# 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: 1-18-095-MEN Gualala Redwood Timber, LLC Mendocino July 12, 2021 September 23, 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,

Dominik Schwab Forester III, Forest Practice RPF #2823

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

## PUBLIC NOTIFICATION

To inform the public of this proposed Timber Harvesting Plan (THP) and determine if there were any concerns with the plan the following actions were taken:

- Notification of the receipt of a timber harvesting plan was sent to the adjacent landowner(s).
- Notice of the receipt of the plan was submitted to the county clerk for posting with other environmental notices.
- Notice of the plan was posted at the Department's local office and also at the regional office in Santa Rosa.
- Notice of the receipt of the THP was sent to those organizations and individuals on the Department's list for notification of plans in the county.
- A "Notice of the Intent to Harvest Timber" was posted near the plan site.

## THP REVIEW PROCESS

The laws and regulations that govern the Timber Harvesting Plan review process are found in Statute law in the form of the Forest Practice Act which is contained in the Public Resources Code (PRC) and Administrative law in the rules of the Board of Forestry and Fire Protection (the Forest Practice Rules) which are contained in the California Code of Regulations (CCR).

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

- Timber Harvesting Plan contents and the Timber Harvesting Plan review process
- Silvicultural methods
- Harvesting practices and erosion control
- Site preparation
- · Watercourse and lake protection
- Hazard reduction
- Fire protection
- · Forest insect and disease protection practices
- Coastal Commission Special Treatment Areas
- Use, construction and maintenance of logging roads and landings
- County-specific rules

When a THP is submitted to the Department, it undergoes a multidisciplinary review consisting of several steps. In addition to CAL FIRE, the Review Team members include representatives of the California Department of Fish and Wildlife (CDFW); the appropriate Regional Water Quality Control Board (RWQCB or RWB); California Geological Survey (CGS); the Department of Parks and Recreation (DPR); the appropriate County Planning office; and if within their jurisdiction, the Coastal Commission (CC) (14 CCR §1037.5(a)). Once submitted the Director determines if the plan is accurate, complete, and in proper order, and if so, files the plan (14CCR §1037). In addition, the Review Team determines whether a Pre Harvest Inspection (PHI) is necessary, and what areas of concern are to be examined during the inspection (14 CCR §1037.5(g)(1)).

If the plan is accepted for filing, and a PHI is determined to be needed, a field review is conducted to evaluate the adequacy of the THP. All agency personnel who comprise the multidisciplinary Review Team are invited to attend the PHI as well as other experts and agency personnel whom the Department

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#### September 23, 2021

may request. During this field review, additional mitigation and/or recommendations may be formulated to provide greater environmental protection. These recommendations are forwarded to the RPF along with the Review Team member's PHI Report. The RPF will respond to the recommendations made and forward these to the Region office and Second Review Team Chair.

A Second Review Team meeting is held where members of the multidisciplinary Review Team meet to review all the information in the plan, and develop a recommendation for the Director (14 CCR §1037.5(g)(2)). Prior to and/or during this meeting they examine all field inspection reports, consider comments raised by the public, and discuss any additional recommendations or changes needed relative to the proposed THP. These recommendations are forwarded to the RPF. If there are additional recommendations, the RPF will respond to each recommendation, and forward their responses to the regional office in Santa Rosa.

The representative of the Director of the Department reviews all documents associated with the proposed THP, including all mitigation measures and plan provisions, written correspondence from the public and other reviewing agencies, recommendations of the multidisciplinary Review Team, and the RPF's responses to questions and recommendations made during the review period. Following consideration of this material, a decision is made to approve or deny a THP.

If a THP is approved, logging may commence. The THP is valid for up to five years, and may be extended under special circumstances for a maximum of two more years, for a total of seven years.

Prior to commencing logging operations, the Registered Professional Forester must meet with the licensed timber operator (LTO) to discuss the THP (CCR §1035.2); a CAL FIRE representative may attend this meeting. The Department makes periodic field inspections to check for THP and rule compliance. The number of inspections depends upon the plan size, duration, complexity, and the potential for adverse impacts. Inspections include but are not limited to inspections during operations pursuant to Public Resources Code (PRC) section 4604, inspections of completed work pursuant to PRC section 4586, erosion control monitoring as per PRC section 4585(a), and stocking inspection as per PRC section 4588.

The contents of the THP, the Forest Practice Act, and rules, provide the criteria which CAL FIRE inspectors use to determine compliance. While the Department cannot guarantee that there will be no violations, it is the Department's policy to vigorously pursue the prompt and positive enforcement of the Forest Practice Act, the Forest Practice Rules, related laws and regulations, and environmental protection measures that apply to timber operations on non-federal land in California. This enforcement is directed primarily at preventing forest practice violations, and secondarily at prompt and adequate correction of violations when they occur.

The general means of enforcement of the Forest Practice Act, the rules, and other related regulations range from the use of violation notices, which require corrective action, to criminal proceedings through the court system. Timber operator and Registered Professional Forester licensing action may also be pursued. Most forest practice violations are correctable and the Department's enforcement program assures correction. Where non-correctable violations occur, criminal action is usually taken. Depending on the outcome of the case and the court in which the case is heard, some sort of environmental corrective work is usually done. This is intended to offset non-correctable adverse impacts.

Once harvesting operations are finished, a completion report must be submitted certifying that the area meets the requirements of the rules. CAL FIRE inspects the area to verify that all aspects of the applicable rules and regulations have been followed, including erosion control work. Depending on the silvicultural

system used, the stocking standards of the rules must be met immediately or in certain cases within five years. A stocking report must be filed to certify that the requirements have been met.

## FOREST PRACTICE TERMS

CAL FIRE	Calif. Dept. of Forestry & Fire Protection	NCRWQCB	North Coast Water Quality Control Board
CCR	California Code of Regulations	NMFS	National Marine Fisheries Service
CDFW	California Department of Fish and Wildlife	PHI	Pre-Harvest Inspection
CEQA	California Environmental Quality Act	PRC	Public Resources Code
CGS	California Geological Survey	RPF	Registered Professional Forester
DBH/dbh	Diameter Breast Height	THP	Timber Harvesting Plan
FPA	Flood Prone Area	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

## BACKGROUND

THP # 1-18-095-MEN (known as the "Little THP") was submitted to CAL FIRE on September 7, 2018. The THP was reviewed and on September 13, 2018, the THP was deemed not to be acceptable for filing, and was returned to the RPF. On October 10, 2018, the THP was resubmitted to CAL FIRE, and on October 18, 2018, the THP was found to be acceptable for filing, with questions posed to the RPF by the Review Team in a First Review Report [ref. 14 CCR 1033]. On December 5, 2018, CAL FIRE received responses from the RPF to the First Review Report.

The PHI occurred on December 12, 2018, January 3, 2019, May 14, 2019, and August 29, 2019. NMFS also conducted a field visit on July 11, 2019. In attendance were representatives from Gualala Redwood Timber LLC, CAL FIRE, CDFW, CGS, and the NCRWQCB. CAL FIRE submitted a PHI Report on January 4, 2019 and August 30, 2019. CGS submitted a PHI Report on February 19, 2019 and December 2, 2019, the NCRWQCB submitted a PHI Report on July 24, 2019 and September 4, 2019, CDFW submitted a PHI report on November 15 and November 19, 2021, which appear to be duplicates. A PHI Report by CAL FIRE Watershed Protection Manager Pete Cafferata was submitted on November 6, 2019, and a PHI report by CDFW Senior Engineering Geologist Mark Smelser was submitted on November 15, 2019. Correspondence from the National Marine Fisheries Service was received on November 20, 2019 and April 1, 2020. The RPF provided responses to the PHI recommendations on August 8, 2019, August 23, 2019, and March 16, 2021.

Second Review (aka the Final Interagency Review) was conducted on April 23, 2021. The Second Review Team Chair made recommendations and determined that an additional Second Review was necessary. On April 28, 2021, the RPF provided responses to the Second Review recommendations, and Second Review was scheduled for a second time on June 3, 2021. The Second Review Chair made additional recommendations, which the RPF responded to on June 21, 2021. On June 30, 2021, the Second Review Chair recommended the THP for approval, setting the close of comment date as July 12, 2021.

The THP proposes to harvest 199 acres using Selection silviculture, and also includes 46 acres of No-Harvest area and 6 acres of non-timbered area. The THP proposes to yard the timber using tractor, rubbertired skidders, forwarders, and feller bunchers.

The Little North Fork of the Gualala River flows through the THP area. Per THP page 124, the plan contains 211 acres of Flood Prone Area (FPA) of the Little North Fork Gualala River, not all of which is proposed for harvest. The extent and boundaries of the FPA can be seen on the map on THP page 139.

The extent of the FPA was evaluated by multiple experts, and the THP contains reports from CEG Matthew O'Connor (pages 366.29 – 366.87, 366.88 – 366.109, 366.110 – 366.123, 366.124 – 366.135) and Pete Cafferata, CAL FIRE Watershed Protection Program Manager (pages 366.136 – 366.180) which evaluate and analyze the FPA and hydrology of the THP area.

CAL FIRE received 24 comments during the public comment period [ref. 14 CCR 1037.4]. Two additional comments were received after the close of comment period. These two additional comments were considered, but they did not raise any new significant environmental concerns.

## SIGNIFICANT ENVIRONMENTAL CONCERNS AND RESPONSES

## COMMON CONCERNS FROM PUBLIC COMMENT

The following concerns were commonly brought forward in public comment letters received. Additional specific responses to public comments may be found in the section following these general concerns.

### CONCERN: Impacts to rare plants

## **RESPONSE:**

Fringed Corn Lily (Fringed False Hellebore), *Veratrum fimbriatum*, is not a State or Federally listed species. The CNPS rank for Fringed False Hellebore is 4.3 (not very threatened in California [less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known]). Please see <u>http://www.rareplants.cnps.org/detail/1537.html</u>.

Slough sedge, *Carex obnupta*, is not a State or Federally listed species and is not in the CNPS Inventory of Rare and Endangered Plants.

THP page 55 discusses rare plants. Although not required by the Forest Practice Rules, a "Rare Plant Assessment and Botanical Survey Report" prepared by Christina Wagner, Professional Botanist, is included in THP Section IV, pages 218.1 – 221.19. This was conducted based on *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018). Two species of concern were identified: a small population of *Pityopus californicus* (pinefoot; CNPS 4.2) and abundant *Veratrum fimbriatum* (fringed corn lily; CNPS 4.3). From the report:

A small population of <u>Pityopus californicus</u> (pinefoot; CNPS 4.2) of 3 flowering plants was found near the northwest THP boundary of the large southern section growing under redwood and tanoak on the open forest floor. The population has been flagged with a 50 foot EEZ (equipment exclusion zone) to be avoided. A California Native Species Field Form has been prepared to be submitted to CNDDB.

Veratrum fimbriatum (fringed corn lily; CNPS 4.3) grows abundantly in large patches throughout the floodplain within the timber harvest boundary. Fringed corn lily has a deep root system able to follow a receding water table and thick rhizomes. This root structure enables the plant to tolerate soil disturbance and is a contributing factor to how fringed corn lily thrives in floodplains that receive annual winter scour and deposition. The activities described for the floodplain areas within the Little THP will have minimal impact on the corn lily. Therefore, no treatment is prescribed. (THP Section IV pg. 221.10)

Per THP section II page 55, discovered rare plants are to be flagged with Special Treatment Flagging; protection will be provided based on "the plant, its location, and consultation with CDFW."

CAL FIRE has evaluated the plan and believes that the plan has provided for the proper scoping and protection measures for rare plants. CAL FIRE believes that impacts to plants will be less than significant.

#### CONCERN: <u>Wetlands and wet areas.</u>

### **RESPONSE:**

The Forest Practice Rules define wet meadows and wet areas as, "...those natural areas except cutover Timberland which are moist on the surface throughout most of the year and support aquatic vegetation, grasses and forbs as their principal vegetative cover." (14 CCR 895.1).

THP page 34 states that "designated wet areas on maps (pages 67 and 68) are no-cut areas".

No winter period (November 15 - April 1) operations are proposed for this plan (THP § II pg. 22). Extended wet weather period operations (October 15 - November 15 and April 1 - May 1) are restricted to extended dry periods when saturated soil conditions do not exist (THP § II pg. 23).

A memo from botanist Christy Wagner discussing wetland obligate species on the floodplain is included THP section V pages 366.181 – 366.188. While species such as slough sedge and fringed corn lily are defined as wetland obligates, they can be present in lower concentrations on non-wetland sites growing among non-wetland plants in non-wetland soils. As Wagner states on THP page 366.184, "[p]lants growing in habitats with fluctuating conditions, i.e. floodplains, are highly adaptive. Their roots are able to follow a receding water table allowing them to persist once site conditions, including soil and hydrology, have change[d]."

CAL FIRE believes that this THP provides appropriate protection measures for wetlands and wet areas.

### CONCERN: Flood prone area delineation

### **RESPONSE:**

Flood prone area boundaries are mapped on THP pages 61 and 61.1 (Silviculture maps; extent of FPA is designated by Inner Zones A and B) and on the map on page 139.

For detailed information regarding how the flood prone area was determined and the merits of the methodology used, see the following reports included in THP Section V:

- O'Connor Environmental, Inc. (OEI), "Floodplain Study of the Little North Fork Gualala River." THP pages 366.29 366.87.
- OEI, "Channel Migration Zone Evaluation for the Little Timber Harvest Plan, Little North Fork Gualala River, Mendocino County." THP pages 366.88 366.109.
- OEI, "Supplemental Information Pertaining to Floodprone Area Identification and Channel Migration Processes, Focused PHI for THP 1-18-095, August 29, 2019." THP pages 366.110 366.123.
- OEI, "Response to '*Review of OEI Reports for the Little North Fork Gualala River, Timber Harvest Plan (THP) 1-18-095 MEN* by Kamman Hydrology & Engineering, dated October 2, 2019." THP pages 366.124 366.135.
- CAL FIRE Hydrologic and Biologic Review of THP 1-18-095 MEN. THP pages 366.136 366.180.

The delineation of the flood prone area for the Little THP has been studied, critiqued, and revised over the course of multiple preharvest inspections and public and agency comment periods (see Background, above).

The Forest Practice Rules define the flood prone area as:

an area contiguous to a Watercourse Channel Zone that is periodically flooded by overbank flow. Indicators of flood prone areas may include diverse fluvial landforms, such as overflow side channels or oxbow lakes, hydric vegetation, and deposits of fine-grained sediment between duff layers or on the bark of hardwoods and conifers. The outer boundary of the flood prone area may be determined by field indicators such as the location where valley slope begins (i.e., where there is a substantial percent change in slope, including terraces, the toes of the alluvial fan, etc.), a distinct change in soil/plant characteristics, and the absence of silt lines on trees and residual evidence of floatable debris caught in brush or trees. Along laterally stable Watercourses lacking a Channel Migration Zone where the outer boundary of the flood prone area inundated by a 20-year recurrence interval flood flow event, or the elevation equivalent to twice the distance between a thalweg riffle crest and the depth of the channel at Bankfull stage. When both a Channel Migration Zone and flood prone area are present, the boundaries established by the Channel Migration Zone supersede the establishment of a flood prone area (14 CCR 895.1; underlined emphasis added),

and channel migration zone as,

"the area where the main channel of a Watercourse can reasonably be expected to shift position on its floodplain laterally through avulsion or lateral erosion during the period of time required to grow forest trees from the surrounding area to a mature size, except as modified by a permanent levee or dike" (14 CCR 895.1).

Guidance to RPFs following the adaptation of the Anadromous Salmon Protection (ASP) Rules for determining the CMZ directs them to a Washington Forest Practices Board document, <u>Standard Methods</u> for Identifying Bankfull Channel Features and Channel Migration Zones (WFPB 2004), which states that,

"[i]t is most appropriate to determine if channel migration has historically occurred using a combination of office methods (e.g., a series of aerial photographs covering a wide time frame, topographic maps) and field inspection. CMZs are found in areas with unconfined channels (i.e., valley floor width is greater than two (2) times the bankfull channel width). Field inspections will reveal past lateral movement of the channel, often age-progressive bands of trees (e.g., red alder) on the floodplain, and at least one side channel on the floodplain at or below bankfull elevation of the main channel" (WFPB 2004).

The landowner's consultant, Dr. Matt O'Connor of O'Connor Environmental, Inc. (OEI), determined that the Little North Fork is laterally stable, save for one 1,000 ft. segment of the Little North Fork that was determined to have a CMZ with the potential for avulsion (THP § V pg. 366.108).<sup>1</sup> A focused PHI related to this subject was conducted August 29, 2019; the CAL FIRE Hydrologic and Biologic Review<sup>2</sup> agreed that the Little North Fork's channel, "is laterally stable and generally lacking a channel migration zone, except for the 1000-foot stretch denoted as CDFW No. 4 in the O'Connor Environmental, Inc. channel migration zone report." (THP § V pg. 366.163).

In the segments of the Little North Fork with a laterally stable channel, the landowner's consultant used the 20-year floodplain to delineate the flood prone area using modeling methodology, "primarily because a recent LiDAR-derived Digital Elevation Model (DEM)...provides a high-resolution topographic map for the area..."(THP § V pg 366.111).<sup>3</sup> The Cal Fire PHI report states that "it is appropriate to determine the

<sup>&</sup>lt;sup>1</sup> Full report included in THP pages 366.88 – 366.109.

<sup>&</sup>lt;sup>2</sup> Full report included in THP pages 366.136 – 366.180.

<sup>&</sup>lt;sup>3</sup> Memo from Matthew O'Connor, PhD. "Supplemental Information Pertaining to Floodprone Area Identification and Channel Migration Processes, Focused PHI for THP 1-18-095, August 29, 2019. THP § V pp 366.110 – 366.123.

outer boundary of the flood prone area based on the area inundated by a 20-year recurrence interval flood flow event." (THP § V pg. 366.164). The modeled flood prone area was revised following public and agency comment to reflect changes to the modeled magnitude of the 20-year flood on the Little North Fork and quantify the uncertainty in the model (THP § V pg. 366.33). No evidence of flooding (e.g. sediment rings, flotsam in trees/brush, disturbance tree species in the canopy) was found outside the flagged flood prone area during the focused PHI (THP § V pg 366.163-366.164).

