

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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Date: November 18, 2021

Ref: 1-21-00095-MEN

Linda Perkins

Dear Mrs. Perkins:

You submitted an email to the California Department of Forestry and Fire Protection (CAL FIRE) on September 20, 2021 regarding Timber Harvesting Plan (THP) 1-21-00095-MEN, located on the property of Mendocino Redwood Company. Below is your public comment, your main concerns, and Department's response to your concerns. You referred in your comment to THP 1-20-00095 MEN, but this was apparently a typo, as your comments were directed towards 1-21-00095-MEN.

**Public Comment # 21PC-000000575:**

September 20, 2021

Linda Perkins

Albion River Watershed Protection Association/

Friends of Salmon Creek (ARWPA/FOSC) PO Box 661, Albion CA 95410

(707) 937-0903

Director

Department of Forestry and Fire Protection

Northern Region Headquarters – Santa Rosa

135 Ridgeway Avenue

Santa Rosa CA 95401

Regarding Timber Harvest Plan 1-20-00095 MEN, Mendocino Redwood Company on Gunari Gulch, Albion River

Dear Director and others To Whom It May Concern:

Please accept these comments on THP 1-20-00095 on behalf of Albion River Watershed Protection Association/Friends of Salmon Creek. (ARWPA/FOSC) We have read the timber plan and agency reports.

**WLPZ (Watercourse and Lake Protection Zone) Selection Silviculture**

The THP proposes 86 acres of selection logging, Section II, page 8. When we turn to the silviculture maps, Section II, pages 73 and 74, we find that these acres are within the WLPZs in Units 1,2,3,6,7,8 and 9 of the plan. (However, the chart in Section II, page 9 shows selection harvest in the WLPZ of

Unit 10 though this is not mapped.) Specifically, the THP propose sselection logging in the 'Class 1 Inner Zone' from 30' to 100' from a Class 1 Watercourse. The same is proposed for Class II watercourses. Because the Albion River, the main Class 1 watercourse within the plan area, is 303(d) listed by the EPA for sedimentation and temperature, and is an especially important watershed because it contains listed anadromous salmonids, it is critical that the plan fully document and account for adverse sediment and temperature effects caused by logging within the WLPZ

However, there is a lack of information about this selection cut within the plan as required by Cal. Code Regs. § 1034(m)(1) that: "[t]he Plan shall provide a description of the stand before and after harvesting including: volume, growth projection, Stocking, and Species composition." In this THP, there is no stand description in either Sections II or III of the plan for the WLPZ selection, In Section III, pre- and post- harvest information is given for the group selection individual units, but not for the WLPZ selection areas. There are no volumes, stocking standards or species compostion figures for the WLPZ cut. Without this information it is impossible to assess the environmental impact of proposed logging within this sensitive area.

In addition, the WLPZ Selection Cut doesn't meet MRC's own stated policies in their 2017 Management Plan for protecting aquatic habitat elements – and the THP provides no rationale, or site specific justification, for deviating from the policy.

The 2017 Mendocino Redwood Company Management Plan states the following: "*Another method of protecting key aquatic habitat elements is to limit management activities within the watercourse protection zone (See policies on following page). Silviculture activities in these zones are generally restricted to High Retention Selection. A practical result of MRC's restrictive streamside policies is that MRC will delay harvest in most stream zones for the next 10 years.*" [Mendocino Redwood Company Management Plan; 2017; page 47]

Yet, only 4 years after the adoption of those policies, the Gunari Gulch timber plan is now proposing to harvest within the WLPZs – about 4 and ½ miles of stream length (calculated from the silviculture maps on pages 73-74 of Section II), cutting just outside the 30 foot core zones but within the WLPZs of Class I, Class II Large, and Class II standard streams.

