

**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:	1-21-00153-HUM
SUBMITTER:	Humboldt Redwood Company LLC
COUNTY:	Humboldt
END OF PUBLIC COMMENT PERIOD:	November 23, 2021
DATE OF RESPONSE AND APPROVAL:	January 27, 2022

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,



**Shawn Headley**  
Forester II, Forest Practice  
RPF #2970

cc: RPF, Unit, File; Timber Owner, Timberland Owner and/or Submitter  
CP, CDFW, DPR, & RWB

<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:

- 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.

## **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 (14 CCR §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 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 the 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**

BAA	Biological Assessment Area	LTO	Licensed Timber Operator
BOF	California Board of Forestry and Fire Protection	NSO	Northern Spotted Owl
CAL FIRE / CDF	California Department of Forestry and Fire Protection	OR	Official Response
CaTREES	California Timber Regulation Environmental Evaluation System	PALCO	Pacific Lumber Company
CCR	California Code of Regulations	PC	Public Comment
CDFW	California Department of Fish and Wildlife	PHI	Pre-Harvest Inspection
CEQA	California Environmental Quality Act	PRC	Public Resources Code
CESA	California Endangered Species Act	RMZ	Riparian Management Zone
CGS	California Geological Survey	RWB	Regional Water Quality Control Board
CLFA	California Licensed Foresters Association	RPF	Registered Professional Forester
DDD	Directors Determination Date	STA	Special Treatment Area
DPR	Department of Pesticide Regulation	THP	Timber Harvesting Plan
FEIS	Final Environmental Impact Statement	TPZ	Timber Production Zone
EIR	Environmental Impact Report	USFWS	U.S. Fish and Wildlife Service
ECP	Erosion Control Plan	WAA	Watershed Assessment Area
EPA	Environmental Protection Agency	WLPZ	Watercourse & Lake Protection Zone
FPR / FPA	(California) Forest Practice Rules / Act	§	Section

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

## BACKGROUND

### Timeline

Timber Harvesting Plan (THP) # 1-21-000153-HUM "McCanned Eel" THP proposes to harvest timber on 418.2 acres of Humboldt Redwood Company LLC (HRC) timberland using the selection, group selection, and small areas of special treatment silvicultural methods. The THP was initially received by CAL FIRE on September 29, 2021 and returned for issues with the Notice of Intent and Domestic Water Supply public notifications. The Plan was corrected and resubmitted on November 1, 2021 and accepted for filing on November 10, 2021. A Preharvest Inspection (PHI) was conducted on December 1, 2021. Attendees on the PHI included Deakon Duey the RPF, Donny Escamilla of HRC, Joelle Geppert from NCRWQCB, Shara Gallagher from CGS and Michael McNicholas the CAL FIRE Inspector. The Final Interagency Review (aka Second Review) occurred on December 9, 2021 and the Second Review Chair recommended the Plan for approval on that same day December 9, 2021. The public comment period ended on December 23, 2021. The date for the Director's Determination Date (DDD) was originally set for January 13, 2022 per 14 CCR § 1037.4, and extended once to January 27, 2022.

### **Humboldt County is considered an agricultural county, which includes timber.**

Humboldt County Zoning regulations (Title III Land Use and Development) support the fact that landowners in the county may have to interact with the presence of agricultural activities. From Section INL#316.2-4(A); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97):

*"Section 313 43.2.4.1- Humboldt County is an agricultural county with many areas planned and zoned for agricultural operations. The presence of farms, ranches and timberland yields significant aesthetic and economic benefits to the health and welfare of the residents of the County. In accordance with the findings in subsection 43.2.2, this County's agriculture must be protected, including in areas where it is near residential development. This is accomplished in part by the adoption of subsection 43.2.3, which provides that properly conducted agricultural operations will not be deemed a nuisance.*

*Section 313 43.2.4.2 - This section further requires sellers of real property to give notice of this ordinance and its provisions to buyers of real property located in Humboldt County. The notice shall be in substantially the following form:*

*"You are hereby notified that if the property you are purchasing is located close to agricultural lands or operations, you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry, and commercial practices performed as incident to or in conjunction with such agricultural operations, including preparation for market, delivery to storage or market, or to carriers or transportation to market. These operations may generate, among other things, dust, smoke, noise and odor. If you*

*live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. For information concerning where agricultural operations are in relation to your property, you may contact the Planning Division of Humboldt County Community Development Services. For questions concerning specific kinds of agricultural operations in your area, including their use of fertilizers and pesticides, you should contact the Humboldt County Agricultural Commissioner. This Notice is given for informational purposes only and nothing in the Ordinance or this Notice should be deemed to prevent you from complaining to any appropriate agency or taking any other available action to remedy any unlawful or improper agricultural practice.”*

### **PUBLIC COMMENT SUMMARY**

During the public comment period for this THP as described above, there were three comment letters received at the CAL FIRE Region Headquarters in Santa Rosa. The first two letters were from a law firm containing several environmental concerns with the third from a local resident containing similar concerns. This OR will respond to concerns associated with the proposed THP that were brought up in the public comment letters. General concerns are grouped by subject matter followed by the Department’s response. Unique individual concerns from a public comment letter are addressed after the general concerns immediately following that comment along with referencing any general comment responses that may be associated with that response. The public comments are identified with the CAL FIRE “PC” code. A copy of the original letters and any attachments included that were sent to the Department are viewable through the Department’s online Forest Practice Database CalTREES.

**CalTREES instructions:** navigate to <https://caltreesplans.resources.ca.gov/caltrees/caltrees.aspx> Click the search icon at the top of the page, then type the Plan # in the Record Number box (county identifier not needed). Under the Document Number column, select the Plan Number for the “Timber Harvest Plan” Type. Below the “Record Details” should be a list of attachments for the Plan. (Note: if there are a substantial number attachments, or attachments with large file sizes, it may take some time to load) The Public Comments are labeled under “Record Type” and are in pdf format, usually with a “PC” label.

### **SIGNIFICANT ENVIRONMENTAL GENERAL CONCERNS WITH RESPONSES**

#### **1. GENERAL CONCERN: Supporting THP Documents are not readily available and outdated**

**RESPONSE:** The Timber Harvesting Plan as submitted and subsequent inspection reports and revisions are all available through the CalTREES website (see above for instruction tips): <https://caltreesplans.resources.ca.gov/Caltrees/Default.aspx>

The HRC Habitat Conservation Plan is available online at: <https://www.hrcllc.com/sites/default/files/inline-files/HCP%20updated%20to%2003-2019.pdf>

The HCP was updated on March 8, 2019 containing language changes from adaptive management, minor modifications, and property-wide consultations. Additionally, on the HRC website there are several annual reports posted for the HCP providing status updates on the HCP including rare plants, the road plan, and many sensitive species:

<https://www.hrcllc.com/habitat-conservation-plan-hcp-reports> . The claim that these documents are stagnate and not appropriate as a reference for the proposed THP is unfounded.

Access to the FEIS/EIR is stated on page 152 of the THP:

*“Hardcopies of the FEIS/EIR are available for public review at CAL FIRE Region Headquarters in Santa Rosa, CA, and Paper copies of the FEIS/ summary may be obtained by contacting the USFWS, Arcata, California.”*

Additionally, CAL FIRE will also be providing any documents in CAL FIRE’s possession pursuant to the recent Public Records Act request for THP 1-21-00153-HUM, which will include the FEIS/EIR.

The FPRs do not require all reference material for harvesting Plans to be made available online. Though the Department finds the majority of the critical information referenced in the THP is readily accessible through CAL FIRE or HRC websites. There was no evidence of missing information or analysis as mentioned in comment letters. The Review Team found the THP in compliance with the FPRs and the HRC HCP to ensure the protection of resources and provide maximum sustained production of high quality timber products.

## **2. GENERAL CONCERN: The THP is Incomplete**

**RESPONSE:** A Timber Harvest Plan is considered functionally equivalent to an Environmental Impact Report, and not “abbreviated” as stated in the comments, and is therefore compliant with CEQA. Per 14 CCR § 896:

*General (a) The purpose of the Forest Practice Rules is to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these Rules shall be followed by Registered Professional Foresters (RPFs) in preparing Timber Harvesting Plans, and by the Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102 and 51115.1 of the Government Code. It is the Board's intent that no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in these Rules which would substantially lessen or avoid significant adverse Impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5. In recognition of that certification and PRC Section 4582.75, these Rules are intended to provide the exclusive criteria for reviewing THPs. If the Director*

*believes that there are significant adverse environmental Impacts not covered in existing Rules, matters should be referred to the Board as otherwise specified in these Rules.*

PRC Section 21080.5 does not include language that a project be mandated to contain the final completed version of a project to start the open public comment period. As the comment states the project needs to be “available for a reasonable time for review and comment by other public agencies and the general public”. On the contrary it would seem to go against the intent of the process to not allow comments that may have valid concerns during the review process which could be reviewed, vetted, and potentially incorporated as revisions to the project. This THP was originally received by the Department on 9/29/2021, with the close of public comment taking place on 12/23/2021. This open period provided nearly 3 months where the public could review and comment on the THP. Because of the evolving nature of a THP, the majority of the Plan was submitted at filing with minor subsequent revisions being uploaded to CalTREES consisting of updated pages after Review Team recommendations.

Throughout the course of the review of this THP, revisions were accepted by the Department as standard practice for the THP review process. These revisions have been clearly labeled with page numbers and revisions dates and uploaded to CalTREES for access by the public. The files in the database are labeled as to which revisions are contained in the pdf and the date of the revisions. These revisions are generally available online to the public in 1 to 5 business days of submission to the Review Team. It is noted that the Plan is not continually updated as a completed document as revisions come in since that effort is simply not feasible for CAL FIRE Forest Practice to constantly provide an updated complete version of the Plan. The information is readily available online and organized and labeled in a reasonable method. Additionally, CAL FIRE Forest Practice Region offices continually take phone calls to help the public understand available information in CalTREES for THPs and answer questions about the THP review process. A final version of the sections of the Plan with the incorporated revisions will be compiled by the Department and posted on CalTREES by section number, if the Plan is found to be in compliance with the FPRs, along with this final OR.