For those areas between the valley walls not included in the flood prone area, a minimum basal area of 150 sq ft/acre will be retained for Site I timberland and 75 sq ft/acre for Site II/III timberland(THP § II pg. 9).

The extent of the FPA has been analyzed and evaluated through modelling and field evaluation, and CAL FIRE believes the extent and delineation of the FPA in the plan is correct.

## **CONCERN:** <u>Logging should not occur in the floodplain.</u>

## **RESPONSE:**

In California, trees are real property (Cal. Civ. Code 833). The landowner would not have purchased the property if there had not been an expectation that income from timber management, including the plan area, could help meet the fixed cost of ownership and provide timber products. The zoning of the property should also be taken into consideration. The statute that established the Timber Production Zone (TPZ) zoning classification (Government Code sections 51100-51282.5) alerts the public to the expectation that timber harvest will occur. The majority of this THP is zoned TPZ. In addition, the history of the harvest units associated with this THP are of active periodic timber harvests. Refer to THP page 104: "Silviculture and History- The last entry into this area was in between 1987 and 1992."

The plan has also been found to be in conformance with the Forest Practice Rules, including Code Section 14 CCR 898 which states:

### "898 Feasibility Alternatives

After considering the rules of the Board and any mitigation measures proposed in the plan, the RPF shall indicate whether the operation would have any significant adverse impact on the environment. On TPZ lands, the harvesting per se of trees shall not be presumed to have a significant adverse impact on the environment. If the RPF indicates that significant adverse impacts will occur, the RPF shall explain in the plan why any alternatives or additional mitigation measures that would significantly reduce the impact are not feasible."

Per 14 CCR 916.9, timber operations in an FPA is allowed, but must adhere to strict requirements. These requirements have been incorporated into the plan and have been evaluated in the field by the Review Team. The FPA protection measures proposed in the THP are appropriate, and timber operations in the FPA are appropriate.

## CONCERN: In-lieu exceptions for logging in the flood prone area.

#### **RESPONSE:**

<u>14 CCR 916.9(c)(2)</u> Inner Zone: The primary objective for this zone is to develop a large number of trees for large wood recruitment, to provide additional shading, to develop vertical structural diversity, and to provide a variety of species (including hardwoods) for nutrient input. This is accomplished through the establishment of high basal area and canopy retention by retaining or more rapidly growing a sufficient number of large trees. Additional specific objectives include locating large trees retained for wood recruitment nearer to the Core Zone and maintaining or improving salmonid habitat on flood prone areas and CMZs when present.

*Timber Operations within WLPZs are limited to those actions which meet the objectives stated above or to improve salmonid habitat consistent with 14 CCR § 916.9 [936.9, 956.9] subsection (a) and (c).* 

<u>14 CCR 916.9 (f)(3)(E)2</u>. Minimize Yarding and Skidding: Skid trails, Yarding corridors, falling activities, and log Yarding should not alter the natural drainage or flow patterns. EEZ [Equipment Exclusion Zone] of 30 feet should be applied near side channels and areas of ponding. Very limited, pre-flagged, preapproved prior to falling skid trails shall be used and abandoned so as to minimize risk of becoming new secondary channels by flood flows. Minimize or exclude, to the extent feasible, tractor Skidding/crossings over, through, or along secondary channels (protection of overflow channels is a key element). Locate tractor roads on high ground areas to the greatest extent possible. When feasible, use feller bunchers which do not drag/skid logs through the zone, minimize turning of equipment which would result in increased depth of ground surface depressions, and utilize mechanized harvesting equipment which delimbs harvested trees on the pathway over which equipment would travel. Cable Yarding corridors should be located at wide intervals consistent with practices that use lateral Yarding. Full suspension should be used when possible.

In the flood prone area, equipment operation will be limited to pre-flagged skid trails (THP § II pg. 31).

In lieu practices in the WLPZ are detailed in THP Section III, pages 109-110 (WLPZ roads and landings) and pages 110.1-110.2 (WLPZ skid trails). The WLPZ on the flood prone areas is as wide as 600 feet, compared to a WLPZ of 75 feet in the previous entry approximately 30 years ago. From the justification for using WLPZ skid trails in the THP: "The number of flagged skid trails has been kept to a minimum, but by limiting access too much it becomes difficult to skid trees without damaging the residual stand and preserving the canopy [ $\geq$ 80% *in inner zone A*,  $\geq$ 50% *in inner zone B* (14 CCR 916.9(f)(3)(C)3 and 916.9(f)(3)(D)2)] is an important concern in these areas. The flagged skid trails were located so as to take advantage of existing skid trails, to stay on higher ground and to avoid disrupting the hydrologic function of the flood plain." (THP § III pg. 110.1).

In-lieu practices as proposed in the THP have been evaluated in the field and comply with the Forest Practice Rules.

### CONCERN: The THP needs a mitigation, monitoring and reporting plan

### **RESPONSE:**

The required mitigation, monitoring, and reporting are present in the THP. During operations, Cal Fire inspectors will provide ongoing inspections of harvest operations. Post-harvest stands are required to meet the stocking standards included in the Forest Practice Rules (see THP § II pg. 9). Monitoring for potential sediment delivery sources is detailed in the Erosion Control Plan (THP § V pp. 229-240).

Additional to required monitoring, the plan submitter has agreed to conduct monitoring of skid trails in flood prone area units (THP § V pages 366.6 – 366.10 for Draft Little THP Monitoring Questions and Protocols),

ASP rule effectiveness (THP § II pg. 58), and temperature and humidity impacts of the harvest (THP § II pg. 58).

**CONCERN:** <u>The Little THP doesn't include a full map of the flood-prone skid roads. A full map showing</u> <u>the haul roads and skid trails is needed and should be required.</u>

## **RESPONSE:**

WLPZ facilities maps THP pages 67-68 show all WLPZ (including flood-prone) skid trails and WLPZ roads/appurtenant roads and landings.

## CONCERN: <u>Surveys for rare/sensitive wildlife are incomplete, absent, or inadequate.</u>

### **RESPONSE:**

Information on listed and non-listed species of concern is found in the THP on pages 41 – 55 and in Section IV pages 167 – 196.

There are no survey requirements for non-listed species.

Northern spotted owl (*Strix occidentalis caurina*) location information is provided on most THP maps, including silviculture (THP pages 61 & 61.1), road points (pg 62 & 62.1), WLPZ facilities (THP pages 67 & 68), Erosion Hazard Rating (pg. 69.1), and Appurtenant Roads (pg. 74. Additionally, Northern spotted owl information and habitat mapping can be found on pages 79-79.2 and Section V pages 259-366. Complete NSO survey information shall be submitted to Cal Fire prior to commencement of operations: "Timber operations shall not commence until surveys have been completed according to the survey standards in USF&W 2011 Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls (revised January 9, 2012) and the results have been provided to Cal Fire and amended into the THP." (THP § II pg. 46; emphasis added).

California red-legged frog (*Rana aurora draytoni*) is assumed to be present at several ponds and in a roadside ditch along an appurtenant road; as a result of this assumed presence, no surveys are necessary. The potential pond habitat is being provided protection per the USFWS Scenario III and IV, and the appurtenant road ditch habitat has proposed protections to prevent take of CRLF (THP § II pg. 54-55). Potential habitat and protection measures are mapped in THP Section II page 71. Details about CRLF can be found on THP § IV pp. 180-181. The protections found in the THP, along with core zones on Class I and II watercourses, also provide protection for the foothill yellow legged frog (*Rana boylii*) as well. Following a petition to list the foothill yellow legged frog, the local *Rana boylii* clade was not listed by CDFW.

Marbled Murrelet (*Brachyramphus marmoratus*): Due to stand conditions, the THP area is not considered likely to have murrelet habitat (THP § II pg. 44). The *California Department of Fish and Wildlife Pre-Harvest Inspection (PHI) Report for Timber Harvesting Plan (THP) 1-18-095 MEN, "Little"* dated November 18, 2019 notes the previously-identified Green Bridge Marbled Murrelet Habitat Area within 1 mile of the THP area. This is disclosed in the THP (page 44). Also, see the enclosed Marbled Murrelet consultation for the nearby Plum THP (1-16-094 MEN), THP § V pages 366.1-366.5, which also discusses the 'Green Bridge' potential habitat.

Sonoma tree vole (*Phenacomys longicaudus*) is a California species of special concern. The THP notes the presence of this species on GRT property, and states, "LTOs shall inform their fallers to be on the lookout for nests, to protect trees where nests are found and to inform the supervising RPF if nests are found so that additional screen trees can be marked for retention if necessary." (THP § II pp. 41-42).

Western pond turtle (*Clemmys marmorata*) is a California species of special concern. The THP notes that there is habitat near and within the Plan Area which may support pond turtles, but that no turtles have been observed in the THP area (THP § IV pg. 179). Comment #19PC-000000270 notes that these turtles may move further afield from water during winter months; the THP does not propose winter operations (THP § II pg. 22).

Vaux's swift (*Chaeturi vauxi*) is a California species of special concern. The THP identifies suitable habitat for this species as, "hollow trees, snag-tops with cavities..." and goes on to note that, "snags and large decadent trees for roosting or nesting will be protected. No large decadent trees or snags will be felled (unless they are a safety hazard) that might provide habitat for this species." (THP § IV pg. 188)

Osprey (*Pandion haliaetus*) is a California species of special concern. The THP enumerates known osprey nests on GRT's property, noting that "osprey nests have been continually monitored on landowner's property since at least 1975." (THP § IV pg. 187). None of the known nests are near the plan area.

CAL FIRE believes that the THP has conducted the proper scoping for biological resources, and has proposed to survey for biological resources where appropriate.

**CONCERN:** <u>The Alternatives Analysis does not account for cable logging as a yarding system. Cable (aerial) should be used on the flats.</u>

## **RESPONSE:**

THP § III pp. 118-119, the Alternatives Analysis, includes consideration of skyline cable (aerial) yarding as a yarding method. It was determined that this method would require significant new road construction, which would result in greater disturbance and potential sediment delivery than site-specific, low impact tractor yarding. The THP states that feasibility is also limited by the lack of tailhold locations, need to yard over neighboring landowner infrastructure, need to yard across the North Fork Gualala River, and the ASP rule residual canopy requirements.

CAL FIRE has evaluated the Alternatives Analysis, and believes the THP proposes an appropriate yarding system.

**CONCERN:** <u>Sediments originating from roads will cause sediment inputs in excess of the allowable</u> <u>amounts found in the TMDL for the Gualala River. Non-point source pollution.</u>

## **RESPONSE:**

A study conducted by Kamman Hydrology & Engineering was attached to public comment. Two additional studies similar in nature were also provided in the public comment, for THPs 1-20-00150-MEN and 1-19-00098 MEN. The study is an analysis of the quantity of sediment that logging roads and skid trails will produce regardless of connectivity. In conducting his analysis, the author did not conduct field data collection or visit the site in-person, instead relying on remote sensing data.

In response, the THP submitter included an analysis by Danny Hagans, Principal Earth Scientist at Pacific Watershed Associates (PWA), titled "Comments on the Proposed Far North THP 1-20-00150 MEN, Little THP 1-18-095 MEN, and the Elk THP 1-19-098 MEN, as well as on the analysis provided by Kamman Hydrology & Engineering, Inc. on behalf of the Friends of Gualala River." (THP § V pp. 366.189 – 366.302). Mr. Hagans is the co-author of the document referenced by Kamman to calculate sediment inputs,<sup>4</sup> and

<sup>&</sup>lt;sup>4</sup> CDFW 2006. California Salmonid Stream Habitat Restoration Manual, Part X

has "two decades of on-the-groundwork conducting road erosion assessments, restoration planning activities, and road 'storm-proofing' on the former Gualala Redwoods, Inc. (GRI) timberland properties, now owned and managed by GRT." (THP § V pg. 366.189).

Regarding the submitted analyses by Kamman, Hagan writes that,

"Making desktop assumptions about the percentage of the road that is hydrologically connected (e.g., 100% or 50% as was done by Kamman) is potentially fraught with error and will lead to erroneous estimates of sediment delivery from the road network being discussed, especially where those road systems have already been effectively treated with state grant funding for hydrological disconnection.

In fact, the above-described 45-mile 2002 road erosion and connectivity assessment within the LNFGR watershed only identified 17 miles of road (or 38%) as being hydrologically connected, based on direct field observations and measurements. That means the other 62% of the road network was not hydrologically connected or delivering eroded fine sediment to the stream system on an annual basis even before the roads were treated with CDFG monies...

Finally, Kamman (paragraph 2 on page 1 in each of their three November 20, 2020 reports submitted to Cal Fire in response to the 3 GRT THPs...) suggests there are many other unquantified potential sediment sources, such as gullying, landslides and stream crossing failures that will contribute to additional sediment cumulative effects in the Planning Watershed. This conclusion is inaccurate and unrealistic as the 2003 CDFG grant funded and approved watershed restoration and erosion prevention work resulted in over 150 stream crossings that were: 1) reconstructed with properly sized culverts or armored fills designed to accommodate the 100-year return runoff event, installed at grade with stable fillslopes and critical dips to prevent stream diversion and gully formation; or 2) the stream crossings were properly decommissioned per the guidelines provided in the Handbook for Forest, Ranch and Rural Roads (Weaver, Weppner and Hagans, 2015). In addition, the 2003 watershed-wide storm proofing work included the excavation and preventive stabilization of a minimum of 51 potential road-related unstable fillslopes that PWA had identified as exhibiting a potential for failure and sediment delivery to nearby streams." (THP § V pg. 366.193)

In Mr. Hagans's conclusion, he states, "[t]he conditions and assumptions included in the Kamman reports are not consistent with those found on the ground in these areas."

Contrary to the claim made in public comment #21PC-000000493 that "[n]either the THP nor Hagans letter cite or present 'any field investigations on the current roadway condition, potential roadway degradation over the past 18 years, or percentage of hydrologically connected roadways in the Far North THP, since Hagans 2003 work," the THP preparation process involves the development of road point inventory, assessment of all crossings and erosion control features, and prescriptions for the maintenance requirements of the appurtenant road system. The THP states, "[a]II roads including the appurtenant roads have been evaluated for connectivity and road points added to maps...Much of this road is on flat ground and has a flat vegetative layer to trap sediment." (THP § II pg. 26). The THP includes an inventory of all watercourse crossings and drainage facilities and evaluates them for repair/replacement or maintenance (THP § II pp. 62 – 66.1). Multiple multiagency preharvest inspections also visited the project location and included road inspections (see background, above).

THP Section II, Item 18, pages 16 – 21 addresses soil stabilization. Road point maps are found on pages 62 & 62.1, and descriptions of these facilities are found on pages 63 – 66.1.

THP Section V, pages 252 and 253 provide estimated surface soil erosion hazard ratings.

THP Section V, pages 254 – 265 provide an Erosion Control Plan.

As the California Native Plant Society public comment (#19PC-000000274, below) notes, the flood prone areas that make up a significant portion of the Plan Area are areas of sediment deposition.

## PUBLIC COMMENTS AND CONCERNS

### 1. PUBLIC COMMENT #18PC-00026:

Please find attached Judge Chouteau's ruling in Superior Court on the Dogwood THP. The very same deficiencies found in Dogwood – Cumulative Impacts and Lack of Alternatives and an Alternatives Analysis – are glaringly deficient in Little too. Please add the ruling to public comment on this THP.

Thank you, Jeanne Jackson

#### **RESPONSE:**

This letter and attachment have been added to the record for THP 1-18-095 MEN.

The Little THP Analysis of Alternatives can be found in THP § III pp. 112 – 121.6. The Cumulative Impact Assessment is included in THP § IV pp. 124 – 221.34.

This comment is from 2018. The October 2018 ruling attached to and referenced in the comment above pertained to the Dogwood THP (1-15-042-SON). Since that time, the Dogwood THP was revised to address the deficiencies found by the court. In January 2020, the Superior Court found that the Plan Submitter and Cal Fire had fully addressed the issues; the California Court of Appeal upheld that ruling in February 2021. The Little THP Alternatives Analysis and Cumulative Impacts Assessment were updated to address the court's concerns from the October 2018 ruling.

### 2. PUBLIC COMMENT #19PC-00010:

Please submit the following document to the record for 1-18-095MEN.

Thank you.

Larry Hanson, Board President

Forest Unlimited

Attachment: <<CALFIRE 2005 Riparian Flood Prone Considerations Redwood Zone.pdf>>

#### **RESPONSE:**

This letter and attachment have been added to the record for THP 1-18-095 MEN.

CAL FIRE's Flood Prone Area Considerations in the Coast Redwood Zone (2005) was a guidance document written by the interagency Riparian Protection Committee. This document was intended to give RPFs guidance on proposed operations in an FPA in the interim while the 2010 Anadromous Salmonid Protection (ASP) Rules were being developed by the Board of Forestry. The ASP Rules (14 CCR 916.9) were developed by an inter-agency, inter-disciplinary team over a period of years. The ASP Rules supersede the 2005 Considerations document, and are the enforceable standards when operations are proposed in an FPA.

#### 3. PUBLIC COMMENT #19PC-00080:

Please submit the attachment containing the Flood Plain White Paper to the record for 1-18-095-MEN (Little).

Larry Hanson, Board President

Forest Unlimited

Attachment: <<CALFIRE 2005 Riparian Flood Prone Considerations Redwood Zone.pdf>>

#### **RESPONSE:**

See response to Public Comment #19PC-00010 (above). This letter and attachment have been added to the record for THP 1-18-095 MEN.

### 4. PUBLIC COMMENT #19PC-000000269:

Please add the attached comment letter from Kamman Hydrology to the public record on THP 1-18-095-MEN "Little".

