



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NORTHERN REGION HEADQUARTERS
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Date: November 17, 2021
Reference: 1-21-00057 MEN
Subject: Official Response to Significant Environmental Points from Public Comment

Linda Perkins (lperkins@mcn.org)
Albion River Watershed Protection Association/
Friends of Salmon Creek (ARWPA/FOSC)
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Dear Linda Perkins,

You submitted a letter to the California Department of Forestry and Fire Protection (CAL FIRE / Department), through email received at the Northern Region Headquarters Office in Santa Rosa, CA on October 25, 2021 regarding Timber Harvesting Plan (THP) 1-21-00057 MEN "Dewarren Wanhalla". The primary concerns were on past harvesting impacts within the watershed assessment area, impacts to Northern Spotted Owls (NSO), and how the Plan Submitter demonstrates maximum sustained production of high quality timber (MSP). The original letter has also been scanned and is available through the attachments of this THP online in CalTREES.

CONCERN: Past harvesting impact within the watershed assessment area and with NSO.

Please accept these comments on THP 1-20-00057 ("THP 057") on behalf of Albion River Watershed Protection Association/Friends of Salmon Creek. We have read the timber plan and agency reports, as well as public comment submitted to the plan record. We also attended the Inter-agency Second Review Team meeting held on October 13, 2021.

We believe the Director needs to disapprove this plan because the information in the plan is "insufficient to evaluate significant environmental effects" pursuant to 14CCR 898.2 Special Conditions Requiring Disapproval of Plans. We outline below areas of the plan we believe lacking in information to allow the Director to make a determination that there will be no significant environmental effects.

Extensive and Intensive Harvesting in the Watershed Assessment Area (WAA) and Biological Assessment Areas (BAA) in the Last 10 Years

The Watershed Assessment Area for the current plan is the 4568-acre CalWater Watershed Planning Area of the Middle North Fork Noyo River.

The extent of the cut in the WAA in the last 10 years – minus the 111-acre no-harvest stream zones – was 2696 acres or 59 %. Adding to this total the current plan's 1088 acres – in itself almost ¼ of the WAA – brings the percentage harvested since 2011 to 3784 acres or 83% of the assessment area.

And, as detailed in the Section IV Cumulative Impacts Report pages 115 and 116, these were intensive harvests. For example:

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

THP 1-11-014: This was a 425-acre plan. The 293-acre alternative prescription (seed tree removal, commercial thin) method reduced the conifer square feet of basal area/acre from 120 to 41, a removal of 2/3 of the basal area. (THP, page 123). The volume/acre in board feet went from 7,000 to 3,000, a 58% removal. (page 120)

The 114-acre variable retention method reduced the conifer basal area from 301 square feet to 103 square feet, a removal of 2/3. (Pages 131-133) The volume/acre went from 6000 to 1000 board feet, an 83% removal.

The 18 acres of the transition method removed 6000 board feet of the 12,000 board feet, that is, 1/2 of the volume. The basal area was reduced from 90 to 50, a 45% removal. (Page 120)

Significantly, the entire timber harvest area plan had been suitable habitat for the northern spotted owl and post-harvest all of the plan became non-suitable habitat except for 2 of the 425 acres!

THP 1-11-124 On this plan 606 acres were proposed for harvest. The approximately 550 acres of seed tree removal were taken down to a minimum of 15 square feet of basal area. The variable retention areas went from 65 to 5 square feet of basal area. The rehabilitation area retained 5 square feet of basal area per acre. (THP, section 3, item 14) At that point in time, in 2011, northern spotted owl activity center MD 120 had no nesting/roosting habitat within .7 miles.

THP 1-15-123 This plan was 659 acres. The transition method covered 417 acres, removed half of the board foot volume (from 6.4 to 3.2 thousand board feet) and half of the conifer basal area per acre (from 101 to 50 sq. ft. of basal area). The 242- acres of variable retention (THP, section 3, Item 14) changed over two units, 76 sq ft of ba to 30 and 99 sq ft to 37. In board foot volume these went respectively, from 5.9 to 2.3 and 7.1 to 2.6 thousand board feet. And at this point in time, northern spotted owl MD 120 and northern spotted owl MD 121 were sharing where their .7 mile circles overlapped a scant approximately 30 acres of nesting/roosting habitat. (Section 5, pages 193-202)

Now, the current 1088-acre plan, THP 1-21-00057 is proposing similar intensive harvests. The 693 acres of group selection go from a current 160 square feet of basal area to 75 square feet of basal area. The variable retention units remove 2/3 of the basal area.