Per CEQA Guideline 15126.4(a) the range of feasible alternatives is required and included in Section III of the THP. It is impractical to list “all” alternatives for a project area as requested in the concerns. There were six alternatives included in the discussion and the Review Team concluded that the Plan was in compliance with the CEQA requirements for alternatives and is considered complete. The Department agrees with the statements in the Plan for the alternative analysis starting on page 124:

*“This THP is prepared in accordance with the landowner's State and federally approved HCP, federal Incidental Take Permits and Aquatic Conservation Strategy. Following extensive environmental and public evaluation, review and adjustment through the Joint Environmental Impact Statement/Report (EIS/EIR) process, CAL FIRE, CDFG, USFWS, and NMFS found that, with adherence to the measures provided in the HCP's Operating Conservation Program, timber harvest would not pose direct or cumulative adverse environmental effects on all HCP covered lands.*



*This "Project Alternatives Analysis" further demonstrates that the RPF has developed this proposed THP project within the scope of the EIS/EIR process. At the time the EIS/EIR and HCP were approved, it was unknown where each future THP would be located, and the specific attributes of each project. The State and federal agencies approved the landowner's EIS/EIR and HCP on the basis that future timber harvest projects, such as this THP, were expected to occur."*

*"The overall objectives of this project are to effectively manage the proposed THP area for timber production using sound forest practices, with due consideration for the conservation of biological and watershed resources. As a function of the HCP, operations on this project will ensure that watershed and biological resources will be protected, with the added emphasis of improving properly functioning watershed conditions over time. This THP is one part of an ongoing process to produce logs, high quality timber products, and a source of income, while continuing to invest in the landowner's timberlands to ensure that the long-term sustained yield\* (LTSY) goals may be realized."*

*"The RPF has considered six alternatives for discussion in this THP: 1) The No Project Alternative, 2) Public Purchase of the Timber/Timberland or Purchase of the Timber/Timberland as a Conservation Easement Alternative, 3) Alternative Silvicultural Methods, including, a) The Silvicultural Methods That Were Not Chosen, and, b) The Silvicultural Methods That Were Chosen, 4) Alternative Harvesting Practices, including, a) The Harvesting Practices That Were Not Chosen, and, b) The Harvesting Practices That Were Chosen, 5) Delaying the Timing of the Project, or Alternative Project Locations on the Ownership, and 6) Alternative Land Uses."*

The commenters concern that the "description of the project" is lacking is not supported by the Department and was determined to be in compliance with CEQA Guidelines 15123 - 15126. The THP is nearly 350 pages, all describing the proposed operations, the regulations required, and the supporting information needed. Additionally, starting on page 124, the Plan describes a brief summary of the project:

*"All of the required contents as outlined in 14 CCR § 1034 (a-z) have been included in this THP document (reference Sections I, II, and III of the THP for project description information). In short, this THP proposes to harvest 418.2 acres under the Selection, Group Selection, Special Treatment Area silvicultural systems, contained in the Thompson Creek and Cameron Creek Planning Watershed. Harvesting methods are Ground Based and Cable. There are 7 miles of existing roads and landings. The THP proposes 1,022 feet of new road construction and abandonment of approximately 630 lineal feet of existing road. Optional site preparation operations such as burning and mechanical; ground-based equipment yarding during the winter period (if certain weather conditions are present); and no removal of downed woody material such as previously felled and bucked trees or windthrow. The RPF has assessed how the project will interact with the environment in the cumulative impacts assessment (reference Section IV of this THP)."*

Section II of the THP contains the mitigation and protection measures which are the foundation of the Plan. These Items are the cornerstone of timber operations and provide a blueprint for the enforceable language that has been agreed upon with the Review Team. No evidence has been provided to counter these proposed timber operations, with which professional review agencies have concurred.

### **3. GENERAL CONCERN: The Cumulative Impacts Assessment is not adequate**

**RESPONSE:** Section IV of the THP, starting on page 151 to 253 contains nearly 100 pages of cumulative impacts assessment. The CAL FIRE inspector concluded the following in regards to the cumulative impacts assessment in the PHI Report starting on page 8:

- The defined resource assessment area was determined appropriate.
- The RPF correctly assessed the potential for significant cumulative impacts upon resource values within the defined assessment areas.
- The RPF accurately listed all known past/present/future projects within the assessment area including other CEQA projects that have a similar effect on the environment.
- The RPF has assessed for impacts that may combine with existing listed stressors to impair beneficial uses of waterbodies within or downstream of the proposed Plan that are listed as water quality limited under Section 303(d) of the Federal Clean Water Act.

It was identified that potential “cannabis growing” operations were not addressed in the cumulative impacts as noted in the public comments. Page 170 of the Plan was revised and now adds clarification to the impacts of this potential activity in the WAA:

*“It is common knowledge that there are many permitted and non-permitted cannabis farms within the THOMPSON CREEK & CAMERON CREEK Planning Watersheds. Permitted cannabis farms are subject to the CEQA process to attain the permit to cultivate, therefore they are considered to have no significant impact on the resources. It is difficult to know the size and location of non-permitted cannabis farms, but HRC is regularly monitoring for these activities on the ownership. There are currently no known active non-permitted cannabis farms within the HRC ownership.”*

The Department finds the Plan sufficiently addresses the requirements for the Board of Forestry Technical Rule Addendum No. 2 Cumulative Impacts Assessment along with the Plan Submitter Watershed Resource Assessment checklist. Through the review process there were minor revisions needed for clarity, which have been incorporated into the final version of the Plan and have been well documented through CalTREES. All resource subjects listed in the analysis contained findings that concluded the Plan would not contribute significantly to cumulative impacts in the assessment area individually and collectively. The Department agrees with these findings and supports that the Plan properly addresses the requirements listed under CEQA Guideline 15130 “DISCUSSION OF CUMULATIVE IMPACTS”.

#### 4. GENERAL CONCERN: Herbicide Treatment

**RESPONSE:** The email exchange provided in public comment letter 21PC-000000677 stated the following from the Plan submitter about the “Hack and Squirt” (hardwood sprouting) herbicide treatment:

*“There is no plan for hardwood treatment yet. There may be some hack and squirt the tan oaks, but I do not believe there will be a whole hillside of standing dead oaks. There really is not a lot of oak in that spot.”*

Section IV describes in detail the use of herbicides in the THP, the following are excerpts from that discussion starting on page 176:

*“Herbicides are used to temporarily control the growth of brush and weeds that compete with conifers for nutrients and sunlight while the conifers are young. HRC uses a subclass of pesticides referred to as “herbicides”. This is an important distinction, for the methods by which herbicides control vegetation are related to plants and their unique growth mechanisms. Unlike insecticides, herbicides are generally not toxic to animals, because they do not try to disrupt energy pathways or essential vertebrate life processes. It is important to note that the herbicides used by HRC, are virtually non-toxic to humans. Forest application of herbicides may occur, on average, once or twice on any given forest acre during the course of uneven age stand development (HRC typically follows a 20-40 year return interval in uneven age management). The use of herbicides mimics and accelerates the natural progression of growth in a timber stand. Sometime before and/or after artificial regeneration, often in terms of years, planted trees may be aided by herbicide application designed to suppress competing vegetation until the young conifers can overtop the competition. This creates the association between harvesting and the ultimate application of an herbicide. Potentially significant, adverse, cumulative impacts are not expected from herbicide application with such long intervals between applications on any acre. Herbicide use was evaluated for potential impacts in the PALCO FEIS/EIR conducted in association with the HCP, with an entire section of Chapter 3 devoted to the subject, beginning on page 3.14-1 of that document. The FEIS/EIR clearly states how and why herbicides are used, discusses the chemicals that may be used, discloses target species to be treated, and describes the methods of application, potential impacts, and the mitigation measures taken to reduce potential for significant adverse impact. Herbicides that might possibly be used in reforestation have been the subjects of extensive testing and research within a certified regulatory program under CEQA administered by the Department of Pesticide Regulation (DPR). The DPR regulatory program is a functional equivalent of an Environmental Impact Report (EIR) certified by the California Secretary of Resources pursuant to PRC Section 21080.5. The DPR regulatory program is designed to study and test pesticides, and to mitigate potential environmental effects by the totality of the registration, label, and commercial application control processes. These processes include the US EPA label (which is a binding legal document) that prescribes limitations on use and mitigations for proper use. California may add additional restrictions beyond the EPA label and does so through the classification of an EPA labeled pesticide as a California “Restricted Use” pesticide.*

*California's DPR process also requires additional site-specific analysis, before any commercial application of pesticides (including herbicides). The analysis takes the form of a written recommendation for herbicide use prepared by a licensed Pest Control Advisor (PCA). Finally, this program requires that the application of any pesticides be supervised by licensed Qualified Applicators. HRC works with all contractors to ensure applications are conducted in a professional manner that strictly follows all regulatory and licensing requirements. Licensed Qualified Applicators (QAL/QAC) are required to attend 20 hours of continuing education every 2 years to maintain their licenses. Pest Control Advisors are required to attend 40 hours of continuing education every 2 years."*

*"The County's agricultural commissioner oversees portions of the DPR's functional equivalent program and is designated as a state agency for the purposes of certification (3 CCR 6100(a)(7)). Detailed records are kept on any pesticide application. This information is tracked by DPR and is available to the public. The labels usually require that non-protected contact with herbicides be avoided until the applied herbicides are dry."*

*"HRC regularly analyzes the potential for herbicide use within the THP area to the maximum extent feasible given the obvious constraint that such activity is remote in time, speculative and not susceptible to accurate description because future circumstances will dictate the extent, method and quantity of application assuming herbicides are used at all. The combinations of variables (timing, weather conditions, herbicide to be used, application method and amount, site specific location, etc) would lead to thousands of potential combinations and wasted speculative analysis that CEQA does not require (PRC Sec. 21083 and 14 CCR 15145)."*

The Department agrees with the conclusions found for the use of herbicides in this Plan located on page 184:

*"Application of herbicides on any one acre of HRC forestlands may occur once or twice every 50-80 years. HRC has undertaken an analysis of potential impacts and alternatives given the current state of the scientific knowledge of the products registered for use on conifer forestlands. We have further discussed the speculative nature of the amount and timing of use of these products on forestlands. Considering the typical pattern of use of these products, the history of past use, and the label restrictions and regulations on the use of these chemicals, HRC concludes that there will be no significant potential adverse environmental impacts from the application of registered materials if they are used in accordance with existing label precautions, the existing statutory mandates and the Forest Practice Rules."*

*"HRC further concludes that these products do not eliminate grasses, herbs, weeds, and brush species, but do provide for a temporary reduction in competition for planted conifers, so that young conifers may be able to survive and grow more rapidly. Herbicide use is sometimes necessary as part of HRC's required demonstration of maximum sustained production, which is the Board of Forestry's effort to interpret into rule language the legislative goal of maximum sustained production of high-quality forest products while giving consideration to the other forest values. A policy of no herbicide use is not a feasible*

*alternative. HRC also concludes that there will be no potential adverse environmental impacts to water quality considering the watercourse and lake protection buffers and label restrictions. After reasonable study, there is no evidence known to this applicant to support the conclusion that application of herbicides in a lawful manner would constitute a significant adverse impact on the environment.”*

## **5. GENERAL CONCERN: Increased Wildfire Hazard**

**RESPONSE:** Section IV addresses and evaluates the fire safety and risks for the THP on page 215:

*“The existing fuel conditions within the THP area includes both vertical and horizontal continuity of live and dead fuels. The stand type in the THP most resembles a two tier stand that has an overstory of residual second growth conifer and hardwoods and a mid-level canopy of second and third growth conifer and hardwood regeneration and moderately dense ground cover consisting of grass and brush. There is dead fuel located sparingly throughout the THP area in the form of snags and down woody debris. Through management of the stand using unevenaged management the future fuel conditions will be modified.*

*The use of selection and group selection silviculture (unevenaged management) will significantly reduce the amount of surface and ladder fuels. This silviculture will individually select trees and small group openings for harvest. In many cases the overly dense, poor health and poor form trees are harvested to release the dominant and codominant conifers and promote conifer regeneration in the understory. The retention of healthy conifers will improve the overall stand health and provide for a more fire-resistant stand. Similarly, the selection of individual trees from the stand matrix will reduce vertical and horizontal continuity within the stand as trees with intermingling crowns are thinned to provide additional resources for the retained trees.*

*Additionally, the practice of logging creates and maintains fuel breaks in the form of skid trails, cable corridors and truck roads whose presence contributes to a reduction of vertical and horizontal continuity. Also during the course of logging operations, a generous volume of limbs, tops and other miscellaneous woody debris are brought from the woods to the landing which results in a reduction of fuel materials in the woods. Once on the landing the generated fuels can be managed in a controlled setting by piling and burning the material. Alternatively, the material may be spread and compacted which reduces the vertical continuity of the material.*

*Although the project is not specifically labeled as a fuel hazard reduction project, operations associated with this THP will result in fuel treatments that will lower the risk of catastrophic wildfires by managing vegetation to modify/reduce hazardous fuels. Reducing fire intensity through vegetation management can substantially aid in wildland fire containment and control, while creating safety zones for fire fighter and citizen safety.*

*This THP will modify the fuel composition which will modify fire behavior to reduce environmental damage and aid in suppressing wildfires.*

*Benefits from fuel treatments include; prevent loss of lives, reduce fire suppression cost, reduce private property losses and protect natural resources (control of unwanted vegetation, including invasive species, improvement of rangeland for livestock grazing, improvement of fish and wildlife habitat, enhancement and protection of riparian areas and wetlands, and improvement of water quality) from devastating wildfire.*

*The removal of various levels of tree and brush is a management tool commonly used in fire-prone forests to reduce fuel quantity, fuel continuity, and the associated risk of high-severity forest fire. Collectively referred to as fuel reduction treatments, such practices are increasingly employed across California forests, where a century of fire suppression has allowed fuels to accumulate to levels deemed unacceptably hazardous. The efficacy of fuel reduction treatments in temporarily reducing fire hazard on a given site is generally accepted and, depending on the prescription, may serve additional management objectives including the protection from insect and pathogen outbreak, and providing wood products and associated employment opportunities. However, the long-term capacity of any particular fuel-reduction system in altering landscape fire patterns and the impact of such practices on forest biomass remains difficult to predict.*

*Location of known existing public and private fuelbreaks and fuel hazard reduction activities - Within the assessment area there are no known existing public or private fuelbreaks. Regardless, forest fire prevention is a top priority on HRC timberlands. Forestry staff visits the timberlands regularly to inspect active logging operations to insure logging operations are in compliance with the Forest Practice Rules. During these*

*inspections the condition and location of fire tools along with the fire prevention practices of contractors is observed. Forestry staff is looking for things such as adequate clearings around yarder blocks, spark arresters on chainsaws, proper maintenance of equipment, and establishment of fire breaks around all slash piles. Prior to logging operations, a meeting is held with the LTO to discuss plan specific information and to address important fire prevention issues such as access, fuel moisture, water sources, and company policies regarding smoking and warming fires. During logging operations there is equipment available on site or elsewhere on the ownership in relatively close proximity that is suitable for the construction of fuelbreaks or to support CalFire in fire suppression activities.*

*Road access for fire suppression resources - The road network located on HRC lands is well situated to provide access for fire suppression resources. The road network begins at the gates that lead to HRC property. Gates are generally left open during the day while active logging operations are occurring which allows access for fire suppression resources. Gate openings are wide and allow access for large pieces of logging equipment and will also service fire suppression trucks, equipment and personnel. A large portion of the road network are rock surfaced permanent roads that are capable of providing year-round access for logging operations and fire suppression*

*resources. The remaining dirt surface roads that access active THP areas will be maintained as open and usable during the time of year when fire hazard is at its greatest.*

*This THP straddles Dyerville Loop Road, a public road, for approximately 1 mile. As required by 14 CCR 917.2(b) slash treatment will occur within 100' of Dyerville loop road to reduce the fire hazard. The county road may temporarily experience short closures for safety during timber operations but will remain passable to emergency services and fire fighting equipment.*

*Findings – The silviculture treatment and logging operations will effectively function as a fuel break by reducing the horizontal and vertical continuity of the fuel. Additionally, the THP area will easily be accessed by fire suppression equipment through the HRC road system in the event of a wildfire, and will not alter emergency services ability to pass along Dyerville Loop Road. It is the RPFs opinion that this THP will reduce the risk of catastrophic wildfire.*

During timber harvest operations, equipment and personnel are required by regulation to be available to fight a fire if one should start in the immediate vicinity when harvesting is occurring. PRC § 4428 requires that each logging crew have a firefighting tools cache and PRC § 4431 requires that each chainsaw operator have at least one serviceable round point shovel or one serviceable fire extinguisher within 25 feet. These firefighting tools, and equipment such as tractors/skidlers allow operators to immediately respond should a fire start as the result of natural causes (i.e., lightning), harvest operations, or other causes in the vicinity of active harvest operations. The Forest Practice Rules require that access for fire equipment be kept in passable condition during timber operations when those operations occur during fire season (code section 14 CCR § 923.6). Periodic inspections by CAL FIRE include the verification that the firefighting requirements are in place or a violation may be issued.

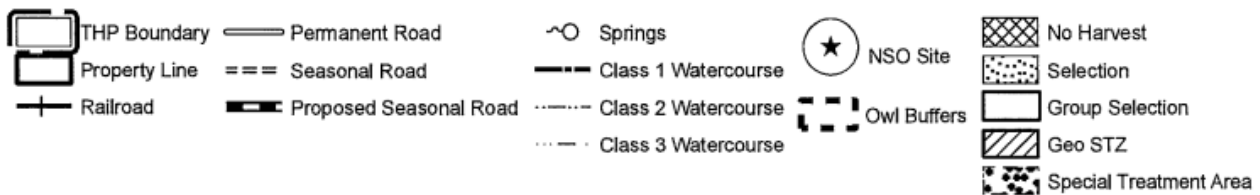
Section II, Item 30, starting on page 73 of the THP, references that hazard reduction shall provide standards for the treatment of snags and logging slash in order to reduce fire and pest safety hazards in the logging area, to protect such area from potential insect and disease attack, and to prepare the area for natural or artificial reforestation while retaining wildlife habitat per 14 CCR § 917. It was identified that slash treatment will occur within 100 feet of the edge of traveled surface of public roads.

When asked to evaluate potential fire hazards associated from timber operations from First Review of the THP, the CAL FIRE inspector stated; "I observed no unusual fire hazards during the PHI which would require suggested prescriptions." It was also concluded in the PHI report for wildfire hazards with the proposed THP that:

- The proposed treatments will be sufficient to reduce fire hazard and provide defensible space around buildings and along roads.
- The proposed hazard reduction methods will be effective for the purposes of reducing damage to the natural environment, or to other resources.

**6. GENERAL CONCERN: Wild and Scenic River Acts, and riparian setbacks are not adequate.**

**RESPONSE:** Section II, Item 14, starting on page 10 of the Plan outlines the Special Treatment Area near the Eel River to ensure compliance with the Wild and Scenic River Acts. There is a 200 ft. buffer from the edge of the Eel River banks extending past the railroad as required under PRC § 5093.52 and as defined in 14 CCR § 895.1 (special treatment area). Additionally, there are 1.6 acres of Special treatment zone near the edge of the “No Harvest” area past the railroad as displayed in the Silviculture Map on page 92 of the Plan to accommodate the increased protection of the Eel River. See screen shot of the STA from the map below:



Section II, Item 26, starting on page 46 of the THP, describes and discusses detailed mitigation measures for timber operations near or on the watercourse lake protection zone per 14 CCR § 916. The CAL FIRE inspector concluded the following in the PHI report:

- Watercourses have been correctly described and classified.
- Proposed protection measures for watercourses, lakes and wet areas are adequate to protect the beneficial uses of water, native aquatic and riparian species, and the beneficial functions of the riparian zone.
- Proposed protection measures are adequate for areas near and areas with the potential to directly impact watercourses and lakes for sensitive conditions.

Neither the Department, nor any other government agency from the Review Team, had any concern about unmitigated issues for operations near the Wild and Scenic Eel River.