Thank you, Jeanne Jackson

**RESPONSE:** This letter and attachment have been added to the record for THP 1-18-095 MEN. Please see response to public comment #21PC-000000493, below.

#### 5. PUBLIC COMMENT #19PC-000000270:

On behalf of Friends of Gualala River (FoGR), we are submitting comments on Little THP. FoGR remains concerned that CAL FIRE is preparing yet another THP with disregard for the standards of evidence and reasoned explanation demanded by the California Environmental Quality Act (CEQA). The Little THP includes sensitive riparian redwood (flood-prone) habitat in the last part of the Gualala River watershed known to have supported cool streams with coho salmon, as recently as 2004. The high sensitivity of this environmental setting demands rigorous environmental assessment, equivalent to an Environmental Impact Report required for projects with potential significant impacts.

Despite the need for this CEQA standard to be met in practice for THPs (CEQA certified regulatory program), Little THP relies on unsupported opinion to assess THP impacts. For cumulative impacts assessment of the THP, it relies on long-outdated survey data (mostly up to 2003, few as recent as 2011, and none later) regarding stream conditions and salmonids. The majority of sensitive wildlife species discussions in the THP refer to no survey data at all in the THP area. The same deficiency occurs with sensitive plant impacts in the THP. The THP just recites the same "scoping" text we see in every Gualala Redwoods Timber THP, compiling old lists from 1997 to 2001, with absolutely no current or even recent survey data from the THP area. The impact assessment routine is the same, too: the THP prepared by GRT foresters simply compiles cut-and-paste, boilerplate background information and leaps to conclusions that impacts are unlikely (or no impacts are known) for the THP area, in the absence of any evidence about existing, current conditions. The general boilerplate language for wildlife and plant impacts is almost exactly the same in every Gualala Redwoods Timber THP we have read for the last 5 years. We give specific examples of these deficiencies below, and request that CAL FIRE require the applicant to provide actual, updated data or adequate evidence to characterize existing conditions in the THP area for wildlife, plants, fish, and habitat conditions, to conduct evidence-based impact assessment meeting CEQA standards. Without this, meaningful public comments are impossible. Meaningful public comments on the THP are already hard enough because it is written in industry and agency jargon instead of plain language.

There is no reference to any mitigation, monitoring, and reporting plan in the entire Little THP. The THP

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generally proposes that various standard protections, like WLPZ (stream and riparian buffer) conditions will effectively mitigate impacts -apparently as an article of faith, because the THP cites no past monitoring reports or any other post-harvest THP monitoring evidence that indicates how effective any mitigation measures are at minimizing or avoiding impacts. The THP at most cites long-outdated general Gualala River Watershed Council monitoring reports (last year of data reported: 2011) that do not even relate to before-and-after comparisons of THP conditions. Or the THP cites even older general watershed monitoring trends (not specific to the THP area) from before 2003 in the NCW AP Gualala report (GRWC 2003). How can the public, or any professional forester or independent expert, know whether the FPR protections cited as panaceas for all timber harvest impacts have any effect, without a requirement for mitigation and monitoring reports -a standard requirement of all CEQA documents, and one from which the THP certified regulatory program is not exempt. If the Little THP is relying on impact assessment based on subjective opinion or generalizations without evidence, the least it can do is validate and test those predictions of "no impact" or "little impact" with monitoring data, reported and made publicly available.

The THP's reliance on subjective opinion unsupported by explanation of evidence is shown in a misnamed sub-heading, "Summary of Watershed analysis specific to this THP" in Section 4 (cumulative impacts) p. 148. Here the RPF declares faith in FPRs to minimize impacts to flood-prone areas: "Because of the limitations and beneficial actions required by the Forest Practice Rules and especially the ASP rules I believe that this plan will improve the existing conditions ... ". But there are no monitoring data from the THP vicinity, or any previously authorized flood-prone THPs, cited to support this opinion that no significant cumulative impacts occur. Dogma and faith-based opinion are not reasoned explanation.

Mitigation monitoring and reporting is particularly necessary for all the flood-prone areas of the Little THP. CAL FIRE and resource agencies have presented and assessed absolutely no monitoring data from the first GRI (GRT) "pilot" Gualala flood-prone THP, "Kestrel", to test whether the in-lieu ASP rule practices are in fact protecting salmonids and flood-prone habitats. This evasion of fundamental mitigation monitoring and reporting practices should end with the Little THP. For example, Little THP (Sec 2 p. 30) refers to GRT salmonid habitat enhancement to improve conditions and offset logging impacts, citing 560,000 board feet of large woody debris placement in streams and road upgrades. But Little THP cites absolutely no monitoring data or any objective information on the effectiveness or improvement of salmonid habitat conditions relevant to Little THP, or its salmonid population trends up to date. And none is evaluated in Little THP Sec 4 (cumulative impacts). Obviously, claiming virtue of government-subsidized wood-in-stream projects in the watershed, without any performance monitoring data analysis, is meaningless for public comment or expert assessment of the Little THP. Little THP should require a comprehensive, enforceable (and enforced!) mitigation and monitoring & reporting plan (MMRP) for all WLPZ protections, sensitive fish, wildlife and plants, invasive species, and water quality, with baseline (pre-harvest) and post-harvest data analyzed for potential significant, direct indirect, and cumulative impacts. Otherwise, there is no way to test or ensure whether FPR protections actually reduce potential significant impacts to less than significant levels or not. Without monitoring data and reporting, FPR mitigation measures are unenforceable and faith-based.

The Little THP justification for allowing exceptions to standard rules prohibiting heavy equipment in floodprone areas (Section 3, page 110) is absurd. It says that mitigation is to drive tractors with the blade raised when not in use! First, there is no reason to have a tractor blade lowered when it is not in use in the first place, so it's a gratuitous, nominal "mitigation". Second, there is no evidence that only the tractor blade, and not the heavy tractor vehicle traffic itself, is a disturbance impact. Repeated passes of heavy equipment on soft alluvial soils disturbs not only sediment, but every living thing in the ground - from invertebrates and fungi to amphibians, reptiles, burrowing mammals, plants, seeds - as well as the ground itself (soil compaction). There was a reason for having this as a standard rule, and those reasons (explained by the CAL FIRE interagency Riparian Protection Committee's 2005 "flood-prone considerations" report), as well as the rules themselves, are just brushed off arbitrarily in the Little THP.

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Flood-prone areas are not described or evaluated to allow assessment of their important ecological role in supporting growth and survival of juvenile salmonids during overbank flooding (floodplain submergence), and THP impacts. Section 4, p 147, states in two sentences only where recent flooding occurs, but nowhere in the THP is there an explanation of biologically significant flooding when steelhead and other salmonids access the invertebrate food-rich submerged floodplain for brief periods of rapid growth to survivable size. Again, the THP fails to describe existing conditions and potentially significant cumulative impacts of logging in the flood-prone areas of the THP. Cumulative impacts of flood-prone area timber harvest are not even possibly assessed relative to existing conditions, since Section 4 (pp 153-158) cites only long-outdated stream survey data for steelhead and coho that stop in 2002, with no recent data for existing conditions and trends.

The Little THP also fails to provide a reasonable comparison of feasible alternatives for the project, based on objectives or goals that are not merely restatements of the applicant's preferences to log the plan area. The alternatives analysis doesn't even consider an alternative that applies the standard rules for Anadromous Salmonid Protections and "flood prone" areas, which require exclusion of heavy equipment operation and avoidance of skid road use in flood-prone areas. It just considers the proposed substitute exceptions ("in lieu" practices) that set aside the standard rules for protection, without even comparing environmental consequences of the standard and substitute rules, in this and every Gualala THP including flood-prone areas we have read. In fact, we cannot find even one instance of a Gualala THP that has evaluated or applied the standard ASP and flood-prone rules since they were finalized. This begs the basic question of what the ASP and flood-prone rules are for, and what they actually protect, if they are set aside and replaced by substitute rules in each and every case when they should apply.

For example, Little THP (Sec 3 p. 109. Item 27 a & f part 1) states that the standard rule 916.5(d) prohibits heavy equipment in WLPZ (riparian, stream, and flood-prone areas), and Sec 3, p 110.1 Item 27 a & f part 2 states that standard rule 916.13(c) prohibits tractor road use in Class 1-3, WLPZ and related wet riparian habitats. The only explanation and justification waiving this rule is that the main haul road that the applicant would like to use (a road system older than this rule) is almost entirely in WLPZ, and the old skid trail (road) system is in the flood-prone area. CAL FIRE defers to the applicant's preference to keep using the same old road systems that don't fit the new rules, and adapt the new rules to fit the old forest road system, so there is no reduction in the (otherwise protected) logged area. This is repeated in every case of THPs with Gualala THP flood-prone areas, apparently, so the flood-prone rule exceptions become the rules in practice. Instead of administratively re-writing the rules so they never apply in practice, why not at least compare the impacts of full compliance (no heavy equipment in WLPZ) and the environmental consequences of proposed exceptions to the rule?

The Little THP doesn't even include a full map of flood-prone skid roads, or quantify them, as existing conditions. It just assures that they are flagged so timber operators can see where they are. But it's not possible to assess the impacts of heavy equipment use (normally prohibited in flood-prone areas), without quantifying the density of skid roads in flood-prone areas. It's also not possible to compare alternatives minimizing those heavy equipment impacts without seeing skid road density in maps, or comparing them with maps of sensitive habitats like floodplain wetlands, rare plants, or wildlife habitats. None of those biological resources are surveyed or mapped either. Not one basic CEQA or ASP rule can be planned or evaluated meaningfully without maps of skid roads/trails, and biological resources in the THP area.

The continued lack of any valid wetland mapping in flood-prone areas is also especially troubling. Anybody who views the Gualala River floodplain sees the scattered meadows of slough sedge, which is an "obligate" wetland plant, meaning that it is ranked as occurring over 99% of the time in wetlands. The RWQCB made a PHI request for information on wetland indicators in Little THP area. The CAL FIRE response was that no resource agency provided

any, which is obviously a non-response, turning the request back at the PHI agency. The Little THP maps

representing "wet areas" (which are aquatic habitats, and don't include the prevailing slough sedge meadows in the floodplain that drain and dry in low-flow summertime) have only icons for "wet areas", and don't show boundaries or measure their areas, or even estimate them. How can floodplain wetland existing conditions and impacts be assessed without wetland delineation protocols and maps? Little THP, like all other GRT THPs in flood-prone areas, refuses to assess seasonal wetlands impacts. Given their widespread distribution in flood-prone areas, and the standard ASP rules that prohibit heavy equipment and skid trail use in flood-prone areas, is this a coincidence?

The Little THP alternatives analysis is an obvious sham if it doesn't even consider environmental consequences of applying standard FPR protections for salmonid habitats in at least one alternative. Instead, Little THP evaluates only the applicant's preferred alternative and a series of straw-man alternatives that overtly do not meet basic project objectives (and are thus not even valid candidates for feasible alternatives in the first place by CEQA standards; see Attachment).

There is no indication that CAL FIRE is exercising meaningful supervision or control of the THP alternatives analysis. CAL FIRE is responsible for ensuring FPR and CEQA perspectives on alternatives and project objectives prevail, with consideration but not undue deference to the applicant's alternatives analysis submittals. Instead, CAL FIRE simply published undigested, unedited biased alternatives that rationalize the applicant's preferred Little THP alternative. That is hardly CEQA-equivalent, and it is hardly environmental regulation in any sense.

The analysis of flood-prone areas and impacts in Little THP is deeply flawed at all levels. First, we learned that PHI agencies, including those that collaborated on the definitions and intent of flood-prone rules and protections, could not even come to basic agreement over the boundaries of the flood-prone area for Little THP, and didn't even agree on the interpretation and criteria for resolving the disagreements. This is unacceptable, and it is even more unacceptable that this controversy was not disclosed in the description of existing conditions of flood-prone areas. There is not even a clear map showing the extent of proposed flood-prone areas, or the boundaries of differing CDFW, RWQCB, and CAL FIRE/GRT flood-prone boundaries. There must be an interagency protocol for resolving basic boundaries for where ASP & flood-prone rules apply. Disclosing the accurate area and boundaries of flood-prone areas is needed for a complete description of the project area, and for assessment of cumulative impacts to flood-prone areas. The THP (Sec 4 p 123) merely states that Little comprises 200 acres or 4.3 % of the Doty Ck planning watershed, but provides no objective estimate of its flood-prone acres, or the percentage of all flood-prone areas in the Doty Ck planning watershed, or the Little North Fork sub-watershed as a whole. Little THP should be suspended until it is resolved objectively, with expert peer review, and without arbitrary authority or undue deference to applicant interests.

### Additional Comments:

Maps. Maps of existing conditions in the THP area and setting are obscure because they lack placenames of creeks, ridges, or other identifiable geographic locations needed for meaningful public comment. Overlays of base maps on aerial photos (at least in one location map) would probably remedy this problem. Maps appear to be prepared and used only by agencies and the landowner's consultants, excluding public review.

Table of contents, index, searchable pdf. The duplicative organization of the Little THP sections and headings is not equivalent to CEQA documents that guide public reviewers to focused, concise, plainlanguage assessments of biological resources, water and air quality, contaminants, etc. At the very least, the THP should present either a table of contents (including all sections), or at least present THP documents in legible, searchable pdf formats.

Sonoma tree vole (Sec 2 p. 41). The THP states this sensitive wildlife species "occur extensively" in GRT lands, but the THP provides no survey data or other search evidence for them in the THP area. It fails to assess existing conditions, impacts, and mitigation for Sonoma tree voles.

Western Pond turtle (Sec 2 p. 41). The THP notes that WPT may occur, in the THP but will be protected by standard WLPZ. But turtles leave WLPZ and move overland, especially in winter, and are not completely aquatic. They also occur in stream crossings (where heavy equipment moves) where they are hidden, since they look almost the same as cobbles underwater. Since the Little THP proposes to allow heavy equipment in the flood-prone areas, there can be significant impacts to turtles.

Osprey (Sec 2 p 42). The THP cites no survey data at all, or other searches, to support its statement that nests are absent in the THP area. Osprey nests should be surveyed, since they hunt regularly along the lower Gualala River.

Northern Spotted Owl (Sec 2 p. 46). The THP says year 2 NSO surveys not complete. That means existing conditions and impact assessment, as well as take avoidance and other mitigation measures, are not complete. So significant impacts, and possibly take, may occur without adequate mitigation.

California red-legged frog. (Sec 2 p 54). The THP says CRLF are "believed to be discovered in an inside ditch", but does not refer to any survey. An incidental observation of one frog indicates that a population is present, and survey is needed. It is not a survey itself. Aquatic habitats are not the only adult habitat for CRLF, which travel and forage at night in overland movements far from standing water. Little THP proposes to allow heavy equipment in the flood-prone areas, where adult frogs feed and travel, so there can be significant impacts, including take, to adult CRLF. Section 4, p. 176, confirms that moist forest habitats (rotten logs, mammal burrows, duff) are an important habitat for amphibians. This THP evaluates only aquatic breeding and foraging habitat. This impact would be partly mitigated by standard rules prohibiting use of heavy equipment in flood-prone areas.

Vaux's swift (Sec 4 p. 169). Despite the THP's reported frequency of this sensitive wildlife species in the watershed, it cites no survey data for nests in THP area, so neither existing conditions nor impacts are assessed.

Rare plants. (Sec 2 p. 55, Sec 4 p. 150 & 180). Scoping for rare plants is just a list of species to look for in surveys, but there are no surveys for rare plants or sensitive plant communities in the Little THP. Surveys are deferred: "will be submitted no less than 10 days before harvest". So Little THP fails to assess both existing conditions and impacts to rare plants. It proposes no monitoring and reporting before and after timber harvest, so CAL FIRE and the public have absolutely no way of knowing whether any of the proposed mitigations for rare plants are effective or useless or in between. A minimum 5-year monitoring plan is needed to assess direct (destruction, damage) and indirect (invasive species, competition) short-term logging impacts on rare plants. CAL FIRE must make rare plant survey results available at the time of THP submittal or else the public and agencies are excluded from participation in a CEQA-equivalent THP process.

In conclusion, the Little THP should be suspended and revised to provide:

CEQA-equivalent description of existing conditions for all significant natural resources

CEQA-equivalent mitigation monitoring and reporting plans for natural resources that may be significantly impacted by logging

CEQA-equivalent alternatives analysis, including only feasible alternatives that meet the basic project objectives (not just the applicant's preferences) and at least one alternative that applies standard ASP and flood-prone rules

Quantified and mapped flood-prone areas and their skid roads

Sincerely,

Charles Ivor, President

Richard Jackson, Vice President

OFFICIAL RESPONSE THP 1-18-095 MEN Nathan Ramsar, Secretary Jeanne Jackson, Treasurer Friends of Gualala River Board of Directors

#### **RESPONSE:**

See the "Common Concerns from Public Comment" section, above. Also:

Maps enclosed in the THP Section II meet the FPR requirements for maps to be equivalent to USGS topographic maps, including the inclusion of place names present on USGS 7.5' maps (14 CCR 1034(x)). See maps THP § II pages 61-62.1, 67-68, 69.1, 71-74 for maps that include named watercourses.

Flood prone area boundaries are mapped on THP pages 61 and 61.1 (Silviculture maps; extent of FPA is designated by Inner Zones A and B).

A general description of physical conditions at the plan site is enclosed in THP § III pp. 104-104.1.

Stream monitoring reports (THP § V pp. 247-258), which include stream surveys, biological surveys, and LWD installation impacts, cover years starting from the early 1990s through 2017.

### 6. PUBLIC COMMENT #19PC-000000273:

We are vehemently opposed to any logging of the forest here, this idea that it's just a small amount is ludicrous!! No amount of logging should be permitted! There are many species here at risk! We love our forest. Leave the trees alone!

Susan & Donald Olson

### **RESPONSE:**

See the "Common Concerns from Public Comment" section, above.