We can turn to Mendocino Redwood Company's Option A - dated 2008 – to find the trigger conditions necessary to harvest within WLPZs. On page 30 of Attachment A is a table entitled "Silviculture Regimes for Stands of Special Concerns." There, a stand is defined as "(a discrete geographic unit 30 acres or less) [that is] the spatial basis for determining if the forest unit meets the trigger conditions for the Selection, Group Selection, or Alternative Group Selection silvicultures." For selection harvesting in Class 1 and large class 2 WLPZs, the table states that the necessary trigger for the selection harvest is a total conifer basal area of >260 square feet for both trees greater than and less than 16 inches diameter. MRC has not shown that the stands it intends to harvest within Class 1 and Class 2 WLPZs meet these criteria. This is evidenced by the fact that the THP does not describe the stand description for the selection area.

This Option A trigger is clearly meant by MRC to convey a high level of protection to the stream zones. It would then seem to be irresponsible to approve a timber plan that proposes harvest in those areas without first requiring that the stands meet the trigger requirments of the Option A – within each stand. To not first demonstrate stand density in each of these areas would put MRC in violation of their Option A – as well as the Forest Practice Rules.

One of the reasons that timber harvests within the WLPZ are discouraged is that removing shade over watercourses can raise stream temperatures to an extent that is harmful to aquatic life. This is particularly important in Northern California's Anadromous Salmonid Protection (ASP) watersheds, home to California's endangered salmonid species. And it's doubly important in watersheds that are listed as 303(d) temperature impaired such as the Albion River. The current THP has not presented any data or reasoning to justify why harvesting within the WLPZ now will not result in significant environmental harm. The THP has failed to adequately address or measure the impacts of this harvest. For example, the THP does not contain adequate analysis of stream temperature, [The bit of temperature data given in Section IV was a snapshot, taken mostly years ago, in spring and winter months rather than the critical summer months.] shade coverage, or current wildlife values for aquatic species. Without this information, the THP can not accurately state that the harvest will not have a negative impact on these factors of water quality. Given the sensitive nature of water quality and aquatic habitat, it is not reasonable for MRC to move forward without this information.

CalFire needs to return this plan for additional information.

Sincerely, Linda Perkins for ARWPA/FOSC

A list of abbreviations is provided for your benefit in understanding the Department's responses.

## Forest Practice Terms

BAA	Biological Assessment Area	FPR	Forest Practice Rules
CAL FIRE	Calif. Department of Forestry & Fire Protection	PHI	Pre-Harvest Inspection
CCR	California Code of Regulations	PRC	Public Resources Code
CDFW	California Department of Fish and Wildlife	RPF	Registered Professional Forester
CEQA	California Environmental Quality Act	RMZ	Riparian Management Zone
CESA	California Endangered Species Act	THP	Timber Harvesting Plan
MRC	Mendocino Redwood Company	WLPZ	Watercourse & Lake Protection Zone

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

### Concern 1: The THP does not fully disclose the amount of harvesting being done in the watercourse protection zones.

While it is correct that the THP proposes selective logging in the inner and outer zone of the WLPZs, they do not propose logging in the core zone (page 37 of the THP). MRC follows the FPRs when it comes to retention and width of their Class I, II and III watercourses. These rules are primarily found in Article 6 of the FPRs, commonly referred to as the "916 rules" (14 CCR 916-916.12). These watercourses were inspected on the PHI by multiple agencies to verify the watercourse classification, the trees proposed for harvest, the flagging distances, in lieu practices, exceptions, and any other concerns. The CAL FIRE inspection details this in Items 33 through 44 of the CAL FIRE PHI report. In response to Item 42 of the PHI report, the CAL FIRE inspector made the following statement:

*During the PHI, I walked within Class I and Class II WLPZ's and evaluated WLPZ timber mark and timber mark in Class III watercourse WLPZ's. I observed that WLPZ flagging and WLPZ timber mark and the timber mark for Class III watercourses meets the requirements of 14 CCR 916.9. During the PHI, I made no recommendations to address watercourse protection measures for this THP.*

The THP discloses the protection measures in Section II, Item 26 (pages 34 - 47 of the THP) and Section III, Item 26 (pages 120 - 126 of the THP). In regards disclosure of the amount of harvesting in the watercourse protection zones, The RPF responded to all the questions and concern raised by the Review Team, submitted revised pages, and these revisions were found to be appropriate. All of the RPF's revisions and responses to concerns and recommendations by CDFW, CAL FIRE, Water Quality, and the Department of Mines and Geology have been incorporated into the final version of the THP.