**7. GENERAL CONCERN: Impacts to recreation, visual, and traffic resources are not adequate.**

**RESPONSE:** Section IV of the THP discusses the impacts to the recreation, visual, and traffic resources in the cumulative impacts assessment as required by the Board of Forestry Technical Rule Addendum No. 2. Minor revisions were made during the review process for clarity and to address public comment letter concerns. The following starts on page 209 of the THP:

*“5.4 Recreational Resources Assessment*

*The THP area and the area within 300 feet of the THP boundary was assessed for potential impacts to recreation resources (Soil Productivity and Recreation Assessment Map, APPENDIX A). Within 300 feet, sights and sounds are greatly diminished due to surrounding vegetation and other physical barriers. The project area is behind locked gates and is not open to the general public. The restriction of recreational activities also led to the selection of this assessment area.*

*Recreation opportunities exist within the Eel River, but those opportunities will not be impacted due to the RMZ buffers along the river. Analysis of recreational effects is provided in the FEIS/EIR Volume 2, 3.17, pages 1 - 7.*

*This area is private property and is zoned as a Timber Production Zone. This land is not open to the public for recreational use. Conventional logging operations are not known to have caused significant adverse impacts to recreation resources in the area in the past, therefore, none are anticipated for this THP, either singly or cumulatively.*

*The operations and silviculture proposed in the Special Treatment Zone of the THP along the Eel River are not expected to affect the recreational resources of the Eel river due to the RMZ buffer along the river. The railroad tracts that traverse the THP and parallel the Eel river are along the planned route of the Great Redwood Trail. HRC has been contacted regarding the planning of the route, but there is currently no plan for the implementation of trail. If the route were to go through this THP the trail would be well within the No Harvest buffer on the Eel River, and would give hikers a view into an actively managed forest.*

*Finding: After considering the risk for the proposed project to harm recreation resources, the forester has determined that there is no reasonable potential for impacts from this project to join with the recreation resource impacts of any other project to cause, add to, or constitute significant adverse cumulative impacts.*

*5.5 Visual Resources Assessment*

*The visual assessment area is defined as the project area that is readily visible to a significant number of people who are no further than three air miles from the forest operation (see Cumulative Assessment map, APPENDIX A). This area was assessed following the guidelines of 14 CCF § 912.9 Technical Rule Addendum #2.*

*The operations proposed as part of this THP will be in view of the public from Dyerville Loop Road. This is not a heavily traveled road, therefore a significant number of people will not be able to view the THP are. Analysis of visual effects are provided in the FEIS/EIR, Volume 2, 3.16, pages 1 - 26.*

*The majority of the land covered in the HCP has been and will be managed consistent with the management of the surrounding lands. While individual THPs or portions thereof will be in view of communities adjacent to or within 3 miles of the THP, aesthetics of this plan are consistent with ongoing timberland management in this area.*

*Many travelers are interested in this industry and land management as evidenced by attendance at the logging museum and mill tours at Scotia, and the exhibits at the Humboldt Redwoods State Park Visitors Center in Weott. It is part of many travelers' expectations to see areas of on-going timber management, saw mills, log trucks and lumber trucks in northern California, just as they expect to see orchards and row crops from Interstate-5, or fishing boats and freighters in our harbors, or residences in suburban areas, or office buildings and industrial parks in urban areas. Many are interested in how and where we produce the material used by our society. The juxtaposition of the preserved redwood groves within Humboldt Redwoods State Park and these timber production zones is striking and interesting and exemplifies competing and incompatible land and resource uses. That our society values both commodity production and resource preservation is apparent. The fact that the view of the portions of the landscape planned for timber production changes more over time is not found to be a significant adverse effect.*

*Forests are not static; a harvested area will not remain open ground over time. Trees that have been retained, especially redwoods, will expand their crowns to utilize the available sunlight. Redwood stumps will sprout and these sprouts generally grow rapidly. Planted conifers will grow in the open areas. Open areas will quickly regain a forested appearance. This is evidenced in the history of the watershed, where approximately 90% was logged in approximately 20 years (the mid-1940s-1966) leading to development of stands such as those where harvest is currently being proposed.*

*The operations and silviculture proposed in the Special Treatment Zone of the THP along the Eel River is not expected to affect the visual resources from the Eel river. The RMZ buffer along the river will reduce the ability to view the THP from the river.*

*The THP project area will not be in view of any, public land, or highways within the three-mile visual assessment area, but will be in view of the community of Mccann. Considering the topography, the proposed THP does not pose a significant visual impact. The operations proposed in this THP conform with those described in the HCP. The aesthetics of this plan are consistent with ongoing forest and other resource management in the area.*

*Finding: Due to the moderate size of the plan, topographic relief, silvicultural methods used, distance from other landowners and intervening timber stands, it is highly unlikely*

*that any private viewshed will be impacted. After considering the risk for the proposed project to harm visual resources, the forester has determined that there is not a reasonable potential to join with the visual impacts of any other project to cause, add to, or constitute significant adverse cumulative impacts.*

#### **5.6 Vehicular Traffic Assessment**

*The public roads not part of the logging area where THP logging traffic must travel were assessed following the guidelines of 14 CCF 912.9 Technical Rule Addendum #2. This THP uses a road addressed in the FEIS/EIR, chapter 3.12. pages 1-12. That analysis determined that HCP activities would not cause adverse cumulative vehicular traffic impacts when conducting Covered Activities. The haul routes used under this THP will include the county roads and state highways that lead from HRC's timberlands to its mill. These include the following: State Highways 101 and 36, and attendant county roads.*

*Log truck traffic has historically occurred on these roads. Continuation of hauling operations at historical or current levels is not expected to cause a significant adverse impact to traffic on these roads. There are no existing traffic or maintenance problems along these routes during the summer tourist season. There have been no major problems causing significant traffic involving log trucks.*

*The RPF realizes Dyerville Loop Road is the main access road for the residents in McCann, and therefore the residents will likely encounter log truck traffic while traveling this route. The majority of the log truck traffic will be directed from the THP south towards Fruitland, leaving the Northern route mostly free from log truck traffic. Log truck drivers and the LTO will be instructed to drive courteously and be mindful that they are sharing a narrow public road with residents. The CB radio channel used for Dyerville Loop Road can also be posted near the THP boundaries so residents can communicate with log truck drivers. The residents should feel free to contact the RPF if they are anticipating a larger volume of traffic for events and wish to coordinate traffic.*

*Finding: Because the THP operations will add relatively few vehicles to roads that are designed for similar traffic, negative traffic impacts are not expected. Because other present and future projects are expected to avoid similar impacts due to separation in time and space, this THP will avoid significant adverse cumulative traffic effects."*

The Department finds the assessment and discussion of these resource subjects are adequate and in compliance with the FPRs and agree with the findings listed in the THP for these subjects. This was further supported by the CAL FIRE inspector from the PHI report on page 9 concluding that the RPF correctly assessed the potential for significant cumulative impacts upon resource values within the defined assessment areas. This includes the visual, recreation and traffic resource subjects. Additionally, no other member of the Review Team had any concerns about unmitigated issues in regards to the visual, recreation or traffic resource assessment.

**8. GENERAL CONCERN: Biological Resources assessment and impacts analysis are not adequate.**

**RESPONSE:** Section II, Item 32, of the THP, starting on page 75 contains enforceable language providing protection measures for several listed species that has been review and approved by the Review Team along with the citation of required rule regulations that the Plan shall follow. CDFW was involved with the review of the Plan and had no unmitigated issues for timber operations in regards to biological resource impacts, protection or assessment. The following was concluded from the CAL FIRE inspector in the PHI report in regards to biological resources:

- All state or federal listed species present in the Plan area have been accurately disclosed and mitigated.
- Impacts to wildlife and plants (including listed and non-listed species), have been correctly assessed within the Plan and appropriate protection has been provided.
- Post-harvest stand in the WLPZ will provide for large wood recruitment that improves or maintains salmonid habitat on Class I and Class II large watercourses and will retain the 13 largest conifer trees per acre.
- Proposed erosion control and soil stabilization measures for sediment control are adequate to protect salmonid habitat.
- Protection measures for Northern Spotted Owls and their habitat appear adequate and in conformance with the rules.

Section III, of the THP contains a detailed evaluation of listed species potentially impacted by the THP. These discussions outline the sensitive species and their habitat in regards to the potential impacts operations may have and proposed mitigation measures to reduce disturbance. The following is a summary explaining the content of these evaluations from page 142 of the Plan:

*“This addendum presents an analysis of animal and plant species, including their habitat, which are listed as threatened or endangered under federal or State law, or a sensitive species by the Board of Forestry. This addendum presents a series of “check boxes” that exhibits which species exist in, or near the plan area, or has other requirements under the HCP. The provisions (operational constraints required to mitigate impacts, if applicable) to be taken for the protection of any species identified in this analysis are included in Section II in the Plan of Operations.*

*This analysis is based on field examinations done while conducting timber harvest plan preparation in the area, review of the most current Natural Diversity Data Base (NDDDB) Overlay Maps, any HCP required surveys, other specific surveys, and a review of the specific habitat requirements of each species as identified in Section IV of the THP under the biological assessment.*

*For HCP purposes, listed, and a select list of sensitive species potentially affected by activities on the plan submitter ownership have been identified as below “covered species” for which HRC has obtained incidental take permits (ITPs). The ITPs cover operations in conformance with the HCP.”*

*The covered species under the HCP are the marbled murrelet, northern spotted owl, chinook salmon, coho salmon, cutthroat trout, steelhead trout, southern torrent salamander, tailed frog, red-legged frog, foothill yellow-legged frog, northwestern pond turtle, bald eagle, American peregrine falcon, western snowy plover, bank swallow, Pacific fisher, and red tree vole (HCP 3.3). Where applicable, these species will be afforded protection as provided under the HCP. For all other species, the standard Forest Practice Rules, consultation with State or federal agencies, a recommendation by a botanist, shall apply.*

The Department finds that the THP adequately evaluates the biological resources of the WAA and BAA and agrees with the summary statement and findings found in Section IV in regards to the assessment of biological resources:

*“Much of the assessment that examines the potential for cumulative effects on biological resources follows the approach taken in the analysis conducted for the HCP. A primary difference is the scale of area being considered. This cumulative effects analysis considers the potential effects of the proposed THP and future projects in the project-specific biological assessment area.*