The land which comprises the Plan Area is zoned Forest Land per the Mendocino County General Plan, with the Timberland Production Zone (TPZ) designation. The statute that established the Timber Production Zone (TPZ) zoning classification (Government Code sections 51100-51282.5) alerts the public to the expectation that timber harvest will occur.

Timber operations on private forestland in California are regulated by the Forest Practice Rules (Title 14, California Code of Regulations). A 2003 study found that the requirements of the FPRs are as stringent as or more stringent than those of independent third-party certification programs such as the Forest Stewardship Council (FSC) and the Sustainable Forestry Initiative (SFI), meeting or exceeding standards for environmental protection set by those programs (Dicus & Delfino 2003). The California THP review and approval process is thorough and requires the Plan Submitter provide documentation of, consideration for, and mitigation of, myriad potential impacts (see Cumulative Impacts Assessment, THP § IV pages 124 – 221.34). Domestic demand for wood products exceeds 17 billion board feet annually (Howard & Liang 2019); this supply comes from jurisdictions with varying levels of protection, but it is arguable that no other state rivals California for its level of protection and regulation of privately owned forests. Decreasing timber harvested in California does not impact demand, and instead likely shifts production elsewhere to a jurisdiction with less stringent environmental regulations.

## 7. PUBLIC COMMENT #19PC-000000274:

Subject: THP 1-18-095 MEN (Little THP), Gualala Redwoods Timber, Mendocino County, Gualala River Little North Fork, Doty Creek Planning Watershed

To CAL FIRE, Santa Rosa Regional Office:

The California Native Plant Society, Dorothy King Young Chapter (CNPS-DKY) is providing CAL FIRE with the following comments on the "Little" Timber Harvest Plan on the Little North Fork, Gualala River, Mendocino County. CNPS-DKY shares the concerns of Friends of Gualala River (FoGR) as stated in their comment letter on "Little" THP, dated September 28, 2019, and incorporated by reference here (see attachment of the FoGR Little THP comment letter text below).

CNPS-DKY is particularly concerned about impact assessment, data, methods, and mitigation for rare plants, wetlands, and sensitive plant communities in the floodplain (including all properly interpreted and delineated "flood prone areas"), resulting mostly from the "exceptions" ("in-lieu practices") for standard Forest Practice Rules that normally would protect rare plants and sensitive plant communities from severe disturbance or destruction. Standard rules for flood prone areas and Anadromous Salmonid Protection exclude operation of heavy equipment and skid trail use in flood-prone areas of salmonid streams. CAL FIRE has systematically waived these standard rules in each and every THP located in flood-prone areas of the Gualala River watershed: for example, it has recently and repeatedly set aside standard flood prone protections in the largest proposed Gualala flood prone THP (Dogwood THP, over 342 acres, 1-15-042 SON) and the most recent approved flood prone THP (Hazel THP, 93 acres, THP 1-19-051 SON).

CAL FIRE has provided no justification for the pattern and practice for systematically withholding the standard Forest Practice Rules protections for anadromous salmonid habitats and flood-prone areas. In doing so, CAL FIRE, by piecemeal practice, is administratively deregulating flood-prone areas that were protected by final agency rulemaking by the Board of Forestry. CAL FIRE has provided no justification for this systematic practice of suspending flood prone/ASP rules in the Gualala River watershed. CAL FIRE has performed no cumulative impact analysis for the practice of substituting (to date) "in lieu" practices for each and every case of Gualala watershed flood-prone THPs where standard protections are set aside. CAL FIRE has not even fulfilled its CEQA obligations to compare feasible alternatives by assessing the impacts of the standard flood prone/ASP rules and the proposed in-lieu practices in the case of Little THP, or cumulatively in all past, present, and foreseeable Gualala flood-prone THPs

The in-lieu practices proposed as substitutes for the standard rules protecting against flood-prone area disturbance will have no protective effect on rare plants or sensitive plant communities (including wetland plants and wetland plant communities) whatsoever. The in-lieu practices permit timber operations to use heavy equipment and skid road use in the floodplain, where they cause severe ground disturbance in the upper soil profile where sensitive desiccation-prone roots, buds, rhizomes and seeds would be severed, sheared, dislodged, exposed, crushed, and displaced. This would result in direct mortality of native plant populations (especially clonal, colonial species), and increase long-term competition with disturbancedependent invasive non-native plant populations. In addition, soil characteristics would be altered by heavy equipment operation (compaction or churning, causing changes in bulk density, drainage, permeability), thereby indirectly affecting native plant populations and vegetation. These significant impacts would be avoided by conformance with standard protective rules for flood-prone areas. The proposed in lieu practices explicitly address only sediment erosion, which is a significant risk only for slopes, not for depositional (sediment sink) environments like floodplains. Floodplains with seasonal wetlands and sensitive off-channel salmonid habitats need to be protected against disturbances that impair their structure, biological diversity, and productivity – the same basic justification for the ASP rules and floodprone rules in the first place.

CAL FIRE has again made conclusory findings of no significant impacts to rare plants without any evidence from actual field surveys for rare plants and sensitive plant communities in the Little THP area. In order to make a reasoned conclusion about the severity, magnitude, and geographic extent of potential significant direct, indirect, and cumulative impacts to rare plants and sensitive plant communities, basic protocol-level surveys reported by qualified botanists are necessary for public and agency review and comment before

THP approval. CNPS has evidence that recent flood-prone Gualala THPs like Hazel and Dogwood have been deficient, because they failed to disclose or assess impacts to known, publicly reported occurrences of rare plants like fringed corn-lily (Veratrum fimbriatum), which appear on the on-line Calflora plant occurrence inventory (www.calflora.org). This deficiency was confirmed by California Department of Fish and Wildlife in their February 22, 2019 memorandum to CAL FIRE providing their comments on Recirculated Timber Harvesting Plan 1-15-042 SON "Dogwood".

Floodplain logging impacts to rare plants and rare plant communities are at least highly likely, and probably inevitable, as a result of re-use of old skid trail networks and operation of heavy wheeled or tracked equipment (including tractors with blades raised) in any floodplain of the Gualala River and its tributaries. Old skid trails form linear depressions of compacted soil in former vehicle tracks, which recover as forest floor openings with reduced local drainage. These form seasonal wetlands (intermittently saturated or flooded soils in winter-spring months) influenced by overbank stream flooding and undrained runoff from the adjacent floodplain. Wetland sedges like the widespread slough sedge (Carex obnupta) are characteristic species of such floodplain seasonal wetland plant assemblages.

Dominant stands of slough sedge (swards) are Slough sedge swards (Carex obnupta, California Natural Community List 45.183.00) are ranked by CDFW as an S3 (vulnerable) community type. C. obnupta is also rated as an obligate wetland plant (U.S. Army Corps of Engineers Regional Wetland Plant Lists, 2016, for Arid West and Valley, Mountain and Coast), indicating that it occurs almost always (99% occurrence) in wetlands in this region. C. obnupta occurs in both seasonal and perennial wetlands, and is not restricted to semi-aquatic "wet areas" (perennial saturation or flooding) defined in the Forest Practices Act. The Little THP contains no survey information on seasonal (summer-drained) wetlands meeting federal or state wetland criteria, which by definition are excluded from the non-delineated icons representing FPA "wet areas" in Little THP maps. CNPS DKY advisors include academic, federal and state agency experts in wetlands within our regions, including federal wetlands determination (Clean Water Act Section 404) and classification (National Wetland Inventory/Cowardin system). CNPS DKY is advising CAL FIRE that the Little THP's assessment of rare plants, wetland plant communities, is incorrect, incomplete, and likely to result in potential significant impacts where vehicle use and logging disturbances occur in former skid trails and current flood-prone areas.

Disturbances to sensitive wetland plant communities, other wetlands, and rare plants are likely to occur by mechanical disturbance of floodplain soils, litter (duff) layers, and shallow root systems of herbaceous plant communities in flood prone areas in general, and in old (recovered, decades old revegetated) skid trails in particular. Direct crushing, churning, scraping, shearing, and compaction of soils, roots, rhizomes, buds, and seedlings, with subsequent desiccation impacts in summer, are foreseeable impacts of tractors and other heavy equipment operating on old skid trail depressions, and low-strength floodplain sediments and soils. Juvenile and seedling populations of slow-growing shaded or semi-shaded rare plant populations are highly likely to occur as a result of vehicle equipment operation, since only flowering (mature, reproductive) individuals or colonies of flood-prone area rare plants are likely to be detected by surveys. Indirect and cumulative impacts of flood-prone area disturbance by heavy equipment, including facilitation of invasive species spread (by erosion-stabilizing seed mixes or vehicle tire dispersal), are also likely to equal or exceed direct, short-term disturbance impacts to rare plants, wetlands, and sensitive wetland plant communities.

These impacts cannot be dismissed on the basis of WLPZ protections because they are being set aside and substituted by "in lieu" practices that do not avoid severe mechanical disturbance (skidding, heavy equipment use) in flood-prone areas. These impacts cannot be dismissed because there is no site-specific plant or plant community survey data provided in the THP, protocol-compliant or otherwise. All THP plant and plant community impacts assessed are speculative only. The so-called "scoping" treatment of plants is nothing but a routine, programmatic, rote, standard list of plant species that should be surveyed in the region. It is in no way an impact assessment itself. It is not even focused on the most likely species that

#### OFFICIAL RESPONSE THP 1-18-095 MEN

#### September 23, 2021

would occur in the sensitive flood-prone areas themselves, and includes mostly species from excluded, unrelated, remote soils and vegetation types. As such, the "scoping" of rare plants is more of an obstacle than an asset for public or expert review of THP-specific rare plant and plant community impacts.

These impact assessment (and alternatives analysis) deficiencies with respect to CEQA-equivalent standards, as Friends of Gualala River commented, appear to be systematic in THPs from Gualala Redwoods Timber and its Registered Professional Foresters. CAL FIRE must require submittal of protocol-compliant surveys for rare plants, sensitive plant communities, and wetlands (including seasonal wetlands, not merely "wet areas") in all flood-prone THPs, in order to meet minimal CEQA-equivalent standards of review. Speculative "scoping" plant assessments are by definition not CEQA-equivalent impact assessments.

Finally, CAL FIRE must require an enforceable mitigation, monitoring and reporting plan for rare plants and sensitive plant communities in THPs where these sensitive biological resources are detected, to verify that the protections CAL FIRE believes will be protected by application of standard or in-lieu Forest Practice Rules. In the absence of any past Gualala River watershed post-THP monitoring of rare plants or sensitive plant communities, CAL FIRE's conclusions about rare plant impact minimization or avoidance have been utterly speculative and unsupported by evidence. CNPS-DKY recommends that a minimum of 5 years of monitoring survey efforts, spread over 10 years, is needed to make meaningful and scientifically sound predictions about rare plant population recovery trends after THP disturbances.

Respectfully submitted,

Renee Pasquinelli and Peter Baye

CNPS-DKY Conservation co-chairs

## **RESPONSE:**

See the "Common Concerns from Public Comment" section, above.

The scoping process noted in this comment does not replace the need for a plant survey, which is included in THP § IV ("Rare Plant Assessment and Botanical Survey Report" prepared by Christina Wagner, Professional Botanist, pages 218.1 – 221.19). An assessment of potential impacts to fringed corn lily are contained in this report:

Fringed corn lily has a deep root system able to follow a receding water table and thick rhizomes. This root structure enables the plant to tolerate soil disturbance and is a contributing factor to how fringed corn lily thrives in floodplains that receive annual winter scour and deposition. The activities described for the floodplain areas within the Little THP will have minimal impact on the corn lily. Therefore, no treatment is prescribed. (THP § IV pg. 221.10)

## 8. PUBLIC COMMENT #19PC-000000277:

I am very much concerned about the "Little" THP which is 199 acres of selection logging in the floodplain of the Little North Fork of the Gualala River. I am especially concerned with these plans to log 90-100 year old redwoods in the floodplain of the Gualala River, because the health of the floodplain is crucial to the over-all ecology of the entire watershed.

The Little THP proposes to log in the floodplain in the river. This is a highly sensitive setting, where cool streams have supported Coho salmon in the past, and support Steelhead trout. This area contains the best remaining salmonid habitat in the Gualala River watershed.

Cumulative impacts are not addressed. The THP fails to describe current, existing conditions, and the potentially significant cumulative impacts on logging in the flood-prone areas of this THP. Since this plan

is in a different geographic 'planning watershed' from the Dogwood THP, the Forest Practice Rules allow the cumulative effects of both plans to be ignored. This piece-mealing of the impacts of this type of logging on the whole of a sensitive resource base, the floodplain habitat, masks the destructive totality of these step-wise depletions.

The THP states there are no Ospreys nesting in the THP area, but there are no survey data or other searches to support this statement. Ospreys do nest in the Gualala River watershed and surveys should be done.

A survey of rare plants is also absent. Submitting a list of rare plants that might be there is not a replacement for a scientific survey. The Little THP completely fails to assess existing rare plants, and there is no plan for mitigating damage. A 5-year monitoring plan should be required to assess the impacts of logging in this sensitive area.

Elaine Woodriff

**RESPONSE:** See the "Common Concerns from Public Comment" section, above.

## 9. PUBLIC COMMENT #19PC-000000278:

I am opposed to this THP for the following reasons:

1. The Little THP proposes to log in the floodplain in the river. This is a highly sensitive setting, where cool streams have supported Coho salmon in the past, and support Steelhead trout. This area contains the best remaining salmonid habitat in the Gualala River watershed.

2. The THP has no reference to any mitigation, monitoring and reporting plan that would blunt the impacts of logging this area and start data collection to properly monitor its cumulative effect with other floodplain logging. Mitigation, monitoring and reporting are particularly needed for all the flood-prone areas of the Little THP. A plan is needed for protection of sensitive fish, wildlife and plants, along with water quality.

3. Cumulative impacts are not addressed. The THP fails to describe current, existing conditions, and the potentially significant cumulative impacts on logging in the flood-prone areas of this THP. Since this plan is in a different geographic 'planning watershed' than the Dogwood THP, the Forest Practice Rules allow the cumulative effects of both plans to be ignored. This piece-mealing of the impacts of this type of logging on the whole of a sensitive resource base, the floodplain habitat, masks the destructive totality of these step-wise depletions.

4. The THP asks for exceptions to standard rules which prohibit use of heavy equipment in flood-prone areas. CAL FIRE's own rules should preclude the use of heavy equipment in the flood-prone areas of this THP. All of the submitted THPs for floodplain logging in the Gualala River watershed are requesting these exceptions. The exceptions have now become the rule, counter to the intent of the rule-making for these protections.

5. This THP fails to provide feasible alternatives for the project. The alternatives analysis should apply the standard rules for Anadromous Salmonid Protections ["ASP Rules"] and flood-prone areas, which require exclusion of heavy equipment operation and avoidance of skid road use in flood-prone areas. What use are the ASP and flood-prone rules if they are set aside, as they are here in the Little THP?

6. The Little THP doesn't include a full map of the flood-prone skid roads. A full map showing the haul roads and skid trails, along with the biological resources in the THP area is needed and should be required. 7. The analysis in this THP of flood-prone areas and impacts is deeply flawed at every level.

Thank you for your consideration.

Martin Martin Steinpress, PG

## **RESPONSE:**

See the "Common Concerns from Public Comment" section, above. For the Cumulative Impacts Assessment, see THP § IV 124 – 221.34.

### 10. PUBLIC COMMENT #19PC-000000279:

There is nothing "little" about this terrible THP which I am strongly opposed to and needs to be rejected. As an active member of California Native Plant Society, an organic farmer and college instructor, I call on you to reject this logging proposal for the very sensitive Gualala River floodplain.

I agree with all of the points listed by the Friends of The Gualala River, as below.

I look forward to learning that this proposal has been rejected.

Sincerely yours,

Wendy Krupnick

#### **Over-all concerns**

- 1. The Little THP proposes to log in the **floodplain** in the river. This is a highly sensitive setting, where cool streams have supported Coho salmon in the past, and support Steelhead trout. This area contains the best remaining salmonid habitat in the Gualala River watershed.
- 2. The THP has no reference to any **mitigation**, **monitoring and reporting plan** that would blunt the impacts of logging this area and start data collection to properly monitor its cumulative effect with other floodplain logging. Mitigation, monitoring and reporting are particularly needed for all the flood-prone areas of the Little THP. A plan is needed for protection of sensitive fish, wildlife and plants, along with water quality.
- 3. **Cumulative impacts** are not addressed. The THP fails to describe current, existing conditions, and the potentially significant cumulative impacts on logging in the flood-prone areas of this THP. Since this plan is in a different geographic 'planning watershed' than the Dogwood THP, the Forest Practice Rules allow the cumulative effects of both plans to be ignored. This piece-mealing of the impacts of this type of logging on the whole of a sensitive resource base, the floodplain habitat, masks the destructive totality of these step-wise depletions.
- 4. The THP asks for **exceptions to standard rules** which prohibit use of heavy equipment in floodprone areas. CAL FIRE's own rules should preclude the use of heavy equipment in the floodprone areas of this THP. All of the submitted THPs for floodplain logging in the Gualala River watershed are

requesting these exceptions. The exceptions have now become the rule, counter to the intent of the rule- making for these protections.

- 5. This THP fails to provide feasible **alternatives** for the project. The alternatives analysis should apply the standard rules for Anadromous Salmonid Protections ["ASP Rules"] and flood-prone areas, which require exclusion of heavy equipment operation and avoidance of skid road use in flood-prone areas. What use are the ASP and flood-prone rules if they are set aside, as they are here in the Little THP?
- 6. The Little THP doesn't include a full map of the flood-prone **skid roads.** A full map showing the haul roads and skid trails, along with the biological resources in the THP area is needed and should be required.
- 7. The analysis in this THP of flood-prone areas and impacts is deeply flawed at every level.