Please explain how these types of intensive harvest covering 83% of the watershed assessment area have not had adverse cumulative effects, particularly to northern spotted owl habitat.

RESPONSE: This THP has gone through a multi-agency review team assessment to determine conformance with the California rules and regulations for forest practice. It was determined to be accurate, complete and in proper order pursuant to 14 CCR 924.2. This process has not demonstrated any new significant points that would warrant a recirculation of the Plan found under 14 CCR 1037.3(e), or a recommendation of nonconformance per 14 CCR 1054. There were no unmitigated special conditions requiring the disapproval of the Plan as outlined in 14 CCR 898.2.

The cumulative impacts assessment of the THP is well documented in Section IV of the Plan on pages 114-177. The CAL FIRE Inspector concluded the following in the Pre-Harvest Inspection (PHI) report on page 12:

“The Cumulative impacts assessment in Section IV addresses all the subjects and requirements of 14 CCR 912.3. The discussions and analysis of conditions for the various resource subjects is reasonable based upon my work experience in the assessment areas and field review of the plan and assessment areas during the PHI. Potential impacts of the THP upon the various resource subjects has been adequately addressed and mitigated by the following: for watershed resources by items 14, 16, 18, 23, 24, 26, and 27 and the ECP (Section V); for soil resources by items 18, 14, 23, Section V ECP and soil erosion hazard work sheet; for biological resources by items 26 and 32. Visual, traffic, cultural, climate change/greenhouse gases and wildfire risk and hazard resources have also addressed in the THP. The THP reports that the plan as proposed and mitigated, will not combine with other past, present or future operations to have a significant negative effect on the environment. The RPF’s conclusion, when considered together with the findings and recommendations of this and other agency reports, is reasonable.”

The timber harvest figures stated in the concern letter are from Plans that were submitted nearly a decade ago. Forests do not exist in a vacuum and continue to grow post-harvest, unless converted to homes or agriculture. An uneven aged management regime (Selection, Transition) is not considered “intensive” harvesting as indicated in the concern. When taking this into consideration when calculating harvest intensify the current Watershed Assessment Area (WAA) prior to this proposed THP is closer to 30% of the Planning watershed over the past 10 years, and is proposing to add roughly another 5% with the current THP. A stark contrast to the 83% of the watershed as stated in the concern letter. Additionally, final completion and stocking reports for past THPs 1-11-014 MEN and 1-15-123 MEN show several areas including Variable Retention areas that were not harvested as proposed, thus reducing the past harvest figure even further. This is also noted on page 98 of the THP under the variable retention discussion.

The Department agrees with the following statement found in the THP on page 117:

“Most effects from timber harvesting are apparent within the first few years and taper off as revegetation occurs. These effects are also mitigated is some form of partial harvest and or cable logging is employed. The mitigations, as proposed in this THP and the improvements that have been made throughout the watershed shall reduce impacts to a level of insignificance.”

The WAA parcels are zoned Timberland Production Zone (TPZ), per the Mendocino County Planning Department. Timberland owners are allowed to participate in timber harvesting with proper state approved permits as outlined by the county district codes found under CHAPTER 20.068 - TPZ TIMBERLAND PRODUCTION ZONING DISTRICT:

“This district is intended to be applied to areas of the County which because of their general soil types, location and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such.”

When looking at the cumulative impacts in regards of Northern Spotted Owl protection, the THP contains the required mitigation measures to protect the species. Section II Item 32 starting on page 62 of the THP contains detailed language for the protection of NSO, followed by many pages in Sections III and V providing the supporting surveys, analysis and documentation to avoid take of NSO. The Department of Fish and Wildlife was a part of the Plan review and had no unmitigated concerns for the protection of NSO. This is further supported on page 11 of the PHI report:

“The Northern Spotted Owl (NSO) database search, habitat typing/assessment, survey results & monitoring data are provided in THP Section V. Sufficient NSO information has

been provided for review under 14 CCR 919.9(e), Take Avoidance Scenario #4, Attachment A (11-1-19) – Coast (as updated by RPF response to CDFW 1st review question #12). Habitat typing information was reviewed and spot-checked during the PHI for accuracy. The habitat typing was consistent with descriptions provided in 14 CCR 895.1 for “Functional Nesting, Roosting & Foraging Habitat.” ”

The NSO map on page 251 show activity centers MEN120 and MEN120 nearly 1.5 miles apart and not in close proximity. The habitat analysis reported that the post-harvest suitable habitat for MEN120 will be 669 acres (THP page 257) and 819 acres (THP 819) for MEN121 which are well above the minimum 500 acres as required in 14 CCR 919.9. These activity centers do not share core habitat polygons and are properly documented in the Plan.

