons and Koontz. Both letters reflect the use of a spring on Burch property (east of landing 'R') for a water supply line serving multiple downstream residences, as well as the Vajrapani Institute. During the PHI, the review team visited the intake site. The RPF explained operations in the area. Trees harvested will be felled opposite the water line. The LTO will be required to have a water line repair kit on site when working in the area for any emergency fixes. No other domestic intakes have been identified within 1,000 feet downstream in Kings Creek.

Based upon the enforceable measures in the THP, the Review Team concluded the reported domestic water supply intake location serving multiple downstream residences would be adequately protected from timber operations.

6. CONCERN:

#6) My steelhead trout I video just a mile downstream (for 10 years) in Miller park have really suffered. In 2021, they suddenly vanished for the first time, silt contamination was the worst its ever been.

RESPONSE:

Item 32(a) of the THP contains a discussion of the listed federally threatened Central California steelhead that are occasionally present in Kings Creek. The RPF of Record, in response to a request from CDFW, walked Kings Creek from the confluence of Logan Creek upstream to THP Crossing "X5." This walk was conducted to confirm the presence of steelhead or resident rainbow trout, as

well as the natural barrier to fish movement upstream identified in "Santa Cruz County's Steelhead and Coho Salmon Distribution Map." This map is included on page 192 of the THP. The RPF did positively identify fry and fingerlings of steelhead or resident rainbow trout during the walk.

The THP contains operational restrictions incorporated into Items 18, 23, 24, and 26 that are designed to protect and contribute to restoration of habitat for listed anadromous salmonids consistent with the "Anadromous Salmonid Protection" (ASP) Forest Practice Rules (Title 14 California Code of Regulations, Section 916.9, *et seq.*)

CAL FIRE's Preharvest Inspection Report states on page 8, "Sediment control is a major management aspect of this harvest plan. As proposed, the harvest will not produce a significant negative impact for fishery resources."

7. CONCERN:

#7) Please specifically (sic) include in the plan and future plans Coast Redwood species (*Sequoia sempervirens*) is ENDANGERED, and thus no longer available to harvest, (Farjon, A. & Schmid, R. (2013). *Sequoia sempervirens*. In: IUCN 2013. IUCN Red List of Threatened Species. Version 2013.1. <www.iucnredlist.org>.)

RESPONSE:

Coast redwood (*Sequoia sempervirens*) is not a state or federally listed species under the state or federal Endangered Species Acts. To the contrary, the California Board of Forestry and Fire Protection has identified coast redwood as a "Commercial Species" available for timber harvest pursuant to Section 895.1 of the Forest Practice Rules.

8. CONCERN:

#8) The plan disclosed on page 48 that 'Salvage logging will occur in upper reaches of the plan.' Please amend plan to specifically state that above ground and below ground (sic) Lignotuber (burl) harvest and/or salvage logging is strictly prohibited.

RESPONSE:

There are no Forest Practice Rule prohibitions on the harvest of burls. Regardless, pursuant to Item 14(e) of the THP, only sawlogs and firewood will be harvested under this THP.

SUMMARY

The preharvest inspection held on January 19, 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 June 22, 2021, concluded that no significant unmitigated cumulative impacts were identified, and the THP was 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 June 22, 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. 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.