### Species-specific concerns

- 8. The Little THP provides no survey data on the Sonoma tree vole, a sensitive wildlife species.
- 9. The THP notes that Western pond turtles may occur there. If heavy equipment is allowed to be used in the flood-prone areas, there will be significant impacts to turtles.
- 10. The THP states there are no Ospreys nesting in the THP area, but there are no survey data or other searches to support this statement. Ospreys do nest in the Gualala River watershed and surveys should be done.
- 11. Where is the survey on Northern spotted owls? The THP says the surveys are not complete. Without
- 12. the surveys and appropriate mitigation, serious impacts and even deaths could occur.
- 13. A survey is also needed for California red-legged frogs, and Foothill yellow legged frogs, and an appropriate mitigation plan.
- 14. A Vaux's swift survey is also missing in this THP. A survey for nests, and mitigation if nests are found, needs to be performed.
- 15. A survey of Marbled Murrelets is also absent. Equally absent is a survey of bald eagles or nesting **herons.**

A survey of **rare plants** is also absent. Submitting a list of rare plants that might be there is not a replacement for a scientific survey. The Little THP completely fails to assess existing rare plants, and there is no plan for mitigating damage. A 5-year monitoring plan should be required to assess the impacts of logging in this sensitive area.

### **RESPONSE:**

See the "Common Concerns from Public Comment" section, above.

#### 11. PUBLIC COMMENT #19PC-000000280:

The Little THP is in a sensitive area. That should be rejected:

"Little" Timber Harvest Plan, 1-18-095-MEN

Gualala Redwoods Timber has submitted another destructive floodplain timber harvest plan (THP) that would log in the Little North Fork of the Gualala River, in the Doty Creek Planning Watershed (that's why it's called "Little" — because it's in the floodplain of the Little North Fork, not because it's small; in fact, it's 199 acres of 'selection' logging).

This is a terrible THP for the following reasons:

Over-all concerns

1. The Little THP proposes to log in the floodplain in the river. This is a highly sensitive setting, where cool streams have supported Coho salmon in the past, and support Steelhead trout. This area contains the best remaining salmonid habitat in the Gualala River watershed.

T McClure - Local Resident

### **RESPONSE:** See the "Common Concerns from Public Comment" section, above.

## 12. PUBLIC COMMENT #19PC-000000282:

I oppose this THP of logging in the flood plain of the Gualala River, Little North fork. There are numerous species of wildlife that would be negatively impacted, such as the threatened CA Red-legged frog, Northern Spotted Owls, and salmonid fish. This THP could be the death knell for the steelhead trout who swim there to lay eggs, as a logging effort there would severely degrade the narrow river channel and banks.

Insufficient studies have been done to measure the quantity and presence of wildlife and fish in this part of the wild Gualala River. Without knowing how many species are present and which are threatened or endangered, how can a logging plan move forward?

The cumulative impacts on the rest of the Gualala River are not taken into consideration. The river is already impaired with significant gravel banks, partly due to logging upstream.

The THP asks for exceptions, to bring in heavy equipment, also a bad idea in a sensitive wilderness area. Feasible alternatives are not explored, such as selling the area to conservation groups for protection into perpetuity.

I urge you to say no to this potentially very damaging THP. Sincerely,

Robin Applegarth

## **RESPONSE:**

See the "Common Concerns from Public Comment" section, above.

## 13. PUBLIC COMMENT #20PC-00002:

Dear Cal-Fire,

I have read the Memorandum dated 11/12/19 from Senior Engineering Geologist Mark G. Smelser of the CA Department of Fish and Wildlife regarding the revised Flood Prone Area Assessment of "Little." I appreciate the tremendous amount of work Smelser put into this Memorandum and fully support his conclusions. The entire valley floor, from valley-wall to valley-wall should be formally delineated as the flood prone area. I very much appreciate

the care CDF&W is talking with this extremely sensitive area, the floodplain of the Gualala River.

This part of the river contains the best remaining salmonid habitat in the Gualala River watershed. If you allow floodplain logging here, what will be the effect to the fish that are suppose to be protected? Your own rules should make use of heavy equipment in the floodplain disallowed. This THP, and other Gualala River floodplain THPs, continue to request exceptions to standard rules. You should not allow an exception for any floodplain THPs. Follow your own rules!

This THP is bad for the Gualala River and bad for the many species that call it home. It's time to right thing and deny logging in the floodplain of this sensitive river. Jeanne A. Jackson

## **RESPONSE:**

See the "Common Concerns from Public Comment" section, above.

## 14. PUBLIC COMMENT #20PC-00008:

Dear Cal-Fire,

You are doing it again. You are ignoring the Forest Practice Rules in order to allow GRT to log the sensitive Gualala River floodplain at the North Fork of the Gualala River. Your mandate is to protect the public interest, not the interest of the very wealthy who own the timber companies and are concerned only about becoming richer not about preserving what the public-, the Dept. of Fish and Wildlife-and Cal. Fire--have decided should be protected. Please realign your interests with those of the public.

Your truly, Ellen Rosser, Ph.D.

The detailed analysis follows:

• The Little THP proposes to log in the floodplain in the river. This is a highly sensitive setting, where cool streams have supported Coho salmon in the past, and support Steelhead trout. This area contains the best remaining salmonid habitat in the Gualala River watershed.

The THP has no reference to any mitigation, monitoring and reporting plan that would blunt the impacts of logging this area and start data collection to properly monitor its cumulative effect with other floodplain logging. Mitigation, monitoring and reporting are particularly needed for all the flood-prone areas of the Little THP. A plan is needed for protection of sensitive fish, wildlife and plants, along with water quality.

Cumulative impacts are not addressed. The THP fails to describe current, existing conditions, and the potentially significant cumulative impacts on logging in the flood-prone areas of this THP. Since this plan is in a different geographic planning watershed than the Dogwood THP, the Forest Practice Rules allows the cumulative effects of both plans to be ignored. This piece-mealing of the impacts of this type of logging on the whole of a sensitive resource base, the floodplain habitat, makes the destructive totality of these step wise depletions.

The THP asks for exceptions to standard rules which prohibit use of heavy equipment in flood-prone areas. CAL FIRE's own rules should preclude the use of heavy equipment in the flood-prone areas of this THP. All of the submitted THPs for floodplain logging in the

Gualala River are requesting these exceptions. The exceptions have now become the rule, counter to the intent of the rule-making for these protections.

This THP fails to provide feasible alternatives for the project. The alternatives analysis should apply the standard rules for Anadromous Salmonid Protections ["ASP Rules"] and flood-prone areas, which require exclusion of heavy equipment operation and avoidance of skid road use in flood-prone areas. What use are the ASP and flood-prone rules if they are set aside, as they are here in Little?

The Little THP doesn't include a full map of the flood-prone skid roads. A full map showing the haul roads and skid trails, along with the biological resources in the THP area is needed and should be required.

The analysis in this THP of flood-prone areas and impacts is deeply flawed at every level. Species-specific concerns

The Little THP provides no survey data on the Sonoma tree vole, a sensitive wildlife species. The THP notes that Western pond turtles may occur there. If heavy equipment is allowed to be used in the flood-prone areas, there will be significant impacts to turtles.

The THP states there are no Ospreys nesting in the THP area, but there are no survey data or other searches to support this statement. Ospreys do nest in the Gualala River watershed and surveys should be done.

Where is the survey on Northern spotted owls? The THP says the surveys are not complete. Without the surveys and appropriate mitigation, serious impacts and even deaths could occur.

A survey is also needed for California red-legged frogs, and Foothill yellow legged frogs, and an appropriate mitigation plan.

A Vaux's swift survey is also missing in this THP. A survey for nests, and mitigation if nests are found, needs to be performed.

A survey of Marbled Murrelets is also absent. Equally absent is a survey of bald eagles or nesting herons.

A survey of rare plants is also absent. Submitting a list of rare plants that might be there is not a replacement for a scientific survey. The Little THP completely fails to assess existing rare plants, and there is no plan for mitigating damage. A 5-year monitoring plan should be required to assess the impacts of logging in this sensitive area.

California Department of Fish and Wildlife's Revised Flood Prone Area Assessment of "Little."

I support CDF&W's Revised Flood Prone Area Assessment by Mark G. Smelser, Senior Engineering Geologist dated November 12, 2019. His recommendation "that the entire valley floor, from valley-wall to valley-wall be formally delineated as the flood prone area" should be taken. Furthermore, Smelser's recommended that a formal Channel Migration Zone "designed to accommodate the potential for both avulsions and lateral channel migration during the next 150 years be adopted for the "little" THP as per the Forest Practice Rules."

## **RESPONSE:**

See the "Common Concerns from Public Comment" section, above. For the Cumulative Impacts Assessment, see THP § IV 124 – 221.34. Survey requirements specific to individual

species vary, but there are no requirements for official, documented surveys for non-listed species. The THP does address the various species listed in several parts of the THP- in Item 32 of THP § II (pp. 41 – 56) and in the Biological Resource Assessment of the Cumulative Impacts Assessment (THP § IV pp 167 – 212), and provides adequate information to determine that risks to these species is minimal, and efforts at detection of these species will continue during operations.

## 15. PUBLIC COMMENT #20PC-00011:

I am writing to oppose the Little timber harvest plan, 1-18-095 MEN, for the following reasons:

The Little THP proposes to log in the Gualala River floodplain. The floodplain is a highly sensitive area where cool streams support steelhead trout and, in the past, Coho salmon. This area has the best salmonid habitat remaining in the Gualala River Watershed.

The THP asks for exceptions to standard CalFire rules that prohibit the use of heavy equipment in flood-prone areas. CalFire should follow its own rules and not allow the use of heavy equipment in the flood-prone areas of the THP.

The THP fails to provide feasible alternatives for the project. The alternatives analysis should apply the standard rules for Anadromous Salmonid Protections and floodplain areas which require the exclusion of heavy equipment operation and avoidance of skid road use in floodprone areas. Why do these rules not apply to Little as they should?

The THP does not address cumulative impacts. It does not describe existing conditions and the potentially significant impacts of logging in the flood-prone areas of the THP.

The THP does not provide a plan for mitigation, monitoring and reporting that would reduce the impacts of logging in this area nor does it address data collection to properly monitor its cumulative impacts with other flood-prone logging. A plan is needed for protection of sensitive fish, wildlife, plants and water quality.

Furthermore, I support CDFW's Revised Flood Prone Area Assessment by Mark G. Smelser (11/12/19) that recommends "the entire valley floor, from valley-wall to valley-wall be formally delineated as the flood prone area" and that a formal Channel Migration Zone "designed to accommodate the potential for both avulsions and lateral channel migration during the next 150 years be adopted for the "Little" THP as per the Forest Practice Rules. Sincerely,

Laura L. Walton

### **RESPONSE:**

See the "Common Concerns from Public Comment" section, above.

### 16. PUBLIC COMMENT #20PC-00012:

I am writing to oppose the Little timber harvest plan, 1-18-095 MEN, for the following reasons:

The Little THP proposes to log in the Gualala River floodplain. The floodplain is a highly sensitive area where cool streams support steelhead trout and, in the past, Coho salmon. This area has the best salmonid habitat remaining in the Gualala River Watershed.

The THP asks for exceptions to standard CalFire rules that prohibit the use of heavy equipment in flood-prone areas. CalFire should follow its own rules and not allow the use of heavy equipment in the flood-prone areas of the THP.

The THP fails to provide feasible alternatives for the project. The alternatives analysis should apply the standard rules for Anadromous Salmonid Protections and floodplain areas which require the exclusion of heavy equipment operation and avoidance of skid road use in floodprone areas. What justification do you offer to not apply these rules to Little as they should be applied?

The THP does not address cumulative impacts. It does not describe existing conditions and the potentially significant impacts of logging in the flood-prone areas of the THP. Your persistence in ignoring cumulative impacts in the Gualala River flood plain is unconscionable.

The THP does not provide a plan for mitigation, monitoring and reporting that would reduce the impacts of logging in this area nor does it address data collection to properly monitor its cumulative impacts with other flood-prone logging. A plan is needed for protection of sensitive fish, wildlife, plants and water quality.

Furthermore, I support CDFW's Revised Flood Prone Area Assessment by Mark G. Smelser (11/12/19) that recommends "the entire valley floor, from valley-wall to valley-wall be formally delineated as the flood prone area" and that a formal Channel Migration Zone "designed to accommodate the potential for both avulsions and lateral channel migration during the next 150 years be adopted for the "Little" THP as per the Forest Practice Rules. Sincerely,

John Walton

### **RESPONSE:**

See the "Common Concerns from Public Comment" section, above. For the Cumulative Impacts Assessment, see THP § IV 124 – 221.34.

### 17. PUBLIC COMMENT #20PC-00013:

I share the concerns stated by Friends of Gualala River (FoGR) within the comment letter dated September 28, 2019, as well as the concerns stated by California Native Plants Society- Dorthy King Young Chapter's comment letter dated October 21st, 2019.

I also support and appreciate the work of Senior Engineering Geologist, Mark G. Smelser of the CA Department of Fish and Wildlife's. His recommendation in his Memorandum dated 11/12/19 regarding the 'Little' THP "that the entire valley floor, from valley-wall to valley-wall be formally delineated as the flood prone area" should be taken. Furthermore, Smelser's recommendation that a formal Channel Migration Zone "designed to accommodate the potential for both avulsions and lateral channel migration during the next 150 years be adopted for the "Little" THP as per the Forest Practice Rules" should also be taken.

Below is a list of the many other concerns that have led me to believe that this THP needs to be denied.

Over-all concerns

-The Little THP proposes to log in the floodplain in the river. This is a highly sensitive setting, where cool streams have supported Coho salmon in the past, and support Steelhead trout. This area contains the best remaining salmonid habitat in the Gualala River watershed.

-The THP has no reference to any mitigation, monitoring and reporting plan that would blunt the impacts of logging this area and start data collection to properly monitor its cumulative effect with other floodplain logging. Mitigation, monitoring and reporting are particularly needed for all the flood-prone areas of the Little THP. A plan is needed for protection of sensitive fish, wildlife and plants, along with water quality.

-Cumulative impacts are not addressed. The THP fails to describe current, existing conditions, and the potentially significant cumulative impacts on logging in the flood-prone areas of this THP. Since this plan is in a different geographic 'planning watershed' than the Dogwood THP, the Forest Practice Rules allow the cumulative effects of both plans to be ignored. This piece-mealing of the impacts of this type of logging on the whole of a sensitive resource base, the floodplain habitat, masks the destructive totality of these step-wise depletions.

-The THP asks for exceptions to standard rules which prohibit use of heavy equipment in flood-prone areas. CAL FIRE's own rules should preclude the use of heavy equipment in the flood-prone areas of this THP. All of the submitted THPs for floodplain logging in the Gualala River watershed are requesting these exceptions. The exceptions have now become the rule, counter to the intent of the rule-making for these protections.

-This THP fails to provide feasible alternatives for the project. The alternatives analysis should apply the standard rules for Anadromous Salmonid Protections ["ASP Rules"] and flood-prone areas, which require exclusion of heavy equipment operation and avoidance of skid road use in flood-prone areas. What use are the ASP and flood-prone rules if they are set aside, as they are here in the Little THP?

-The Little THP doesn't include a full map of the flood-prone skid roads. A full map showing the haul roads and skid trails, along with the biological resources in the THP area is needed and should be required.

-The analysis in this THP of flood-prone areas and impacts is deeply flawed at every level.

Species-specific concerns

-The Little THP provides no survey data on the Sonoma tree vole, a sensitive wildlife species.

-The THP notes that Western pond turtles may occur there. If heavy equipment is allowed to be used in the flood-prone areas, there will be significant impacts to turtles.

-The THP states there are no Ospreys nesting in the THP area, but there are no survey data or other searches to support this statement. Ospreys do nest in the Gualala River watershed and surveys should be done.

-Where is the survey on Northern spotted owls? The THP says the surveys are not complete. ---Without the surveys and appropriate mitigation, serious impacts and even deaths could occur.

-A survey is also needed for California red-legged frogs, and Foothill yellow legged frogs, and an appropriate mitigation plan.

-A Vaux's swift survey is also missing in this THP. A survey for nests, and mitigation if nests are found, needs to be performed.

-A survey of Marbled Murrelets is also absent. Equally absent is a survey of bald eagles or nesting herons.

-A survey of rare plants is also absent. Submitting a list of rare plants that might be there is not a replacement for a scientific survey. The Little THP completely fails to assess existing rare plants, and there is no plan for mitigating damage. A 5-year monitoring plan should be required to assess the impacts of logging in this sensitive area.

### **RESPONSE:**

See the "Common Concerns from Public Comment" section, above. For the Cumulative Impacts Assessment, see THP § IV 124 – 221.34.

## 18. PUBLIC COMMENT #20PC-00016:

Chris Poehlmann

Please place and respond to these comments in the file of:

THP 1-18-095 MEN "Little"

Cable Yarding as an Alternative

The alternatives section of this THP should include the alternative harvesting method of cable yarding. The aspects are sufficient in the topography in these THP's harvest units to allow cable yarding by a commercial LTO with the adequate equipment. Cable distances of over 4000' are currently being successfully used by a local LTO on numerous THPs in the Gualala River watershed.

Falk Forestry Services, (707) 367-0312, PO Box 98, Stewarts Point, CA 95480

Due to the fact that these floodplain plans present unique challenges to avoid disturbance to the sensitive plain areas, it is of utmost importance to consider all methods to avoid and mitigate potential damage. The additional costs for the timber owner should not be a reason to not consider this alternate and less damaging alternative. If profit levels were the only consideration, ground based yarding with tire and tracked vehicles would be the only method ever used in plans that do not exclusively forbid ground based skidding due to extreme slopes.

The avoidance of disturbance and the size of these trees in these floodplain plans and the value they have on the timber market warrant the extra costs involved with cable yarding. Many of the trees that will be harvested are over 100 years old and are the trees that have grown since the original old growth giants were cut down upon the arrival of the first resource extractors in the nineteenth century.

The regulations in the ASP Rules, the Flood Prone Area White Paper and adherence to NPS sediment plan requirements require using the best science and alternatives to avoid and minimize degradation to this sensitive resource.