*An overriding consideration for the analysis of potential cumulative effects on biological resources from projects within the assessment area is the determinations made by various wildlife agencies that accompany the HCP and Operating Conservation Plans. The basic concept of those documents is that specific areas of the covered lands are to be managed for the primary objective of maintaining and recovering late seral habitat. Maintaining and recovering late seral habitat and its connectivity will produce a high likelihood of maintaining sensitive species within the redwood region.*

*The presence of listed species within the assessment area will very likely be discovered prior to any operations. Focused surveys for plant and animal species are conducted as noted in Item #32 of the THP, and will be required for future HRC projects in the assessment area as required by the HCP. Because projects on covered lands within the assessment area contain HCP prescriptions that maintain the primary essential element of snags and down woody debris, its presence in the future is guaranteed. The HCP-required consideration of controlling disturbance rates through the Disturbance Index system effectively limits the spatial extent of short-term disturbance within the assessment area.*

*Because this analysis demonstrates that significant acreages of a variety of seral stages will be maintained, and because much of the acreage either now contains later seral stages or is expected to progress to later seral stages in the future, no adverse cumulative impacts to biological resources are expected. Because of the extent of habitat to be retained is within Class I and II RMZ's that are linear features that extend from valley bottom to upslope areas, connectivity of boreal habitat will be maintained.*

*Finding: Considering all of the above factors, it is anticipated that the proposed THP, in conjunction with past, present and future projects will not result in significant adverse cumulative effects."*

## **9. GENERAL CONCERN: Climate Change impacts and assessment are not adequate**

**RESPONSE:** Section IV, starting on page 212 of the THP outlines a detailed discussion evaluating the greenhouse gas / climate change impacts of the Plan:

*The proposed project will result directly and indirectly in carbon sequestration and temporary, insignificant CO<sub>2</sub> emissions. Carbon sequestration is achieved through a repeating cycle of planting and growing of trees that remove CO<sub>2</sub> from the atmosphere and store carbon in tree fiber. When a tree is harvested, most of the carbon-filled tree fibers become lumber that is sequestered in buildings while a new rotation of trees is planted and grown. Some of the tree fibers such as branches and tops are left in the forest where they are sometimes burned to reduce fire hazard. However, the vast majority of this material is left to decay and will emit CO<sub>2</sub> overtime; but, it also supplements the forest soils and forest duff layer where carbon is stored that serves as a substrate for more tree growth. In addition, redwood is a dominant species on Humboldt Redwood Company timberlands and redwood slash decays more slowly than slash from hardwood and whitewood species. Further, when CO<sub>2</sub> is released by decaying slash, it is offset by rapid regeneration of tree stands (including sprouts from redwood and hardwood species) and other vegetation that sequesters carbon. Some of this carbon-filled tree fiber, such as bark, shavings, and chips are used in other engineered building products or as fuel used to generate electricity. When this wood fiber is burned to generate electricity the stored carbon is released into the atmosphere, but it is being done in a controlled setting, which also fills a huge demand by our society. Another factor to consider is that when wood biomass is used to generate electricity it directly reduces the amount of fossil fuels required which are non renewable energy sources and generate CO<sub>2</sub> in more substantial quantities. Another point worth mentioning is that if this wood fiber were left to decompose naturally its stored carbon emissions would still nonetheless occur.*

*Using the CALFIRE GHG calculator, it is estimated that GHG sequestration for this project will be 86.94 metric tons of CO<sub>2</sub> per acre over the 100 year planning horizon. This sequestration total includes emissions from site preparation, non biological emissions associated with harvesting and non biological emissions associated with milling. GHG emissions associated with this project are insignificant relative to global CO<sub>2</sub> emissions that are thought to affect climate. There is virtually no opportunity to reduce these emissions in a manner that would meaningfully benefit the climate because they are already miniscule. (U.S.E.P.A. 2005). An acre of managed forest is entered with equipment once every 15-20 years with emissions measured in hours of equipment operation over that time period. Few if any other land uses can match the low intensity of CO<sub>2</sub> emissions over space and time that are associated with commercial forestry. In urban areas of California, a typical California household will operate one or more vehicles every day and the demands of that household will induce a variety of additional CO<sub>2</sub>*

*emissions for other forms of commerce, power production, and consumption. In rural areas, even a typical farm acre in California will be subject to equipment operation for several hours or days every year over 20 years - not once every 20 years.*

*The insignificant GHG effects of the proposed project are further diminished by the mitigating effects of carbon sequestered in wood products produced from harvest and by the forest stewardship principals used by Humboldt Redwood Company, which will increase forest stocking over time.*

*At the project scale, the beneficial impacts on carbon sequestration and the project-related CO2 emissions related to global warming are negligible and undetectable at the global scale. The CO2 emissions from vehicles used to implement the project over several weeks or months are dwarfed by the CO2 emissions from other routine daily activities engaged in by all Californians such as a single morning commute for even one city. Also, impacts from transportation will be further mitigated by the implementation of new standards for diesel engines recently adopted by the CARB (CARB 2008). When considering the impacts of this project on climate it is doubtful that a measurable change could be detected, even at the micro climate level.*

The Department agrees with the conclusions and findings presented in Section IV of the THP that proposed timber operations will not cause or add to significant adverse climate change impacts:

*“Regardless of the benefits that the project and similar past, present, and future projects will have on diminishing GHG emissions and promoting carbon sequestration, climate change is likely to occur. The rate and direction of climate change remains very uncertain. (IPCC 2007). It is a certainty that the earth's climate has changed in the past with variable cooling and warming trends, but no models exist to reliably predict the rate and direction of climate change or the regional or localized effects on temperatures, precipitation, growing seasons, drought, vegetation, and wildlife. (IPCC 2007).*

*In addition to redwood, HRC's timberlands grow hearty and resilient species such as Douglas-fir, a species that thrives in open stands following harvest. Douglas-fir grows in a variety of climates throughout western North America and are believed to have rapidly colonized vast areas following the end of the last Ice Age. Through its substantial and continuous investment in their timberlands, HRC has a strong incentive to nurture healthy and resilient forest stands on its property.*

*Finding: It is the RPF's opinion that after having performed the Cumulative Impacts Assessment for climate change, it has been determined that the proposed project as presented and mitigated, in combination with past, present, and reasonably foreseeable future projects will not cause, or add to significant cumulative impacts within the assessment area.”*

The Department finds the THPs climate change assessment as adequate. This is supported in the PHI report where the CAL FIRE Inspector concluded on page 9 that the RPF correctly assessed the potential for significant cumulative impacts upon resource values within the defined assessment

areas. This includes the greenhouse gas / climate change resource subject. Additionally, no other member of the Review Team had any concerns about unmitigated issues in regards to climate change assessment.

## **10. GENERAL CONCERN: Increase in erosion on the steep banks of the Eel River**

**RESPONSE:** In an email response to one of the public commenters the Plan Submitter responded with the following for increased erosion risk:

*“We have a licensed geologist that is evaluating this area exactly for this purpose. If there are areas that present a risk to the Eel from operations he will have mitigations that will be in place for us to abide by. One of the benefits of selection logging is that there are plenty of trees left behind to keep things stable.”*

Section II of the THP describes several mitigation and protection measures to help against increased erosion as outlined in Items 14 – 27. Timber operations most often help lower the risk of erosion by repairing and fixing potential and existing erosion issues in the area.

The erosion protection is further supported in Section V of the THP starting on page 277 as discussed in the Erosion Control Plan. The purpose of this plan is to provide “prevention and minimization measures for controllable sediment discharge”. Section V of the THP also included the Geologic and Channel Migration Zone Evaluation starting on page 288. In this report there are detailed discussions and evaluations of the proposed operations in regards to geologic concerns. The following was concluded in this report and supported by the Department:

*“Logging operations, as presently proposed under the McCanned Eel THP1 have a low probability of accelerating the contribution of landslide-derived sediment to down slope bodies of water or posing a significant hazard to public resources. Partial cut and no-cut silviculture methods will be implemented on slopes identified as unstable and posing a hazard to aquatic or public resources. The restrictive practices proposed on these slopes will result in the retention of a variably thick assemblage of conifers, hardwoods, and shrubs following the completion of operations. Timber-remaining in the no-cut and partial-cut areas will continue to provide canopy coverage, root strength, transpiration, and interception mechanisms. Even though the stabilizing effects provided by canopy coverage and root strength will decrease as a result of harvest operations, the overall reduction should be minor and, in our professional opinion, have a low probability of increasing landslide rates. This plan appears to conform to the hill slope-management strategy that applies to HRC ownership under the prescription of the HCP. Impacts from sediment delivery are not anticipated to exceed offsetting sediment mitigation required under the terms of HRC's HCP.*

*Based on the level of harvest proposed on and adjacent to higher risk slopes and assuming that our recommendations are incorporated into the plan, we conclude that the operations, as presently proposed (Single Tree Selection, Group Selection, RMZs, and STZs), have a low probability of significantly increasing the risk to aquatic resources as it*



*relates to landslide processes. Decreasing stand density above the STZ-NC zone above Dyerville Loop Road also has a negligible probability of triggering ground movement that could be a hazard to off property public resources.”*

CGS concluded the following from their PHI report:

*“CGS attended the PHI for the above referenced THP. The RPF, working with the licensed geologist, appears to have been aware of the geologic framework of the region and appears to have reasonably used the recommendations of the geologist and the unstable area definitions put forth in HRC HCP, California Forest Practice Rules and California Licensed Forester Association Guidelines (PALCO, 1999; HRC, 2007; CALFIRE, 2021: CLFA, 1999). Overall, the plan's mitigation measures appear to be reasonable based on our field reconnaissance conducted as a part of the PHI...”*

There was one recommendation provided by CGS from the PHI. This revision was received by the Department and incorporated into the Plan prior to Second Review. There were no more unmitigated issues with geology outstanding for the THP.

