

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

SOUTHERN REGION HEADQUARTERS

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

THP NUMBER: 3-21-00108-MOOSUBMITTER: Town of Mammoth LakesCOUNTY: MonoEND OF PUBLIC COMMENT PERIOD: August 30, 2021DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: August 31, 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,

Jonathan Woessner, RPF #2571
Forester II

cc: Unit Chief
RPF, Plan Submitter
Dept. of Fish & Wildlife, Reg. 6, Water Quality, Reg. 6
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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	Govrn's Office of Plan. & Res.		
Pg	Petagram = 10 ¹⁵ grams		
PNW	Pacific NorthWest	PRC	Public Resources Code
CO ₂	Carbon Dioxide	RPA	Resource Plan. and Assess.
CO ₂ e	Carbon Dioxide equivalent	RPF	Registered Professional Forester
DBH/dbh	Diameter Breast Height	SPI	Sierra Pacific Industries
DFG	Calif. Department of Fish and Game	SYP	Sustained Yield Plan
EPA	Environmental Protection Agency	tC	tonnes of carbon
FPA	Forest Practice Act	Tg	Teragram = 10 ¹² grams
FPR	Forest Practice Rules	THP	Timber Harvesting Plan
GHG	Greenhouse Gas	LBM	Live Tree Biomass
ha ⁻¹	per hectare	TPZ	Timber Production Zone
LTSY	Long Term Sustained Yield	USFWS	U.S. Fish & Wildlife Service
m ⁻²	per square meter	WAA	Watershed Assessment Area
MAI	Mean Annual Increment	WLPZ	Watercourse. & Lake Prot. Zone
MMBF	Million Board Feet	yr ⁻¹	per year
MMTCO ₂ E	Million Metric Tons CO ₂ equivalent		

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 Southern-Sierra office in Fresno. (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 Game (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.

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

Concern #1: Dust Abatement, Air Quality and Noise

What will be done concerning noise abatement and air pollution/dust and debris during the harvesting? I live on the perimeter of The Parcel and would appreciate not breathing the harvest air pollution or hearing the high decibels of constant noise during the day of harvesting.

Response to Concern #1:

The Timber Harvesting Plan includes measures to mitigate potential impacts from noise and air quality to less a less than significant impact.

Noise: The Town of Mammoth Lakes has a local ordinance which identifies restrictions associated with construction noise. The operations conducted under this THP are required to comply with all applicable Federal, State, and Local regulations. This includes the requirement to comply with the Town's noise ordinance. The Town's noise ordinance requires that all mobile and stationary internal-combustion-powered equipment are equipped with properly functioning exhaust silencers. Additionally, the THP incorporates mitigation measures from Town's 2016 Environmental Impact Report for the Land Use Element/Zoning Code Amendments and Mobility Element Update. The following mitigation measures are incorporated into the THP:

- TSM 4.J-1.A Engine idling from construction equipment such as bulldozers and haul trucks shall be limited, to the extent feasible. (2016 Update EIR Mitigation Measure TSM 4.J-1.A)
- TSM 4.J-1.B The construction staging areas shall be located as far as feasible from sensitive receptors. (2016 Update EIR Mitigation Measure TSM 4.J-1.B)
- TSM 4.J-1.C All construction activities shall comply with the Town's Noise Ordinance. (2016 Update EIR Mitigation Measure TSM 4.J-1.C)

Noise resulting from the removal of timber will be temporary in nature. With the compliance with the Town's noise ordinance and the implementation of the mitigation measures listed above, impacts from noise are mitigated to a less than significant impact.

Air Quality: The Town of Mammoth Lakes is located within the Great Basin Unified Air Pollution Control District (GBUAPCD). The operations conducted under this THP are required to comply with the rules and regulations required by GBUAPCD. Per the Infill Environmental Checklist on page 3-13 significant thresholds adopted by the Mojave Desert Air Quality Management District (MDAQMD) were used for the evaluation of this project. Page 120.1 of the THP includes the following discussion:

“The proposed project’s construction and operational emissions would not exceed the adopted Mojave Desert Air Quality Management District (MDAQMD) thresholds with implementation of the required GBUAPCD Rules and Regulations, consistent with the methodology highlighted in the 2016 Update EIR (i.e., the MDAQMD’s regional thresholds of significance are used per guidance from the GBUAPCD). The project would not exceed the adopted MDAQMD thresholds with implementation of the required GBUAPCD Rule 401 and Rule 402. With compliance of the GBUAPCD Rules 401 and 402, the proposed project would have a less than significant short-term construction impact.”

GBUAPCD Rule 401 Fugitive Dust, requires, “a person shall take reasonable precautions to prevent visible particulate matter from being airborne, under normal wind conditions, beyond the property from which the emission originates.” Additionally, Rule 402 Nuisance, requires, “a person shall not discharge from any source whatsoever, such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.”

The California Forest Practice Rules also require measures to ensure excessive loss of road surface materials is prevented. Forest Practice Rule 14 CCR 963.7(c) requires that, “During Timber Operations, road running surfaces in the logging area shall be treated as necessary to prevent excessive loss of road surface materials by methods including, but not limited to, rocking, watering, paving, chemically treating, or installing commercial erosion control devices to manufacturer’s specifications.” A common practice for compliance that timber operators use is watering the road surface. Watering the road surface limits dust and reduces impacts to air quality. Page 69.1 from the THP includes the following mitigation measure, “Construction Off-road Equipment Mitigation – GBUAPCD Rule 401, haul roads will be paved and water will be applied 3 times a day.”

The THP also includes a Winter Period Operating Plan which allows for limited timber operations to occur between November 15 and April 15. Operations which occur over snow or during hard frozen conditions will help with dust abatement.

As described on page 3-14 and shown in Table 2 of the Infill Environmental Checklist, “the project would not exceed the adopted MDAQMD thresholds with implementation of the required GBUAPCD Rule 401 and Rule 402...Thus, with compliance of the GBUAPCD Rules 401 and 402, the proposed project would have a less than significant short-term construction impact.” With the compliance of GBUAPCD Rules 401 and 402 and the California Forest Practice Rules, significant impacts to air quality are not expected.

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.