The special ecological services and delicate nature of these areas adjacent and periodically inundated by seasonal flooding are examples of why the requirements of the alternatives section in THP regulations was made an important part of THP requirements.

An overview of cable yarding can be found at :

http://faculty.forestry.ubc.ca/bendickson/FOPRLibrary/Library/Safe%20Work/WCB%20cab le\_yarding.pdf

There are software products used by LTOs that take in data on topography, available equipment, species, estimated stumpage weights, etc and produce the setup needs, weight limits, cable reaches, and feasibility estimates. These programs should be applied to this plan by the submitter's LTO and this data included in the THP. Feasibility of cable yarding can be determined relatively easily and included in the alternatives analysis. For example see:

www.softree.com

and:

http://faculty.forestry.ubc.ca/bendickson/FOPRLibrary/Library/Safe%20Work/WCB%20cab le\_yarding.pdf

### **RESPONSE:**

See the "Common Concerns from Public Comment" section, above.

### **19. PUBLIC COMMENT #20PC-00017:**

Haven't you learned the lessons of Australia and other examples of our dying forests? I'm against this plan. I may be unusual, but I find I prefer oxygen to carbon dioxide.

Do your job properly before it's too late.

**Robert Feuer** 

#### **RESPONSE:**

See the "Common Concerns from Public Comment" section, above. For information specific to Greenhouse Gases, see THP § IV pages 221.23 – 221.31f.

### 20. PUBLIC COMMENT #20PC-00033:

Chris Poehlmann

Friends of the Gualala River

Please place and respond to these comments in the file of:

THP 1-18-095 MEN "Little"

Cable Yarding as an Alternative

The alternatives section of this THP should include the alternative harvesting method of cable yarding. The aspects are sufficient in the topography in these THP's harvest units to allow cable yarding by a commercial LTO with the adequate equipment. Cable distances of over 4000' are currently being successfully used by a local LTO on numerous THPs in the Gualala River watershed.

Falk Forestry Services, (707) 367-0312, PO Box 98, Stewarts Point, CA 95480

Due to the fact that these floodplain plans present unique challenges to avoid disturbance to the sensitive plain areas, it is of utmost importance to consider all methods to avoid and mitigate potential damage. The additional costs for the timber owner should not be a reason to not consider this alternate and less damaging alternative. If profit levels were the only consideration, ground based yarding with tire and tracked vehicles would be the only method ever used in plans that do not exclusively forbid ground based skidding due to extreme slopes.

The avoidance of disturbance and the size of these trees in these floodplain plans and the value they have on the timber market warrant the extra costs involved with cable yarding. Many of the trees that will be harvested are over 100 years old and are the trees that have grown since the original old growth giants were cut down upon the arrival of the first resource extractors in the nineteenth century.

The regulations in the ASP Rules, the Flood Prone Area White Paper and adherence to NPS sediment plan requirements require using the best science and alternatives to avoid and minimize degradation to this sensitive resource.

The special ecological services and delicate nature of these areas adjacent and periodically inundated by seasonal flooding are examples of why the requirements of the alternatives section in THP regulations was made an important part of THP requirements.

An overview of cable yarding can be found at :

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There are software products used by LTOs that take in data on topography, available equipment, species, estimated stumpage weights, etc and produce the setup needs, weight limits, cable reaches, and feasibility estimates. These programs should be applied to this plan by the submitter's LTO and this data included in the THP. Feasibility of cable yarding can be determined relatively easily and included in the alternatives analysis. For example see:

www.softree.com

and:

http://faculty.forestry.ubc.ca/bendickson/FOPRLibrary/Library/Safe%20Work/WCB%20cab le\_yarding.pdf

## **RESPONSE:**

See the "Common Concerns from Public Comment" section, above.

## 21. PUBLIC COMMENT #21PC-000000175:

Please add the two attached studies to the comment file for 1-18-095 MEN "Little" THP

thank you,

Chris Poehlmann

Attachments: <KHE\_Far-North-THP-roadway-Sed-Yields\_v3.pdf> and <KHE\_Little-THP-roadway-Sed-Yields\_v2.pdf>

**RESPONSE:** The attachments have been added to the record for THP 1-18-095 MEN.

## PUBLIC COMMENT #21PC-000000176:

Please place the attached letter into the file for the 1-18-095 MEN "Little" THP.

Thank you,

Chris Poehlmann

Re: 1-18-095 MEN "Little" THP

Please respond to and place these comments and attachments from Friends of Gualala River in the file of the 1-18-095 MEN "Little" THP.

These are submitted comments that point to the need for non-approval of this 251 acre THP as submitted. See the four groupings of issues below.

This THP will add its cumulative impacts to ongoing harvesting impacts on listed species, protected floodplain areas with their crucial role in restoration of listed aquatic species, and will be requesting exceptions to the standard FPRs and ASP rules. These cumulative impacts will be added to all the floodplain logging plans that are being applied for and approved. These THPs include the 1-18-095 MEN "Little", 1-19-00098 MEN "Elk", 1-15-042 SON "Dogwood", 1-11-087 SON "Kestrel", 1-16-094 MEN "Plum", and 1-20-00150-MEN "Far North".

The "Dogwood" THP is the largest and most extensive riparian logging proposal on the Gualala River ever submitted since the Forest Practice Rules took effect. The THP does not minimize logging disturbances to flood prone areas, and it should comply with the full intent and provisions of the 2009 Anadromous Salmonid Protection Rules and the white paper titled "Flood Prone Area Considerations in the Coast Redwood Zone, 2005". Steelhead and coho are struggling or failing to recovery in the Gualala River during the current historic drought. They cannot tolerate additional cumulative impacts of Dogwood's 5 miles of unprecedented riparian forest logging on the Dogwood and now with those from the proposed Elk and Little THPs.

Following comments are divided into the following groupings:

1.) THP Non-Compliance with the Basin Plan and its Non-Point Source NPS Policy

2.) Evidence pointing to the need for Concern and Implementation of NPS Policy in the Basin Plan

3.) Cable Yarding not chosen as a harvesting technique

4.) Inappropriate Requests for Exceptions to the Standard Rules

1.) THP Non-Compliance with the Basin Plan and its Non-Point

Source NPS Policy

This THP should not be approved because it is not compliant and does not address the Non-Point Source Policy that is part of the Basin Plan. (The director cannot approve a plan that is not consistent with the applicable Water Quality Control Plan). Section 4-36.00(B). This policy is also described in:

California Regional Water Quality Control Board

North Coast Region

RESOLUTION NO. R1-2004-0087

November 29, 2004

Total Maximum Daily Load

**Implementation Policy Statement** 

for

Sediment-Impaired Receiving Waters in the North Coast Region

https://www.waterboards.ca.gov/northcoast/board\_decisions/adopted\_orders/pdf/120204-0087.pdf

That Basin Plan NPS Source Policy includes enforcement language that mandates the Regional Water Quality Control Boards to require harvesting plan proponents to describe actions that show compliance to the following NPS program Key Elements:

•Key Element 1:

A NPS control implementation program's ultimate purpose must be explicitly stated and at a minimum address NPS pollution control in a manner that achieves and maintains water quality objectives. (The Gualala River is identified on the State's List of Water Quality Limited Segments as impaired by the pollutants Sediment and Temperature – which means that Water Quality Objectives are not being met).

•Key Element 2:

The NPS pollution control implementation program shall include a description of the management practices (MPs) and other program elements expected to be implemented, along with an evaluation program that ensures proper implementation and verification.

#### •Key Element 3:

The implementation program shall include a time schedule and quantifiable milestones, should the RWQCB so require.

#### • Key Element 4:

The implementation program shall include sufficient feedback mechanisms so that the RWQCB, dischargers, and the public can determine if the implementation program is achieving its stated purpose(s), or whether additional or different MPs or other actions are required. (ie. monitoring)

#### • Key Element 5:

Each RWQCB shall make clear, in advance, the potential consequences for failure to achieve an NPS implementation program's objectives, emphasizing that it is the responsibility of individual dischargers to take all necessary implementation actions to meet water quality requirements.

Timber Harvest Plan approval and successful enrollment of a THP into an approved program for Water Code compliance employs a WDR, Waiver, or a General WDR, the Basin Plan (Non-Point Source Policy) requires Monitoring (Element 4) to show trends and effectiveness of current programs to reduce sediment inputs (as required by Non-Point Source Policy). "Implementation programs also must include a time schedule and describe proposed monitoring activities to assess compliance with water quality objectives." POLICY FOR IMPLEMENTATION AND ENFORCEMENT OF THE NON-POINT SOURCE POLLUTION CONTROL PROGRAM, May 20, 2004, page 4. "Except for waivers for discharges that the SWRCB or a RWQCB determines do not pose a significant threat to water quality, waiver conditions must include, but need not be limited to, individual, group or watershed-based monitoring." Page 7. "Successful MP implementation typically requires: (1) adaptation to site-specific or regional-specific conditions; (2) monitoring to assure that practices are properly applied and are effective in attaining and maintaining water quality standards; (3) immediate mitigation of a problem where the practices are not effective; and (4) improvement of MP implementation or implementation of additional MPs when needed to resolve a deficiency." page 11.

The appropriate monitoring missing in this plan that is local and pertinent to this THP can employ, for instance, measurement of:

pool volumes

stream embeddedness

percentage of fines

changes over time

habitat health

benthic macro invertebrates

stream thalweg depth profiles

large woody debris volumes

### turbidity

Also required is an Adaptive Management Program (Elements 1,2,3) to assess effectiveness of the chosen actions and potential supplementary actions to implement if it is observed that conditions fail to improve. In the POLICY FOR IMPLEMENTATION AND ENFORCEMENT OF THE NON-POINT SOURCE POLLUTION CONTROL PROGRAM, May 20, 2004 it states: "Successful MP implementation typically requires: (1) adaptation to site-specific or regional-specific conditions; (2) monitoring to assure that practices are properly applied and are effective in attaining and maintaining water quality standards; (3) immediate mitigation of a problem where the practices are not effective; and (4) improvement of MP implementation or implementation of additional MPs when needed to resolve a deficiency." page 11. And: "A schedule assuring MP (management practices) implementation and assessment, as well as adaptive management provisions must be provided." Page 15. This adaptive management plan put in place to deal with failures in the initial plan is commonly called a "backup plan".

Such water quality control programs are described in Water Code Section 13242 of Cal Water Code where: 1.) they must provide a description of all actions necessary to attain Water Quality Standards, 2.) they must provide a time table for implementation, 3.) they must have a monitoring program in place to assure the actions are meeting the goal of Water Quality recovery. This THP does not include and describe actions that address monitoring nor an adaptive management plan to make it compliant with this specific Basin Plan policy.

The North Coast Regional Water Quality Control Board has failed to produce completed TMDLs and accompanying programs for implementation on a number of North Coast rivers (including the Gualala River). This failure has resulted in a lack of progress in addressing the serious problems facing North Coast rivers and streams which remain impaired by pollutants such as sediment, nutrients, high temperatures, low dissolved oxygen levels, and turbidity. These TMDLs as proposed must consider and enforce the Non-Point Source Policy as part of their implementation program. Whether successful enrollment of a THP into an approved program for Water Code compliance employs a completed TMDL, or a WDR, Waiver, or a General WDR, these programs must include and have methods to enforce Non-Point Source Policy. This includes control of the pollutants of sediment and temperature for which the Gualala, Garcia, Big, Albion, and Noyo Rivers are listed as being impaired under the EPA Section 303d of the Clean Water Act.

Under Section 208, Federal Clean Water Act of 1973, each state is required to develop waste treatment management plans or water quality control plans and incorporate them into the basin plan for each of its nine regions. The "Little" Timber Harvest Plan cannot be approved by CalFire as it is not consistent with the Basin Plan for the North Coast. Forest Practice Rule 898.2(h) requires CalFire to deny a THP if it fails to comply with the Basin Plan.

Under the new Public Resources Code section 4582.71(a), the Regional Board may make a finding that the timber operations proposed in the THP will result in a discharge into a watercourse listed as impaired due to sediment under Section 303(d) of the Clean Water Act. FPR 898.2h requires Cal- Fire to deny approval of the THP if it fails to comply with PRC Section 4582.71(a).

This Timber Harvest Plan cannot be enrolled in the applicant's chosen choice of a General WDR for Timber operations on private lands (or the related Waiver) due to the fact that this Timber Harvest Plan is not compliant with the Basin Plan's Non-point Source Policy.

The Non-Point Source Policy is in the Basin Plan (along with Sediment Policy) thus, Nonpoint Source Policy is enforceable and should be manifest in the Implementing Programs/Water Quality Control Plans. An interesting statistic from Page 2 of the NCRWCB PHI report on the adjacent "Elk" THP:

"The sediment source analysis concluded that approximately 1/3 of sediment delivery in the Gualala River watershed was due to natural processes and 2/3 of sediment delivery, or 200% of the natural load, due to anthropogenic sources, primarily related to roads and harvest related mass wasting."

In addition to the THP's failure to address and implement the Non-Point Source Policy, the THP also is inconsistent with the General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region, Order No. R1-2004-0030 ("General WDRs"). The THP fails to show that Gualala Redwood Timber, LLC has met its burden to demonstrate that the Little THP will not cause or contribute to existing impairments in the Gualala River. This is dramatically illustrated by the failure of the THP to address the significant sediment loading that is and will continue from road surfaces and skid trails throughout the proposed THP. The EPA established a specific allocation for road surfaces and skid trails of 12 tons/mi2/yr. Greg Kamman, PG, CHG, of Kamman Hydrology & Engineering, Inc. has prepared a sediment loading estimate from road surfaces and skid trails associated with this THP of 1,513 tons/mi2/yr. An additional 676 tons per year of sediment are discharged from those appurtenant roads. This analysis and similar sediment loading estimates for the Elk, and Far North THPs will be sent in a separate email submission to the file for 1-18-095 MEN "Little" THP.

The applicant has failed to address these significant sources of sediment. Nor can the applicant say how these sediment emissions are complying with standard while exceeding EPA's approved TMDL and sediment allocations for roads and skid trails by by more than 12,000 percent. Because the THP is in violation of the General WDRs and in particular the waste load allocations established in the Gualala River sediment TMDL, the proposed THP cannot comply with Forest Practice Rules, 14 CCR § 916.9. Based on the current record, CalFire cannot point to any substantial evidence that the Little THP, including its many roads and skid trails, will "[c]omply with the terms of a Total Maximum Daily Load (TMDL)" or "[p]and significant sediment load increase to a watercourse system or lake." 14 CCR 916.9(a)(1) & (2).

2.) Evidence pointing to the need for Concern and Implementation of NPS Policy in the Basin Plan:

There are many notations in the THP application and agency review documentation that point to the need for elevated attention for the identification of sediment sources and the methods to mitigate them using all the in place policy described above. The location of this THP places it in a very erosion prone geology and virtually on the active San Andreas Fault. Although the majority of the plan is in the sensitive floodplain of the river, some treatment of the steeper areas appears in the report.

Submitted data by CGS Kevin Doherty in his PHI Report dated December 2, 2019: Geology and Erosion Hazard Rating, Page 7.

From the CGS PHI Report:

No references to NPS policy were noted in the CGS comments. The Erosion Hazard Ratings for this THP are rated at Moderate and High.

Alternative Approach to Harvesting:

This alternative would not meet most of the landowner's objectives. This alternative may meet the objective of maintaining the flow of high quality timber products to the economy, maintaining a forest products industry, and providing a source of employment in Northern California. However, limitations on appropriate silvicultural methods, and economic limitations of other forms of yarding would most likely make the project a monetary loss overall. Additionally, different silvicultural prescriptions and yarding methods may not achieve the goals of the Forest Practice Rules.

Various yarding methods were analyzed by the RPF during preparation of the THP. The yarding methods chosen is tractor yarding based on the mostly flat topography of the harvest area and the availability of road access.

Formation (Fuller and others, 2002, Figure 1). Areas of shallow- and deep-seated landsliding are mapped by the RPF and Fuller and others (2002) within and upslope of the proposed harvest units. A complete discussion of the geologic setting is included in the February 1, 2019 PHI memo (CGS, 2019).

### 3.) Cable Yarding Not chosen as an alternate harvesting technique

Cable yarding is feasible in this plan for the steep clearcut unit proposed. Use of the technique was not adequately addressed and subsequently eliminated from being an alternative by the RPF. This THP has a more than adequate set of conditions for consideration and use of highline cable yarding to avoid yarding equipment damage and the dragging of logs over steep erosive hillsides and sensitive floodplain areas of an EPA 303(d) listed river for sediment and temperature. To avoid cable yarding, the applicant has applied for exemptions to to the standard FPR's. The consideration of alternatives to tractor yarding in the floodplain is addressed in the THP with the following vague and unsubstantiated declarations on pages 119 and 120:

4.) Exceptions to the Standard Rules are applied for:

The wetlands in these floodplain areas designated for harvest operations are some of the most sensitive in the watershed as far as their role in salmonid recovery and their ability to recovery from disturbance. The scant attention from the owners and agencies to the cumulative negative impacts to the total floodplain resource of the river and its ability to provide habitat and support to endangered species and watershed health and recovery will not be without consequences.

Exceptions are being asked for on the THP to the ASP Rules and the recommendations of the advisory white paper "Flood Prone Area Considerations in the Coast Redwood Zone, 2005". These floodplain areas of the river, limited in area compared to the whole watershed, are crucial to protect because of their role in the recovery of endangered species and the larger watershed. These floodplain areas are the very features of watersheds that these rules were designed to protect. the granting of exceptions to these rules and recommendations should only be granted in the rarest of circumstances and when the owner has no other alternatives, with the reason rejected that the standard practices are more expensive and therefore unfeasible.

The quotes below point to the delicate nature of the wetlands and floodplain areas and the potential for the caterpillar tractors and rubber tired skidder equipment used in the harvesting in these exemption areas to do damage, the very damage that the ASP rules and the White Paper are aimed at preventing. The only proposal to minimize the damage from the tractors is that they will not be "driven in flood prone areas with their blade lowered except to move debris" and "at watercourse crossings".