The CAL FIRE inspector concluded the following in the PHI report from page 6 in regards to erosion and or geology issues:

- The erosion hazard rating for soils within the operating area has been correctly calculated, as per Technical Rule Addendum #1.
- Erosion hazard ratings have been correctly shown on the Plan map, as per 14 CCR § 1034(x)(8).
- The proposed erosion control methods (e.g. waterbreak spacing and/or treatments for exposed soil) are adequate to reduce soil loss.
- Unstable areas been properly identified.
- Operations proposed on unstable areas are appropriate and properly mitigated.

## **SIGNIFICANT ENVIRONMENTAL CONCERNS AND RESPONSES**

**21PC-00000666** - from Jason Holder on December 21, 2021

On behalf of neighbors of the above-referenced proposed THP concerned about its potentially significant impacts, I am writing to request electronic copies of the following documents referenced in the THP and relied upon for the analysis of impacts and identification of mitigation and other protective measures:

- Final Environmental Impact Statement and Environmental Impact Report (FEIS/EIR) Volumes I, II, and III,
- Habitat Conservation Plan/Sustained Yield Plan for the Headwaters Forest Project, January 1999;
- Biological Opinion, prepared by NMFS and USFWS, February 24, 1999;
- Upper Eel Watershed Analysis Final Report, 2006; and

- Prescriptions Based on Watershed Analysis for HCP Ownership in the Upper Eel Watershed, California, April 4, 2007;

The above documents are not available online. The THP states that the FEIS/EIR is only available in paper form at the Arcata USFWS office (Section IV, p. 155). Please immediately provide the undersigned with electronic copies of the background documents listed above (and referenced in the THP). Please also make these documents available online so that the reviewing public has access to important "first-tier" impact analysis. Without this information, it is impossible for the reviewing public to make sense of the analysis in the THP and meaningfully participate in the THP review process.

Further, because the above documents were not made readily available for public review during almost all of the THP public review period, we request that the public review period be extended past the current deadline of December 23, 2021. The public review period should be extended by at least two weeks following the above documents being posted at the CalTrees website for this THP (or otherwise made readily available online to the public).

**RESPONSE:** Please see response to General Concern #1 above.

**21PC-00000607** - from Jason Holder on December 23, 2021

(Note: original footnotes from the letter are included at the end of the text for this public comment)

On behalf of several neighbors residing in the McCann area adjacent to the middle main fork of the Eel River, we respectfully submit the following comments on the above-referenced Timber Harvesting Plan (THP) identifying areas in the proposed THP requiring further impact analysis and mitigation, as required under the Z'berg-Nejedly Forest Practice Act of 1973 ("Forest Practice Act").<sup>1</sup> We request that the agency officials carefully consider these and prior comments submitted on the THP when considering whether to approve the timber harvesting activities as proposed or with modifications.

By providing these comments and the comments concerning the THP, the neighbors to the proposed activities intend to foster a productive dialogue with staff of California Department of Forestry and Fire Protection ("CDF" or "CalFire") and the applicant, so that the environmental issues of pressing concern to the McCann community are satisfactorily resolved. While we have noticed problems with other sections of the THP, we place special emphasis on the sections that address impacts to aesthetics and recreational values associated with the adjacent "Wild and Scenic" Eel River, impacts to a diverse array of biological resources and their habitat, the potential to increase wildfire risks, traffic safety impacts, contributions to cumulative impacts, and community degradation

### **I. Introduction: the THP Does Not Adequately Analyze and Mitigate the Proposed Activities' Impacts.**

The THP is inadequate as a public information and disclosure document concerning a timber harvesting project located in a biologically rich and sensitive area. This THP will impact a stand of

second-growth forest on a steep hillside adjacent to the Eel River, a documented wildlife movement corridor and a designated Wild and Scenic River. <sup>2</sup>

This stretch of the Eel River has already been impacted by historic and recent THPs and recently approved industrial-scale commercial cannabis projects. The THP does not consider the proposed THP in this context of increasing cumulative impacts on a sensitive and protected natural resource.

## **II. The EIR/EIS and Watershed Analysis Upon Which the THP Purportedly Relies Should Be Made Readily Available to the Public By Being Posted Online.**

The THP relies upon and effectively tiers off of an Environmental Impact Report (“EIR”) / Environmental Impact Statement (“EIS”) (“EIR/EIS”) prepared by the U.S. Fish & Wildlife Service (“USFWS”) and CDF for the Habitat Conservation Plan (“HCP”) upon which the THP also relies for standards, protocols, and mitigation. During the public comment period for the THP, the undersigned requested an electronic copy of the EIR/EIS and several other referenced documents.<sup>3</sup> However, we have not received any response to this request in the following two days. As stated in our request, without this referenced information, it is not possible for the public to meaningfully participate in the environmental review process.

Rather than only making paper copies of this critically important document available at the Santa Rosa CalFire office and the Eureka USFWS office, as described in the THP,<sup>4</sup> the EIR/EIS should be made available online for the public’s access and review. By not making this background environmental review document readily available to the reviewing public, CDF has not made a “good faith effort at full disclosure” as required under CEQA. A lot has transpired since 1999, not least of which is the widespread availability of pertinent information online. If CDF and Responsible Agencies intend to rely upon the EIR/EIS for impact analysis purposes, as stated in the THP, then this document should be easily accessible to the reviewing public. Please immediately provide the undersigned with a copy of the EIR/EIS and please provide notice when the HCP EIR/EIS has been posted to a website or otherwise made available for public review.

Limited access to supporting documents and information has compromised the public’s ability to review the THP in its full context. Most notably, CDF has not made the HCP EIR/EIS, the relevant Watershed Analysis, and watershed-specific THP checklist and monitor information, available online during the public comment period. The neighbors reserve their rights to submit supplemental comments following our review of produced and outstanding documents and information.

## **III. General Comments on the Proposed THP**

### **A. The THP Does Not Explain or Demonstrate Compliance with the federal Wild and Scenic Rivers Act and California Wild and Scenic Rivers Act.**

The THP’s primary emphasis is on commercial timber harvest and compliance with the state requirements for a THP, as implemented by CalFire. Under the Forest Practice Rules, the 200-foot wide area adjacent to the Eel River is defined as a “special treatment area.” <sup>5</sup> The THP does not acknowledge this special designation and the added protection it affords under statutes and regulations. The THP also does not explain or demonstrate compliance with the federal Wild and

Scenic Rivers Act (“WSRA”) and the state Wild and Scenic Rivers Act.<sup>6</sup> The HCP, as revised in August 2015, does not even mention wild and scenic rivers, nor does it address measures to protect these designated rivers.

The WSRA establishes a system where “certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.”<sup>7</sup> The WSRA requires CalFire, as a state cooperating agency, to place “primary emphasis” on protecting the river’s esthetic, scenic, historic, archeological, and scientific features.<sup>8</sup> The THP should be revised to address consistency between the proposed activities and both the federal and state statutes – each of which protect this portion of a wild and scenic river, designated for its recreational values.

### **B. Effectively Tiering off of the 1999 HCP EIR / EIS is Inappropriate**

The THP describes and relies heavily upon the applicable HCP and the EIR/EIS prepared when that HCP was adopted.<sup>9</sup> The THP does not address how documents that are now more than 20 years old (and now contain quite dated and incomplete information) can continue to serve as the first-tier analysis for THPs proposed by Humboldt Redwood Company (“HRC”).

According to the appellate court decision upholding the HCP and its EIR/EIS, the HCP and the 1999 Implementation agreement “require PALCO to undertake a complete watershed analysis within five years so as to develop site-specific information that was not available at the time the EIS/EIR was prepared.”<sup>10</sup> The THP does not reference a relevant watershed analysis that has been prepared for the subject area. We have located a section of the watershed analysis for the Lower Eel River and Eel River Delta,<sup>11</sup> but have not located any portion of the watershed analysis for the Upper Eel River. Please provide the public access to any watershed level analysis that has been prepared for stretch of the Eel River in the vicinity of McCann. As is obvious, such an analysis would be highly relevant to the proposed THP and is essential for the promised level of detailed environmental impact analysis. The 1999 HCP refers to a THP checklist and states that the watershed-level analysis “will be used to create a THP checklist for each watershed to ensure implementation of watershedspecific prescriptions.”<sup>12</sup>

The 1999 HCP also refers to a “THP monitor.”<sup>13</sup> The THP, however, does not discuss whether the analysis complies with the THP checklist developed for the upper Eel River watershed and it does not disclose information concerning the required THP monitor.

While the THP should not rely on such a stale document for its substantive environmental review, if it is going to rely on the 1999 EIR/EIS, it must live up to the “expectation” assumed in that document “that more detailed examination of specific watershed sites will be forthcoming in the timber harvest plans.”<sup>14</sup> The THP preparers instead attempt to “have it both ways” by relying upon a stale generalized analysis that is not made readily available to the public for review to substitute for detailed project-level review.

### **C. The THP is Incomplete.**

The THP is subject to both CEQA and the Forest Practice Act. The THP is an informational document designed to serve as an ‘abbreviated’ environmental impact report, setting forth proposed measures to mitigate the logging operation’s potential adverse impact on the environment. CDF and public review of the THP prior to approval is intended to ensure that the adverse environmental effects are substantially lessened, particularly by the exploration of feasible less damaging alternatives to the proposed harvesting project.

[¶¶] As an ‘abbreviated’ EIR, the THP must contain sufficient information regarding the environmental effect of the logging project to enable the evaluation of the effect of the project on the environment, the feasibility of alternatives to the project, and the measures to minimize any significant adverse impact.

[¶¶] Section 21080.5 does not grant the timber harvesting industry a blanket exemption to CEQA’s provisions; it grants only a limited exemption to the applicability from CEQA by allowing a timber harvester to prepare a THP in lieu of a complete environmental impact report.<sup>15</sup>

More specifically, Certified Regulatory Programs (“CRPs”), such as CalFire’s THP program, are only exempt from chapters 3 and 4 of CEQA, and section 21167.<sup>16</sup> CRPs remain subject to CEQA’s substantive requirements articulated in Chapters 1, 2, 2.6, 5, and 6, including the language of section 21080.5.