The Department agrees with the conclusions found on page 95 of the THP:

“This Timber Harvest Plan, as prepared and regulated by the Forest Practice Act (FPA) and the Forest Practice Rules, will not have a significant adverse environmental impact. Implementation of the measures proposed in this THP, along with responsible logging practices within the framework of the rules of the FPA, will eliminate any significant adverse effects. Mitigation measures proposed in this THP, when properly implemented, will enhance the productivity of the area while maintaining non-timber related values.”

CONCERN: How does the Plan demonstrate MSP

Please explain how CALFIRE determines, by what method, that Mendocino Redwood Company is demonstrating maximum sustained production in compliance with its Optain [sic] a when the forester claims all timber stand data is based on ocular estimates.

RESPONSE: The Department reviews Plans and compares the submitted information in them to the requirements listed in the approved Option A to ensure compliance with that agreement and conformance with the Forest Practice Rules (FPR). This THP does not state all timber stand data is only based on ocular estimates as the commenter claims. Pages 96 and 97 of the Plan specifically state above the stand tables: *“The following stand table represents the estimated stocking based on a mixture of cruise data and ocular estimates”*. This is a common and accepted practice in forestry when determining growth and harvest information.

This was verified and supported during the Pre-Harvest Inspection (PHI) and found in the PHI report on page 2 under Item 10:

“The plan consists of uneven-aged and special prescriptions including group selection (693 ac.), transition (16 ac.), rehabilitation of understocked areas (35 ac.), variable retention (272 ac.), and no harvest (72 ac.). These prescriptions appear appropriate for the timber stands observed and are applied as described in the MRC Option A. Stand tables provided for the individual prescriptions appeared accurate when compared to on the ground conditions.”

Additionally, from the PHI report the inspector concluded that the Plan contained growing stock that will be harvested in a manner which prevents significant delays in reaching or maintaining MSP per [14 CCR § 913, 933, 953(a)] and that the Plan was in compliance with the MSP requirements of 14 CCR § 913.11, 933.11, 953.11 under Option A. The Option A was approved under THP 1-07-145-MEN, June 30, 2008.

The CAL FIRE inspector concluded the following from page 3 from the PHI report:

“Standard silvicultural systems to be applied are designed to achieve maximum sustained production of high-quality timber products per 14 CCR 913 and the MRC Option A. Based

on observations of timber stands on-site and the sample mark, the systems chosen are appropriate to achieve the stated goals.”

The Department agrees with the statements provided in the Plan on page 95:

“The silviculture systems chosen for this THP will achieve maximum sustained production of high-quality timber products (MSP) pursuant to 14 CCR 913.10 and 913.11 (option A), while taking into consideration wildlife, fisheries, watershed resources, limitations of the yarding systems to be implemented, and the landowners objectives.”

After review of this public comment letter it was recognized that the Plan needed clarifications to better document the proposed operations. Minor errors were found in final review and needed clarifications addressed, specifically the Selection acres in the watercourse and lake protection zone (WLPZ) were not clearly identified in the Plan as should have been. These revisions were submitted, reviewed and incorporated into the THP. The revisions were not determined to be significant new information per 14 CCR 895.1 and did not constitute a change for a substantial adverse environmental effect. These revisions actually highlight and reflect the higher protection levels in the WLPZ areas as are already documented in Item 26 page 48 of the THP.

Please consider this letter as the Department’s “Official Response” to Significant Environmental Points Raised during Public Review of THP 1-21-00057 MEN. The concerns brought up by your public comment letter have been addressed. The Plan was found in conformance with the Forest Practice Act on November 17, 2020

Thank you for your comments with this Plan. I hope you will continue to support timber operations, which are done professionally and in compliance with the rules and regulations required by the Forest Practice Act.

Sincerely,



Shawn Headley, RPF # 2970
Forester II, Forest Practice

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