-From the WQ PHI report:

"8. As in similar recent THPs on flood prone areas on the plan submitter's ownership, the Regional Water Board will be evaluating proposed harvest areas for the presence of wetlands, including seasonal wetlands indicated by

areas dominated by wetland plant species, and measures to protect beneficial uses associated with wetlands. Please evaluate plan area for wetland indicators."

During the PHI, the inspection team members observed that there are several low spots along appurtenant road surface between Map points 1 and 24 that are ponding water. Where water is ponding along the appurtenant road between Map Points 1 and 24 there is the potential for sediment to be delivered into watercourses and wet areas below the appurtenant road. During the PHI, I determined that the best solution is for the LTO to grade and spot rock the low spots along the appurtenant road between Map Points 1 and 24 to ensure standing water does not get transported into watercourses or wet areas below the appurtenant road. The RPF shall revise the THP prior to Second Review to state that the LTO shall address low sots along the appurtenant road between Map points 1 and 24 being either spot rocking or grading to reduce sediment delivery into watercourses or wet areas below the appurtenant road. This is addressed as CAL FIRE PHI Recommendation #5.

-From the PHI : Roads and Landings, Page 5

47. If operations are proposed on unstable areas, are the proposed operations appropriate and <u>No</u> properly mitigated?

Inspector Observations: During the PHI, CGS Geologist Kevin Doherty made one recommendation to address retaining trees for harvest below the unstable area in the north end of Unit 1 that cannot be harvested without using skid trails that cross this unstable area. See the CGS PHI report for details.

#### 5. Inadequacy of the Cumulative Effects Analysis

The attached imbedded sediment yield analysis from hydrologist Greg Kamman points to major flaws in the analysis of potential cumulative effects from this plan added to those in

the Doty Creek planning watershed that contains the Little THP and the adjacent planning watersheds that drain to the North Fork of the Gualala River. THP applicants are unfortunately allowed to ignore these other planning watersheds with their similar additive cumulative effects due to a misinterpretation of the FPRs and the required cumulative effects analysis.

The inadequacy of the analysis of sediment impacts presented in the THP application would, if this plan is approved, lead to inevitable additive cumulative impacts from sediment pollution along with those of harvest plans past, present and future. The underestimates of sediment delivery from this and other THPs nearby are at times levels of magnitude less than to be expected than those calculated using more realistic data capture and calculations. These impacts from sediment will be assured if the impacts of the Elk and Little THPs are added to those of the Dogwood THP, the other approved floodplain THPs in this and other watershed planning areas and the background levels already present in the watershed. These levels are the very ones that have informed the recommended levels of maximum daily loads incorporated into the Gualala River TMDL.

The extent of the flood prone areas in this plan should be extended out to include the entire valley floor for the maximum protection from fully applied ASP (Anadromous Species Protection) rules without exceptions. This recommendation is strongly pointed to by the letter submitted to the file on this plan by Danielle Castle (CDFW Environmental Scientist) in her 69 page PHI report with its attached supporting document by Mark Smelser (CDFW Senior Engineering Geologist) regarding the extent of the "flood prone area".

C.

#### me downstream.

- 27. Are site specific practices proposed in-lieu of, or as an alternative to, the following standard WLPZ practices?
  - a. [X]Yes [□] No Prohibition of the construction or use of tractor roads in Class I, II, III, or IV watercourses, WLPZs, marshes, wet meadows, and other wet areas except as follows (916.3 [936.3, 956.3](c)):
    - (1) At prepared tractor road crossings.

(2) Crossings of Class III watercourses which are dry at time of timber operations.

(3) At new tractor and road crossings approved by Department of Fish and Wildlife.

- b. [□]Yes [X] No Retention of non-commercial vegetation bordering and covering meadows and wet areas?
  - [ ]Yes [X] No Directional felling of trees within the WLPZ away from the watercourse or lake?

ANSWER THE FOLLOWING FOR PLANS LOCATED IN ASP WATERSHEDS

(X)Yes Will timber operations occur within a Class I WLPZ or in a WLPZ adjacent to a restorable Class I watercourse? If yes, address 916.9[936.9, 956.9](f)(1)(A) – (E).

The watercourses on or adjacent to the plan area are shown on the THP maps attached.

Robinson Creek and Doty creek watersheds do meet the definition of "Watersheds with listed anadromous salmonids" and are subject to the Anadromous Salmonid Protection Rules 2009 section 916.9.

Some of this plan falls into a flood prone area adjacent to the North Fork of the Gualala River.

The protection measures that will be applied to any class I protection zones are outlined below in Table for Class I watercourses.

Elk THP

1. State the standard rule;

Little THP

Section II

Section II

39

Damage to the floodplains in this plan will add to those cumulative impacts from other plans in this relatively small is size but scientifically proven crucial resource that contributes unique environmental services for endangered and all other plant and animal species in the watershed ecosystem.

29

-From Sec.2 pages 29 and 39.

#### Summary

The omissions of Basin Plan compliance for NPS Policy, inadequate THP content, and agency comments, and supporting science presented above require non-approval of the plan as presented and the need for future iterations to correct these fatal flaws and employ

the maximum use of all mitigations and existing protective regulations to prevent degradation of the EPA 303d listed Gualala River and its watershed.

Please incorporate these comments and the attached letters and files into the 1-18-095 MEN "Little" THP file.

Respectfully submitted,

Friends of Gualala River

Chris Poehlmann

**RESPONSE:** This letter and attachment have been added to the record for THP 1-18-095 MEN. Please see the response to Public Comment #21PC-000000493 (below), which is substantially similar and appears to lack the apparent image formatting issues of this comment.

### 22. PUBLIC COMMENT #21PC-000000177:

Please add the attached study to the comment file for 1-18-095 MEN "Little" THP

thank you,

Chris Poehlmann

Attachment: <KHE\_Elk-THP-roadway-Sed-Yields\_v2.pdf>

### **RESPONSE:**

The attachment has been added to the record for THP 1-18-095 MEN.

#### 23. PUBLIC COMMENT #21PC-000000493:

CDF Staff,

On behalf of Friends of Gualala River ("FOGR"), please accept and consider the following comments evaluating Gualala Redwood Timber, LLC's ("GRT") proposed Timber Harvest Plan 1-18-095 MEN ("Little THP").

Friends of Gualala River

Chris Poehlmann

On behalf of Friends of Gualala River ("FOGR"), please accept and consider the following comments evaluating Gualala Redwood Timber, LLC's ("GRT") proposed Timber Harvest Plan 1-18-095 MEN ("Little THP"). These are submitted comments that point to the need for non-approval of this 251 acre THP as submitted. The submitted comments and attached

expert comment letter address why this plan should not be approved due to its noncompliance with the Forest Practice Act Rules.

Note: This comment letter includes an updated analysis of potential sediment yields by hydrologist Greg Kamman PG, CHG for the "Little" THP: 1-18-095 MEN. It is attached and is titled: "Estimated Roadway and Skid Trail Sediment Yields, Little THP: 1-18-095 MEN, Mendocino County, California". The letter and the issue are addressed in topic 1.) below.

The following comments are divided into the following topic groupings:

1.) THP Non-Compliance with the Basin Plan and its Non-Point Source NPS Policy

2.) Geological evidence pointing to the need to address NPS Policy in the Basin Plan

3.) Cable Yarding not chosen as a harvesting technique

4.) Inappropriate Requests for Exceptions to the Standard Rules

5.) Inadequacy of the Cumulative Effects Analysis

1.) THP Non-Compliance with the Basin Plan and its Non-Point Source NPS Policy

From the FPRs:

898.2 Special Conditions Requiring Disapproval of Plans

The Director shall disapprove a plan as not conforming to the Rules of the Board if any one of the following conditions exist:

(h) Implementation of the plan as proposed would cause a violation of any requirement of an applicable water quality control plan adopted or approved by the State Water Resources Control Board. (emphasis added)

This THP should not be approved because it is not compliant and does not address the Non-Point Source Policy that is part of the Basin Plan. (The director cannot approve a plan that is not consistent with the applicable Water Quality Control Plan). Section 4-36.00(B). This policy is also described in:

California Regional Water Quality Control Board

North Coast Region

RESOLUTION NO. R1-2004-0087

November 29, 2004

Total Maximum Daily Load

Implementation Policy Statement

for

Sediment-Impaired Receiving Waters in the North Coast Region

https://www.waterboards.ca.gov/northcoast/board\_decisions/adopted\_orders/pdf/120204-0087.pdf

The Basin Plan NPS Source Policy includes enforcement language that mandates the Regional Water Quality Control Boards to require harvesting plan proponents to describe actions that show compliance to the following NPS program Key Elements:

• Key Element 1:

A NPS control implementation program's ultimate purpose must be explicitly stated and at a minimum address NPS pollution control in a manner that achieves and maintains water quality objectives. (The Gualala River is identified on the State's List of Water Quality Limited Segments as impaired by the pollutants Sediment and Temperature – which means that Water Quality Objectives are not being met).

• Key Element 2:

The NPS pollution control implementation program shall include a description of the management practices (MPs) and other program elements expected to be implemented, along with an evaluation program that ensures proper implementation and verification.

• Key Element 3:

The implementation program shall include a time schedule and quantifiable milestones, should the RWQCB so require.

• Key Element 4:

The implementation program shall include sufficient feedback mechanisms so that the RWQCB, dischargers, and the public can determine if the implementation program is achieving its stated purpose(s), or whether additional or different MPs or other actions are required. (ie. monitoring)

• Key Element 5:

Each RWQCB shall make clear, in advance, the potential consequences for failure to achieve an NPS implementation program's objectives, emphasizing that it is the responsibility of individual dischargers to take all necessary implementation actions to meet water quality requirements.

Timber Harvest Plan approval and successful enrollment of a THP into an approved program for Water Code compliance employs a WDR, Waiver, or a General WDR, additionally the Basin Plan (Non-Point Source Policy) requires Monitoring (Element 4) to show trends and effectiveness of current programs to reduce sediment inputs (as required by Non-Point Source Policy). "Implementation programs also must include a time schedule and describe proposed monitoring activities to assess compliance with water quality objectives." From POLICY FOR IMPLEMENTATION AND ENFORCEMENT OF THE NON-POINT SOURCE POLLUTION CONTROL PROGRAM, May 20, 2004, page 4.

"Except for waivers for discharges that the SWRCB or a RWQCB determines do not pose a significant threat to water quality, waiver conditions must include, but need not be limited to, individual, group or watershed-based monitoring." Page 7.

"Successful MP implementation typically requires: (1) adaptation to site-specific or regionalspecific conditions; (2) monitoring to assure that practices are properly applied and are effective in attaining and maintaining water quality standards; (3) immediate mitigation of a problem where the practices are not effective; and (4) improvement of MP implementation or implementation of additional MPs when needed to resolve a deficiency." Page 11.

The appropriate monitoring missing in this plan that is local and pertinent to this THP can employ, for instance, measurement of:

- pool volumes
- stream embeddedness
- percentage of fines
- changes over time
- habitat health
- benthic macro invertebrates
- stream thalweg depth profiles
- large woody debris volumes
- turbidity

Also required is an Adaptive Management Program (Elements 1,2,3) to assess effectiveness of the chosen actions and potential supplementary actions to implement if it is observed that conditions fail to improve. In the POLICY FOR IMPLEMENTATION AND ENFORCEMENT OF THE NON-POINT SOURCE POLLUTION CONTROL PROGRAM, May 20, 2004 it states:

"Successful MP implementation typically requires: (1) adaptation to site-specific or regionalspecific conditions; (2) monitoring to assure that practices are properly applied and are effective in attaining and maintaining water quality standards; (3) immediate mitigation of a problem where the practices are not effective; and (4) improvement of MP implementation or implementation of additional MPs when needed to resolve a deficiency." page 11. And: "A schedule assuring MP (management practices) implementation and assessment, as well as adaptive management provisions must be provided." page 15. This adaptive management plan put in place to deal with failures in the initial plan is commonly called a "backup plan".

Such water quality control programs are described in Water Code Section 13242 of Cal Water Code where: 1.) they must provide a description of all actions necessary to attain Water Quality Standards, 2.) they must provide a time table for implementation, 3.) they must have a monitoring program in place to assure the actions are meeting the goal of Water Quality recovery. This THP does not include and describe actions that address monitoring nor an adaptive management plan to make it compliant with this specific Basin Plan policy.

The North Coast Regional Water Quality Control Board has failed to incorporate EPA TMDLs into the Basin Plan and implement those TMDLs on a number of North Coast rivers (including the Gualala River). This failure has resulted in a lack of progress in addressing the serious problems facing North Coast rivers and streams which remain impaired by pollutants such as sediment, nutrients, high temperatures, low dissolved oxygen levels, and turbidity.

Under Section 208, Federal Clean Water Act of 1973, each state is required to develop waste treatment management plans or water quality control plans and incorporate them into the basin plan for each of its nine regions. The "Little" Timber Harvest Plan cannot be approved by Cal-Fire as it is not consistent with the Basin Plan for the North Coast. Forest Practice Rule 898.2(h) requires CalFire to deny a THP if it fails to comply with the Basin Plan.

This Timber Harvest Plan cannot be enrolled in the applicant's chosen choice of a General WDR for Timber operations on private lands (or the related Waiver) due to the fact that this Timber Harvest Plan is not compliant with the Basin Plan's Non-point Source Policy.

The Non-Point Source Policy is in the Basin Plan (along with Sediment Policy) thus, Nonpoint Source Policy is enforceable and should be manifest in the Implementing Programs/Water Quality Control Plans.

This is an interesting statistic from Page 2 of the NCRWCB PHI report on the adjacent "Elk" THP:

"The sediment source analysis concluded that approximately 1/3 of sediment delivery in the Gualala River watershed was due to natural processes and 2/3 of sediment delivery, or 200% of the natural load, due to anthropogenic sources, primarily related to roads and harvest related mass wasting."

In addition to the THP's failure to address and implement the Non-Point Source Policy, the THP also is inconsistent with the General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region, Order No. R1-2004-0030 ("General WDRs"). This is dramatically illustrated by the failure of the THP to address the present significant sediment loading and that will continue for road surfaces and skid trails throughout the proposed THP. EPA established a specific allocation for road surfaces and skid trails of 12 tons/mi2/yr.

The EPA's TMDL for the Gualala River provides a clear numeric threshold which the Regional Board and CalFire must apply when considering GRT's compliance with the Timber Harvest WDRs' water quality requirements and whether CalFire has substantial evidence to show that the THP will not cause or contribute to violations of water quality objectives and beneficial uses. EPA has identified a TMDL of 475 tons/mi2/yr, of which 7 tons/mi2/yr is allocated to road surfaces. That is the sediment rate determined by EPA based on the Regional Board's technical support document which must be attained throughout the Gualala River watershed in order to prevent any exceedance of the water quality objectives relating to sedimentation.

Hydrologist Greg Kamman has prepared an expert report (attached) calculating the rate of sediment loading from the Little THP's road surfaces and skid trails employing a methodology developed by Pacific Watershed Associates and assumptions including the assumption of 50% hydrologically connected roads used by GRT this THP, Section 5, page 240.

In response to Mr. Kamman's comments and sediment analysis on a recently submitted similar harvest plan nearby, the "Far North" THP, Danny Hagans of Pacific Watershed Associates submitted a response on behalf of GRT to the CalFire record. Letter from Pacific

Watershed Assoc. to GRT dated Jan. 21, 2021 (attached, and submitted as an attachment in the Far North public comments). Mr. Hagans reviewed Mr. Kamman's methodology and determined that, "[i]n terms of the approach and methods utilized by Kamman per Part X, I find no irregularities with utilizing the computational methods as published by PWA." The only concern raised by Mr. Hagans as to the accuracy of Mr. Kamman's calculations was the percentage of the THP's road length which remain hydrologically connected. Mr. Hagans states that, based on PWA's road upgrading work in 2002 and 2003 within GRT's landholdings in the Little North Fork Gualala River watershed ("LNFGR watershed"), there is "little or no future sediment delivery from those treated road reaches" and "very minimal lengths of road have any potential for surface and gully erosion risk and subsequent sediment delivery to nearby streams."

Neither the THP nor Hagans letter cite or present "any field investigations on the current roadway condition, potential roadway degradation over the past 18 years, or percentage of hydrologically connected roadways in the Far North THP, since Hagans 2003 work." Hagans Letter, attached.

In addition, although Mr. Hagans did not submit any information of any recent on-the-ground road erosion or connectivity assessments, he highlights the importance that such efforts would make to evaluating the sediment releases from road surfaces. As Mr. Hagans states:

"..the methods as described in Part X are primarily describing field methods for conducting on-the-ground road erosion and connectivity assessments to develop real-time estimates for quantifying future erosion and sediment delivery risk. This field-based approach to data collection and condition assessment is necessary where the individual hydrologically connected lengths of road within the overall road system assessment area are identified, field mapped and measured." Hagans Letter, pp. 4-5. Mr. Hagans prior comment made no mention of hydrologic connectivity for skid trails. Mr. Hagans comment was made in regard to GRT's Far North THP. In this instance, the Little THP indicates that it is reasonable to estimate that upgraded roads within the THP still have a hydrologic connectivity of 50 percent. Little THP, Section 5, p. 240. That is the estimate used by the RPF to estimate how much sediment reduction will occur from road upgrades. (Id.)

Nothing in the CalFire record shows that GRT conducted any such assessments in preparing the Little THP. Responding to Mr. Hagan's assertions about the connectivity of roads in the areas of the Little and Far North THPs and absent a site-specific investigation by GRT documenting the percentage of hydrologically connected roads and skid trails within and appurtenant to the THP, Mr. Kamman has calculated road surface sediment loading for the Little THP using a range of percentages of hydrologic connectivity.