Unfortunately, contrary to CEQA’s requirements, the THP does not provide a detailed description of the proposed project, a thorough analysis of the project’s direct, indirect, and cumulative impacts, or a description of all feasible mitigation measures and alternatives that can reduce or avoid the potentially significant impacts. The revised THP must provide a project description that enables the public to understand all aspects of the project, from the road improvements required, to the equipment involved, to the implementation schedule.<sup>17</sup>

The public comment period on the THP should not begin until the THP is complete. Because the THP remains incomplete, recirculation of a more thorough updated THP for public review is required. One appellate court described the problem that would result when recirculation is not required when a THP is not recirculated when revised:

*If an interested party reviews and/or obtains a copy of the THP before CDF substantively alters it, and that party is thereafter not notified of the change, then he or she has been denied a meaningful opportunity to review and comment on the THP. Absent notice that CDF has made a substantive change or even that it has the right to make such a change, we question why a member of the public should be expected to anticipate such a change. Further, if the THP is routinely significantly altered by CDF during the review period, then the THP that CDF ultimately approves is essentially a different plan than that which the property owner submitted.*<sup>18</sup>

Here the original six sections of the THP are available at the CalTREES website, as are the Preharvest Inspection Report, notice documents, and the applicant’s consultant’s responses to agency feedback. The CalTREES website does not include a coherent revised copy of the THP that

includes all of the most recent revisions to the analysis made by the applicant in response to agency feedback. This is improper under CEQA.<sup>19</sup> Unless the THP is substantially revised, CalFire's Director may not approve the THP.<sup>20</sup>

The disjointed presentation of the analysis provided in the current THP does not foster meaningful public participation and does not function as an "informational document" for purposes of CEQA. The revised THP should include an index that refers the reader to each topic of analysis and references to supporting technical reports, exhibits, and other supporting information. Given the especially short public review period (which is substantially shorter than the 30 to 45 days provided for an EIR), the THP should be well organized, concise, and understandable to the lay reader. This disjointed and opaque THP does not come close to meeting these standards.

#### **D. The THP Does Not Accurately and Completely Describe the Project.**

The THP's description of the Project is inadequate. Because an accurate, stable, and finite project description is essential for an adequate analysis of impacts under CEQA, the project description deficiencies must first be remedied before a complete assessment of environmental impacts can be conducted.

For example, the THP states in Section II that "1.6 acres of special treatment area associated with the Eel River a wild and scenic river area will meet Selection and Group Selection Post-harvest stocking standards between 150' and 200' of the Eel River. Between 0 and 150' the Eel river will receive Class I Inner and Outer band prescriptions listed above."<sup>21</sup> This description appears to conflict with the prohibition against the RPF prescribing different treatment than authorized under the Forest Practice Rules.<sup>22</sup> It also appears to conflict with the requirement for a "no harvest band" adjacent to Class 1 rivers. The 2015 Revised HCP states that the prescriptions specified in Section 6.3.4.1.2 (re Class 1 RMZs) are no longer current and that "Post-Watershed Analysis prescriptions are incorporated into the THP Templates."<sup>23</sup> If this is the case for the Sensitive Treatment Area within the proposed THP, then it is essential that the Watershed Analysis that supports this prescription be made available to the public for review. The THP must also specifically reference the supporting Watershed Analysis discussion regarding the Class 1 Inner Band and Class II Outer Band prescriptions in order to adequately incorporate the information by reference. The THP should be revised to fully comply with applicable requirements given the adjacent designated wild and scenic river.<sup>24</sup>

The THP also discloses that the herbicide treatment known as "hack & squirt" will be employed, but does not disclose the estimated number of trees that would be affected by this controversial method.<sup>25</sup>

The THP also does not disclose the measures that would be taken to prevent herbicide pollution and reduce the risk of wildfires caused by standing dead trees affected by the practice. The THP must be revised to clearly and specifically describe the "whole of the project" in a manner that is understandable to the reviewing public.

#### **E. The Baseline for Analyzing Environmental Impacts is Improper.**

The THP does not state which date was used for purposes of an environmental baseline for impact analysis. This lack of clarity regarding the baseline constitutes a failure to provide relevant information to the public.

Furthermore, a 1999 baseline (as established in the EIR/EIS) is far too dated for impact analysis. While using the NOP issuance date as the baseline for “existing conditions” is “normally” acceptable,<sup>26</sup> it is inappropriate in this situation to use such stale information regarding existing conditions. The determination of existing (or baseline) conditions is an important aspect of an THP because, without an adequate baseline description, an accurate analysis of a project's impacts and the development of proper mitigation measures may be impossible.<sup>27</sup>

The THP must also be substantially revised to appropriately consider the setting for the proposed harvesting activities. CDF previously acknowledged that harvesting timber on steep slopes adjacent to a perennial water course could cause potentially significant impacts that must be mitigated.

A harvest of 10% of a watershed confined to steep slopes adjacent to watercourses would not have the same impact as an equivalent acreage of harvest confined to flat ridge-top areas with no watercourses in any of the harvest units. By recognizing and avoiding sensitive areas, or mitigating the harvest that is proposed in areas that are most likely to produce adverse impacts (e.g. unstable areas, areas adjacent to perennial watercourses, etc.), the impacts are minimized.<sup>28</sup>

In contrast to the above acknowledgement of an obvious fact, the THP does not address the impacts of the proposed harvesting (together with past, present, and future THPs) in this biologically sensitive environment characterized by steep slopes and surrounded by perennial watercourses, including the designated wild and scenic Eel River.

Under CEQA Guidelines, section 15206(b)(4)(d), project for which an EIR was prepared located in areas within 1/4 mile of a wild and scenic river as defined by Section 5093.5 of the Public Resources Code are considered “areas of critical environmental sensitivity.” The THP should be revised to describe this sensitive setting as a benchmark for analyzing the potentially significant environmental impacts of the proposed activities.

#### **IV. Specific Comments Concerning the THP’s Analysis of Impacts.**

##### **A. The THP Does Not Adequately Analyze and Mitigate the Proposed Activities’ Impacts to Biological Resources.**

Because the THP proposes to harvest timber immediately upslope and adjacent to the Eel River, it has the potential to impact an important wildlife movement corridor.<sup>29</sup> McCann neighbors have observed many species within the riparian area adjacent to the THP, the following is a non-exhaustive list of species observed in the THP area:

<u>Mammals</u>	<u>Birds</u>	<u>Fish</u>	<u>Amph. / Reptiles</u>
fox	pileated woodpecker	Stealhead <sup>30</sup>	western pond turtle
coyote <sup>31</sup>	golden eagle	Salmon	Pacific giant salamander
otter <sup>32</sup>	bald eagle		
raccoon,	blue heron		
bobcat	egret		
black bear	kingfisher		
cougar	merlin		
deer	red tailed hawk		
possum	cormorant		
skunk	Canada geese		
ring-tailed cat	northern spotted owl		
	wild turkey		
	bobwhite		
	numerous migratory		
	bird species (e.g.,		
	thrush, western		
	tanager)		

The HCP upon which the THP relies does not even mention wildlife movement, much less require any protective measures related to the issue. The THP fails to analyze the THP's effects on wildlife movement.

While the THP purports to address impacts to the Northern Spotted Owl ("NSO"), potentially significant impacts to this species may not be addressed through the HCP measures. McCann neighbors have recently reported NSO calls from adjacent to or within the proposed THP area.<sup>33</sup> The THP should be revised to address potentially significant impacts to this threatened species.

Further the THP should be revised to address the potential for the "hack and squirt" practice to cause contamination. Federal courts have found that the chemicals used for this practice can cause adverse health effects to humans.<sup>34</sup> Accordingly, the THP should be revised to address the potential significant impacts to biological resources from the application of poisonous chemicals.

## **B. The THP Does Not Adequately Analyze the Proposed Activities' Impacts to Recreational Resources.**

According to the THP, the "Recreational Resources Assessment Area" was identified as "[t]he logging area and the area within 300' of the project area."<sup>35</sup> The THP preparers chose this area "because it offers adequate evaluation when considering audio and visual impacts of timber operations and impacts to potential recreational resources. Beyond 300 feet the sights and sounds of timber operations are greatly diminished due to surrounding vegetation and other physical barriers."<sup>36</sup>



The above statement is not accurate and is based on false assumptions. In this setting on steep slopes adjacent to the designated Wild and Scenic Eel River, there are no physical barriers between the river (and the opposite bank of the river) and the slopes that are proposed for intensive harvesting.<sup>37</sup> Thus, the Recreational Resources Assessment Area should be expanded to all areas along the river that provide an unobstructed view to the THP area.

Additionally, a segment of the proposed Great Redwood Trail will be located within the THP area (along the former NCRA tracks).<sup>38</sup> The THP must be revised to address the proposed activities potential impacts to this proposed recreational resource.

**C. The THP Does Not Adequately Analyze the THP's Potentially Significant Aesthetic Impacts.**

The proposed THP has the potential to cause significant impacts to views and the viewshed along the Wild and Scenic Eel River. The THP does not adequately address these potentially significant aesthetic impacts. Federal courts have recognized that timber harvesting operations located within the corridor of a designated wild and scenic river may cause significant aesthetic impacts.<sup>39</sup>

The THP has the potential to adversely affect the visual character of this stretch of the Eel River and the adjacent slopes. A recent neighboring THP has had just such an impact.<sup>40</sup> The analysis must be revised to address the proposed activities impacts to the viewshed along the river and adjacent to the proposed Great Redwood Trail.

**D. The Proposed Activities Will Increase Traffic Safety Impacts, Yet the THP Does Not Address This Issue.**

Because the THP will impact the hillside above and below Dyerville Loop Road, the THP should be revised to address the potential that disturbing the steep slopes above and/or below the road could lead to a landslide that either blocks or damages the road. Our clients have observed over the years such landslides and their impacts on this road.

The proposed activities will also introduce large logging equipment on the narrow and steep Dyerville Loop Road. Logging operations may cause traffic safety problems for other users of the road. The THP does not address this potentially significant impact. The THP should be revised to describe the safety measures that will be employed to avoid or reduce this impact.