Lastly, revised pages 116 -117 were provided to the Review Team since the plan had failed to provide the pre and post harvest data for the 86 acres of selection logging proposed in the WLPZ in accordance with 14 C CR 1034(m)(1). This information was provided after the public comment period had closed and, since this information was considered "significant new information" per 14 CCR 895.1, the plan was reopened for review and for public comment for 30 days, per 14 CCR 1037.3 (e)(f). This second public comment closed on November 17, 2021.

With the revised pages 116-117 provided, Cal Fire believes the level of harvest to be adequately disclosed, in compliance with the FPRs, reviewed by multi agency Review Team, as well as physically inspected on the ground by the Review Team inspectors.

**Concern 2: The THP does not adequately demonstrate that the Option A triggers have been met for the watercourse protection zones.**

MRC's Option A does not provide operational triggers for selective logging in their WLPZs, nor do the forest practice rules require this. The triggers that the commenter is referring to are modelling triggers, not operational triggers. This means that certain basal area parameters trigger their model to generate growth and yield results, and these are not to be interpreted to be operational triggers. This is explained in the bottom paragraph on page 28 of appendix A of MRC's Option A (*italics added for emphasis*).

The special selection regimes noted below are identified *in order to more precisely model stands* that have specific restrictions. This section provides specific information on the triggers and retentions *used to model harvest of these stands* (they will generally be harvested under a selection regime with a greater retention standard than what is called for by the California Forest Practice Rules). Some retention standards we follow in our planning agreement (Appendix C) simply do not translate well to basal area retention on a stand by stand basis, though for modeling purposes, they tend to average to an expected retention (for instance, retaining 50% over story canopy in the outer zone of Large Class II stream buffer, page 3 Appendix C). *The following table is provided for reference to our model logic only.*

In conclusion, there are no (nor are there required to be by the FPRs) Option A triggers for MRC to conduct operations in a WLPZ. Additionally, the FPR standards in the WLPZs have been met and/or exceeded in this THP.

**Concern 3: Without adequate descriptions of the trees growing in the watercourse protection zones, it is impossible to assess the environmental and stream temperature impacts of the proposed logging in these zones.**

A vegetation and stand description by unit is provided on page 102 and 103 of the THP, and protection measures are outlined in Section III, Item 26 (pages 120-126). During the PHI, the CAL FIRE inspector noted the following:

*During the PHI, I walked within WLPZ areas and Class III watercourse ELZ's. I viewed WLPZ flagging and WLPZ timber mark and the sample mark around Class III watercourses. I observed that the WLPZ flagging and WLPZ timber mark meets the requirements of 14 CCR 916.9. During my review of this THP, I viewed sample mark, WLPZ mark and reviewed the listed species protection measures. During the PHI, I observed that the RPF includes appropriate measures to minimize impacts to listed plant and wildlife species habitat for this THP. This includes an appropriate and accurate assessment of evaluating potential impacts to marbled murrelet habitat. The RPF includes an updated marbled murrelet habitat assessment in Section V of the THP. During the PHI, I observed that enough conifer trees in the upper size crown classes and diameter crown classes will be retained within WLPZ's to meet the requirements of 14 CCR 916.9. During the PHI, I observed that the largest diameter and tallest conifer trees within WLPZ's will be retained following timber operations.*

Furthermore, as previously mentioned, on October 15<sup>th</sup>, 2021, MRC provided revised pages 116 and 117. In conclusion, the THP has adequately disclosed descriptions of the WLPZs as well as the protection measures to minimize negative environmental and stream temperature impacts.

Please consider this letter as the Department's "Official Response" to Significant Environmental Points Raised during Public Review of THP 1-21-00095-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 18, 2021.

Sincerely,



James Strong  
Forester II, Forest Practice  
RPF #2689



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