Assuming Mr. Hagans' assertion that the road work conducted 18 years ago is still hydrologically disconnecting a significant percentage of the roads and skid trails within and appurtenant to the Little THP, Mr. Kamman has calculated the erosion rates from those road surfaces with a range of connectivity percentages from -1 to the 50 percent noted above that was identified by GRT in the Little THP (Section 5, page 240). Mr. Kamman calculates the sediment loading estimates for the Little THP incorporating estimates of 50-, 20-, 5- and 1-percent road hydrologic connectivity. Applying a percentage of 50 percent hydrologic connection, Mr. Kamman calculates an expected discharge of 1,513 tons/mi2/yr from the

road surfaces and skid trails within the THP area. Applying a percentage of 20 percent hydrologic connection, Mr. Kamman calculates an expected discharge of 605 tons/mi2/yr from the road surfaces and skid trails within the THP area. Mr. Kamman's revised calculations based on 5- and 1-percent hydrologically connected roadways and skid trails results in sediment yield rates to streams of 151-and 30-tons/mi2/yr, respectively within the Little THP area. His calculation of the loading estimate for the Little THP's additional appurtenant roads and skid trails to incorporate 50-, 20-, 5-, and 1-percent hydrologic connections result in additional sediment yield rates of 338-, 135-, 34-, and 7-tons/mi2/yr., respectively.

The TMDL allocates a total 95 tons/mi2/yr to man-made sediment sources. Of that maximum load, 7 tons/mi2/year is allocated to sediment from road surfaces. An additional 5 tons/mi2/ year is allocated to sediment from skid trails. Kamman's lowest delivery estimate level of just 1% yields 30 tons/mi2/year of sediment from the Little THP's connected roads and skid trails. Even this generous disconnection assumption dwarfs the load allocation for road and skid trail surfaces established for the Gualala River, exceeding the 12 tons/mi2/year by more than 150 percent. Applying the assumption used by GRT in the Little THP of 50 percent hydrologically disconnected roads as well as skid trails yields a sediment discharge rate of 1,513 tons/mi2/yr, a full 12,500 percent over the TMDL load allocations.

Whether 1-, 5-, 20- or 50-percent of the roads in and appurtenant to the Little THP are hydrologically connected, Mr. Kamman's analysis establishes that the Little THP's roads and skid trails, by themselves, represent a serious threat to contribute to the existing sediment impairment of the Gualala River and the related adverse impacts to salmonids. Absent a comprehensive erosion and sediment loading analysis by the applicant, CalFire cannot support a finding that the applicant has demonstrated that the Little THP will not contribute to violations of water quality requirements applicable to sedimentation.

Because the THP is in violation of the General WDRs and in particular the waste load allocations established in the Gualala River sediment TMDL, the proposed THP cannot comply with Forest Practice Rules, 14 CCR § 916.9. Based on the current record, CalFire cannot point to any substantial evidence that the Little THP, including its many roads and skid trails, will "[c]omply with the terms of a Total Maximum Daily Load (TMDL)" or "[p]revent significant sediment load increase to a watercourse system or lake." 14 CCR 916.9(a)(1) & (2).

2.) Geological evidence pointing to the need to address NPS Policy in the Basin Plan

There are many notations in the THP application and agency review documentation that point to the need for elevated attention for the identification of sediment sources and the methods to mitigate them using all the in place policy described above.

The location of this THP places it in a very erosion prone geology and virtually on the active San Andreas Fault. Although the majority of the plan is in the sensitive floodplain of the river, some treatment of the steeper areas appears in the report.

Submitted data by CGS Kevin Doherty in his PHI Report dated December 2, 2019: Geology and Erosion Hazard Rating, Page 7.

The active trace of the San Andreas Fault Zone (SAFZ) appears to bisect the western THP boundary along the southwestern boundary of the valley (Koehler and Baldwin, 2005, Figures 2 and 3). The underlying bedrock is described as Tertiary to Cretaceous Coastal Belt Franciscan Formation and Paleocene to Eocene-age German Rancho Formation (Fuller and others, 2002, Figure 1). Areas of shallow- and deep-seated landsliding are mapped by the RPF and Fuller and others (2002) within and upslope of the proposed harvest units. A complete discussion of the geologic setting is included in the February 1, 2019 PHI memo (CGS, 2019).

From the CGS PHI Report: No references to NPS policy were noted in the CGS comments. The Erosion Hazard Ratings for this THP are rated at Moderate and High.

3.) Cable Yarding Not chosen as an alternate harvesting technique

Cable yarding is feasible in this plan for the steep clearcut and floodplain units proposed. Use of the technique in the THP application was not adequately addressed and subsequently eliminated from being an alternative by the RPF even though it is a superior method to avoid damage to the flood plain areas of the plan. See below. This THP has a more than adequate set of conditions for consideration and use of highline cable yarding to avoid yarding equipment damage and the dragging of logs over steep erosive hillsides and sensitive floodplain areas of an EPA 303(d) listed river for sediment and temperature. To avoid cable yarding, the applicant has applied for exemptions to the standard FPR's.

The consideration of alternatives to tractor yarding in the floodplain is addressed in the THP with vague and unsubstantiated declarations on pages 119 and 120:

Alternative Approach to Harvesting:

This alternative would not meet most of the landowner's objectives. This alternative may meet the objective of maintaining the flow of high quality timber products to the economy, maintaining a forest products industry, and providing a source of employment in Northern California. However, limitations on appropriate silvicultural methods, and economic limitations of other forms of yarding would most likely make the project a monetary loss overall. Additionally, different silvicultural prescriptions and yarding methods may not achieve the goals of the Forest Practice Rules.

Various yarding methods were analyzed by the RPF during preparation of the THP. The yarding methods chosen is tractor yarding based on the mostly flat topography of the harvest area and the availability of road access.

### 4.) Exceptions to the Standard Rules are applied for

The wetlands in these floodplain areas designated for harvest operations are some of the most sensitive in the watershed as far as their role in salmonid recovery and their ability to recovery from disturbance. The scant attention from the owners and agencies to the cumulative negative impacts to the total floodplain resource of the river and its ability to

provide habitat and support to endangered species and watershed health and recovery will not be without consequences.

Exceptions are being asked for on the THP to the ASP Rules and the recommendations of the advisory white paper "Flood Prone Area Considerations in the Coast Redwood Zone, 2005". These floodplain areas of the river, limited in area compared to the whole watershed, are crucial to protect because of their role in the recovery of endangered species and the larger watershed. These floodplain areas are the very features of watersheds that these rules were designed to protect. The granting of exceptions to these rules and recommendations should only be granted in the rarest of circumstances and when the owner has no other alternatives, with the reason rejected that the standard practices are more expensive and therefore unfeasible.

The quotes below point to the delicate nature of the wetlands and floodplain areas and the potential for the caterpillar tractors and rubber tired skidder equipment used in the harvesting in these exemption areas to do damage, the very damage that the ASP rules and the White Paper are aimed at preventing. The only proposal to minimize the damage from the tractors is that they will not be "driven in flood prone areas with their blade lowered except to move debris" and "at watercourse crossings".

From the WQ PHI report:

"8. As in similar recent THPs on flood prone areas on the plan submitter's ownership, the Regional Water Board will be evaluating proposed harvest areas for the presence of wetlands, including seasonal wetlands indicated by areas dominated by wetland plant species, and measures to protect beneficial uses associated with wetlands. Please evaluate plan area for wetland indicators."

#### me downstream.

27. Are site specific practices proposed in-lieu of, or as an alternative to, the following standard WLPZ practices?
 a. [X]Yes [□] No Prohibition of the construction or use of tractor roads in Class I, II, III, or IV

- No Prohibition of the construction or use of tractor roads in Class I, II, III, or IV watercourses, WLPZs, marshes, wet meadows, and other wet areas except as follows (916.3 [936.3, 956.3](c)):
  - At prepared tractor road crossings.
  - (2) Crossings of Class III watercourses which are dry at time of timber operations.

(3) At new tractor and road crossings approved by Department of Fish and Wildlife.

- **b.** [□]Yes **[X]** No Retention of non-commercial vegetation bordering and covering meadows and wet areas?
- c. []Yes [X] No Directional felling of trees within the WLPZ away from the watercourse or lake?
- d. [[]]Yes [X] No Decrease of width(s) of the WLPZ(s)?
- e. []]Yes [X].No Protection of watercourses which conduct class IV waters?
- f. [X]Yes [D] No Exclusion of heavy equipment from the WLPZ except as follows (916.4 [936.4,
  - 956.4](d) and (f)):

(1) At prepared tractor road crossings.

(2) Crossings of Class III watercourses which are dry at time of timber operations.

(3) At existing road crossings.

(4) At new tractor and road crossings approved by Department of Fish and Game.

- g. [D]Yes [X] No Establishment of ELZ for Class III watercourses unless sideslopes are <30% and EHR is low?
- h. []]Yes [X] No Retention of at least 50% of the overstory canopy in the WLPZ?
- i. []]Yes [X] No Retention of at least 50% of the understory in the WLPZ?
- j. [X]Yes [D] No Are any additional in-lieu or any alternative practices proposed for watercourse or lake protection?

NOTE: A yes answer to any of items "a." through "j." constitutes an in-lieu or alternative practice. Refer to **916.1** [936.1, 956.1] for addressing the in lieu practices. For each item marked "yes", the operational information proposed under #2 below should be provided in Section II, including mapping requirements [1034(x)(15) and (16)]; and the following should normally be provided in Section III: 1. State the standard rule;

Little THP

Section II

39

During the PHI, the inspection team members observed that there are several low spots along appurtenant road surface between Map points 1 and 24 that are ponding water. Where water is ponding along the appurtenant road between Map Points 1 and 24 there is the potential for sediment to be delivered into watercourses and wet areas below the appurtenant road. During the PHI, I determined that the best solution is for the LTO to grade and spot rock the low spots along the appurtenant road between Map Points 1 and 24 to ensure standing water does not get transported into watercourses or wet areas below the appurtenant road. The RPF shall revise the THP prior to Second Review to state that the LTO shall address low sots along the appurtenant road between Map points 1 and 24 being either spot rocking or grading to reduce sediment delivery into watercourses or wet areas below the appurtenant road. This is addressed as CAL FIRE PHI Recommendation #5. From the PHI : Roads and Landings, Page 5

- 47. If operations are proposed on unstable areas, are the proposed operations appropriate and properly mitigated?
   No

   inspector Observations: During the PHI. CGS Geologist Kevin Doherty made one recommendation to address retaining trees for harvest below the unstable area in the north end of Unit 1 that cannot be harvested without using skid trails that cross this unstable area. See the CGS PHI report for details.
- 5. Inadequacy of the Cumulative Effects Analysis

The attached study with its imbedded sediment yield analysis from hydrologist Greg Kamman points to major flaws in the analysis of potential cumulative effects from this plan added to those in the Doty Creek planning watershed that contains the Little THP and the adjacent planning watersheds that drain to the North Fork of the Gualala River. THP applicants are unfortunately allowed to ignore these other planning watersheds with their similar additive cumulative effects due to a misinterpretation of the FPRs and the required cumulative effects analysis.

The inadequacy of the analysis of sediment impacts presented in the THP application would, if this plan is approved, lead to inevitable additive cumulative impacts from sediment pollution along with those of harvest plans past, present and future. The underestimates of sediment delivery from this and other THPs nearby are at times levels of magnitude less than to be expected than those calculated using more realistic data capture, estimates and calculations. These impacts from sediment will be assured if the impacts of the Elk and Little THPs are added to those of the Dogwood THP, other approved floodplain THPs in this and other nearby watershed planning areas and the background levels already present in the watershed. These levels are the very ones that have informed the recommended levels of maximum daily loads incorporated into the Gualala River TMDL.

The extent of the flood prone areas in this plan should be extended out to include the entire valley floor for the maximum protection from fully applied ASP (Anadromous Species Protection) rules without exceptions. This recommendation is strongly pointed to by the letter submitted to the file on this plan by Danielle Castle (CDFW Environmental Scientist) in her 69 page PHI report with its attached supporting document by Mark Smelser (CDFW Senior Engineering Geologist) regarding the extent of the "flood prone area".

Damage to the delicate floodplains in this plan will add to those cumulative impacts from other plans in this area to this scientifically proven crucial resource that contributes unique environmental services for endangered and all other plant and animal species in the watershed ecosystem.

The additional guidelines found in Technical Rule Addendum No.2 also point to non-approval of the THP. (Italics added)

APPENDIX

**TECHNICAL RULE ADDENDUM NO. 2** 

CUMULATIVE IMPACTS ASSESSMENT GUIDELINES

This Appendix provides guidelines for evaluating Cumulative Impacts to resource subjects listed in 14 CCR § 912.9(c). The Appendix includes factors, and methods for analysis, that can be considered or used to determine if the Project has a reasonable potential to cause or add to significant adverse Cumulative Impacts.

## A. WATERSHED RESOURCES

Cumulative watershed Effects (CWEs) occur within and near bodies of water or Wet Meadows or Other Wet Areas, where individual Impacts are combined to produce an effect that is greater than any of the individual Impacts acting alone. Factors to consider in the evaluation of CWEs include those listed below. The factors described are general and may not be appropriate for all situations. In some cases, measurements may be required for evaluation of the potential for significant adverse Effects. The evaluation of Impacts to watershed resources is based on significant adverse on-site and off-site Cumulative Impacts on Beneficial Uses. Additionally, the Plan must comply with the quantitative or narrative water quality objectives set forth in an applicable Water Quality Control Plan. (italics added)

This THP will add its cumulative impacts to ongoing harvesting impacts on listed species, protected floodplain areas with their crucial role in restoration of listed aquatic species, and will be requesting exceptions to the standard FPRs and ASP rules. These cumulative impacts will be added to all the floodplain logging plans that are being applied for and approved. These THPs include the 1-18-095 MEN "Little", 1-19-00098 MEN "Elk", 1-15-042 SON "Dogwood", 1-11-087 SON "Kestrel", and 1-16-094 MEN "Plum".

The "Dogwood" THP is the largest and most extensive riparian logging proposal on the Gualala River ever submitted since the Forest Practice Rules took effect. The Dogwood plan and similarly Little THP do not minimize logging disturbances to flood prone areas, and it should comply with the full intent and provisions of the 2009 Anadromous Salmonid Protection Rules and the white paper titled "Flood Prone Area Considerations in the Coast Redwood Zone, 2005".

Steelhead, Coho, California Red Legged Frog, and Spotted Owls are struggling or failing to recover in the Gualala River during the current historic drought. They cannot tolerate additional cumulative impacts from the Elk and Little THPs along with Dogwood's 5 miles of unprecedented flood plain logging in the Dogwood THP.

Summary: The omissions of Basin Plan compliance for NPS Policy, inadequate THP content, and agency comments, and supporting science presented above require non-approval of the plan as presented and the need for future iterations to correct these fatal flaws and employ the maximum use of all mitigations and existing protective regulations to prevent degradation of the EPA 303d listed Gualala River and its watershed.

Please incorporate these comments and the attached letters into the 1-18-095 MEN "Little" THP files.

Respectfully submitted,

Friends of Gualala River / Chris Poehlmann

Attachments:

(see copies sent as separate attachments in this public comment submission.

"Estimated Roadway and Skid Trail Sediment Yields, Little THP: 1-18-095 MEN, Mendocino County, California" Greg Kamman, hydrologist.

## **RESPONSE:**

See the "Common Concerns from Public Comment" section, above.

The Plan contains an Erosion Control Plan (THP § V pp. 229 – 240) which includes an inventory of sites associated with the THP and its appurtenant road system that are potential, controllable sediment discharge sources (pg. 239, map pg. 238), as well as inspection (aka monitoring) requirements, including frequency and special conditions such as major precipitation events (pg. 236). The plan also contains monitoring history of streams within the Plan Area's Planning Watershed, Doty Creek (THP § V pp. 247 – 258).

The THP further contains information regarding road condition, stating that "[a]II roads including the appurtenant roads have been evaluated for connectivity and road points added to maps...Much of this road is on flat ground and has a flat vegetative layer to trap sediment." (THP § II pg. 26). It also includes an inventory of all crossings and evaluates them for repair/replacement or maintenance (THP § II pp. 62 – 66.1). Multiple multiagency preharvest inspections also visited the project location and included road inspections. The aforementioned Erosion Control Plan contains requirements to inspect potential erosion sites and adapt management to reflect success/failure of treatments prior to the winter period (THP § V pg. 233).

The statement regarding 50% hydrologic connectivity (referencing fine print on THP pg. 240) is general, meant to be used in the absence of additional more detailed information. The THP does contain this more detailed information stating a greater level of disconnection: the report from Hagans (THP § V pp. 366.189 – 366.302) demonstrates that the road network being used in this particular THP has been thoroughly hydrologically disconnected, and according to the Plan Submitter, the GRT portion of the Doty Creek watershed is 81.6% disconnected (THP § V pg. 242).

The Forest Practice Rules require regular road inspection and monitoring during and following operations. Per 14 CCR § 923.7:

Logging Road and Landing surfaces shall be monitored and maintained during Timber Operations and throughout the prescribed maintenance period to ensure hydrologic disconnection from Watercourses and lakes to the extent feasible, minimize soil erosion and sediment transport, and to prevent significant sediment discharge.

In watersheds with listed anadromous salmonids and in planning watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids, the prescribed maintenance period for deactivated or abandoned roads shall be one year unless otherwise prescribed by the Director pursuant to 14 CCR § 1050. The prescribed maintenance period for Logging Roads and associated Landings, including appurtenant roads, shall be three years.

Cable yarding was considered as an alternative (THP § III pp. 118 - 119) and deemed infeasible. There is no requirement for a qualified RPF to use software to support their determination of the infeasibility of cable yarding.

## REFERENCES

- Dicus, C.A. and Delfino, K. 2003. A comparison of California forest practice rues and two forest certification systems. San Luis Obispo, CA: California Polytechnic State University.
- Howard, James L.; Liang, Shaobo. 2019. U.S. timber production, trade, consumption, and price statistics, 1965–2017. Research Paper FPL-RP-701. Madison, WI: U.S. Department of Agriculture, Forest Service, Forest Products Laboratory. 96 p.