**E. The THP's Discussion of the Effects of Climate Change on Timberlands is Dated and Inaccurate.**

The THP states:

*The rate and direction of climate change remains very uncertain. (IPCC 2007). It is a certainty that the earth's climate has changed in the past with variable cooling and warming trends, but no models exist to reliably predict the rate and direction of climate change or the regional or localized effects on temperatures, precipitation, growing seasons, drought, vegetation, and wildlife. (IPCC 2007).<sup>41</sup>*

Contrary to these outdated assertions, the science concerning climate change and its potential impacts on forests has developed rapidly in recent years. Please see the attached comments from a climate scientist concerning a THP proposed within the Jackson Demonstration State Forest (JDSF) (1-20-00173-MEN).<sup>42</sup> These comments are also highly relevant to the proposed THP, and as such are incorporated by reference. CalFire should address these expert comments in a revised analysis concerning climate change impacts.

**F. The THP Does Not Acknowledge the Potential for the Proposed Activities to Increase Wildfire Risks.**

We incorporate the comments concerning increased wildfire risks in Exhibit 5 and request responses to these substantiated expert comments with respect to their applicability to the instant THP. Because the 1999 EIR/EIS did not consider the historic wildfires that have increased in severity in recent years, the THP must squarely address this important issue.

**G. The Revised THP Must Consider the Proposed Activities' Potential to Contribute to Significant Cumulative Impacts.**

CEQA Guidelines, § 15355, subd. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The cumulative impact analysis in a THP must be substantively meaningful. A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval. [Citations.][Citation.] [¶] While technical perfection in a cumulative impact analysis is not required, courts have looked for “adequacy, completeness, and a good faith effort at full disclosure. [Citation.]”<sup>43</sup>

The THP, however, fails to consider several relevant neighboring development and THP projects. For example, the cumulative impact from harvest as proposed by other neighboring THP's (e.g., 1-21-00012-HUM (Tickle THP), 1-19-00119-HUM (Jets Timber Harvest Plan), 1-97- 00234-HUM, 1-05-00105-HUM) in the Main Middle Eel Watershed will cause negative impact to biological life, increase sedimentation, will be detrimental to the beneficial uses of water, and will cause significant adverse effects in the watershed. Most of these plans have been approved by CDF over this period of time without regard for the cumulative effects to the watershed. The “green rush” of commercial cannabis projects in the County, as manifested in the nearby Rolling Meadow Ranch project and the Black Bear project also contribute to cumulative impacts that this THP must consider. However, the THP instead completely ignores rapid-paced approvals of large commercial cannabis operations in the region and their contributions to cumulative impacts.

Approval of all these THPs will have significant adverse affects and represent a “substantial deviation” as defined in FPR 895.1 because combined they potentially have a significant adverse effect on timber productivity, or values related to soil, water quality, watershed, wildlife, fisheries, range and forage, recreational and aesthetic enjoyment of the Eel River watershed.

The McCann neighbors are extremely concerned about the cumulative impacts affecting biological life and the negative effect on the life of residents in the community. The accelerated timber harvesting adjacent to the main middle Eel River is a violation of the Clean Water Act. As a Wild and Scenic River, the Eel deserves a higher level of protection than the ordinary Class 1 river. The Eel River watershed has exceptional recreation and ecological significance, and the cumulative impact from excessive harvesting is causing irreparable harm to the watershed.

The THP’s cumulative impact analyses do not consider the cumulative impacts caused by resuming intensive logging operations in a sensitive habitat area. The cumulative impacts must also consider the impacts of past projects.<sup>44</sup> Furthermore, the THP must evaluate the cumulative effects of both the THP and the nearby commercial cannabis projects located both across the Eel River (e.g., Black Bear and Rolling Meadow Ranch) and upstream from the THP site (e.g., Unity Farm).

A robust analysis of the Project’s cumulative impacts is especially important here, given the evidence of past THP impacts, the sediment impairment of the Eel River, and the “green rush” of commercial cannabis projects in southern Humboldt County.<sup>45</sup> In general, the poorer the quality of the existing environment, the more likely it is that a project’s incremental contribution to future cumulative conditions will be significant (i.e., “cumulatively considerable”).<sup>46</sup>

**Recreation.** The THP does not address the cumulative impacts to recreational resources caused by this THP combined with other THPs and past, present and reasonably foreseeable development projects within the McCann area. The geographic scope of analysis for cumulative impacts to recreation fails to consider impacts along the Eel River from past development projects and timber harvesting activities

**Transportation and Traffic.** The THP must evaluate the cumulative effects of the Project in light of the various “closely related past, present, and reasonably foreseeable probable future projects” to ensure that all cumulatively significant environmental effects resulting from the Project are adequately identified and mitigated.<sup>47</sup> The THP fails to adequately consider the potential cumulative traffic impacts and applicable mitigation measures for this THP’s contribution to traffic when combined with all of the THPs and commercial cannabis projects which have contributed to a measurable transformation of this remote area.

**Biological Resources.** The THP does not adequately consider the cumulative context of intensive timber harvesting and commercial cannabis activities and their cumulative impacts on biological resources and their habitats. The 1.3-mile radius employed by the THP preparers for considering cumulative projects contributing to impacts to biological resources is artificially constrained.

Rather than provide, the detailed meaningful analysis of cumulative impacts required under CEQA, the THP provides jargon and generalities. For example, when purporting to address cumulative impacts to the upper Eel River watershed, the THP states the following:

Summary of ATM Trends in the Upper Eel River WAU

*A summary of the Upper Eel River WAU habitat characteristics from 2020 is provided in and APFC report card (Table 26). Results of habitat composite scores from 2020 and 2017 are compared to baseline (2003) data (Figure 56). Overall, the greatest examples of stability in habitat composite scores were observed in bed surface, pool characteristics, and water temperature. LWD and mid-channel canopy cover both scored below the baseline records in 2020. Finding: The maintenance or achievement of properly functioning conditions within the assessment area is a primary objective of the landowner's HCP and this THP. Because the practices and mitigation measures proposed here carefully follow the HCP's guidelines designed to achieve properly functioning conditions, and were tailored for the specific field conditions within the assessment area, a trend towards healthy forest ecosystem with properly functioning conditions will be aided by the implementation of this THP. The ultimate finding by the forester based on interdisciplinary team review is that implementation of this THP will not have significant or cumulative adverse watershed effects.<sup>48</sup>*

What exactly does the above statement mean? What evidence supports this conclusory opinion? To satisfy CEQA's informational purposes, the THP's analysis must be understandable to those who were not involved in its preparation.

**H. The Revised THP Should Consider Alternatives and Mitigation Measures.**

The revised THP must consider a range of feasible alternatives to the proposed Timber Harvesting project. Petitioners recommend that among the alternatives considered is a project design that:

1. Sustainably thins the forest within the THP area, eliminating the combustible fuels that have accumulated since the last clearcut;
2. Does not employ the "hack & squirt" method that introduces toxic herbicides to the environment, and leaves dead trees standing, contributing to the risk of wildfire;<sup>49</sup>
3. Preserves and protects a broader riparian corridor adjacent to the Eel River and tributary streams.

These alternative designs and protective measures would reduce the potential for significant impacts to biological resources, traffic and traffic safety, and wildfire risk and response.

**V. Conclusion: the McCanned Eel THP Must be Revised.**

For the foregoing reasons, McCann neighbors urge CalFire and Responsible Agencies to revise the THP to fully analyze and mitigate significant environmental impacts. Petitioners also recommend substantial revisions to the proposed THP before it is again released for public review and comment. Pursuant to Public Resources Code, § 4582.4, please provide the undersigned with notice concerning the Director's consideration of the THP, either as submitted or as revised. Please also provide us with any responses to these comments.

Footnotes:

<sup>1</sup> See Cal. Pub. Res. Code § 4511 et seq., and Cal. Code Regs. tit. 14, § 895 et seq.

<sup>2</sup> See National Wild and Scenic Rivers Website, Eel River, at <https://www.rivers.gov/rivers/eel.php> [adjacent stretch of middle main fork of Eel designated for recreational values]; see also <https://www.blm.gov/programs/national-conservation-lands/california/eel-wsr>.

<sup>3</sup> See Exh. 1 – Email from J Holder to CDF requesting referenced documents, dated Dec. 21, 2021.

<sup>4</sup> See THP, Section IV, p. 155.

<sup>5</sup> See 14 C.C.R., § 895.1.

<sup>6</sup> See 16 U.S.C. §§ 1271, et seq.; see also Public Resources Code, §§ 5093.50, 5093.545(f)(5). Congress enacted the National Wild and Scenic Rivers Act in 1968 to preserve the free-flowing condition of rivers that have outstanding scenic, recreational, geologic, fish and wildlife, historic, and cultural values. California passed its own Wild and Scenic Rivers Act in 1972. The statute prohibits activities that could damage soil, water, timber, and habitat close to the river. It also restricts state agencies from permitting development and activities that could harm the wild and scenic values of a protected river.

<sup>7</sup> 16 U.S.C. § 1271.

<sup>8</sup> 16 U.S.C., §§ 1281(a) and 1283(a).

<sup>9</sup> See THP, Section IV, p. 155 [“Any environmental effects not covered in the FEIS/EIR will be addressed in the THP, following the format established by CAL FIRE in 14 CCR 912.9 and Technical Rule Addendum No. 2 of the Forest Practice Rules.”].

<sup>10</sup> See *Environmental Protection Information Center v. Department of Forestry & Fire Protection* (2005) 134 Cal.App.4th 1093, 1109 (EPIC II).

<sup>11</sup> See *Lower Eel River and Eel River Delta Watershed Analysis Scotia, California: Cumulative Watershed Effects Assessment*, available at: [https://www.hrcllc.com/pdf/Watershed\\_Analysis/HRC/Lower\\_Eel\\_Eel\\_Delta/LEED-CWECMR%20Report.pdf](https://www.hrcllc.com/pdf/Watershed_Analysis/HRC/Lower_Eel_Eel_Delta/LEED-CWECMR%20Report.pdf), accessed 12/21/21.

<sup>12</sup> See 1999 HCP, Section 6.13 p. P-81.

<sup>13</sup> See *ibid.*

<sup>14</sup> See EPIC II, *supra*, 134 Cal.App.4th at p. 1110.

<sup>15</sup> *Environmental Information Protection Center v. Johnson* (1985) 170 Cal. App. 3d 604, 609-610, 616 (EPIC I).

<sup>16</sup> See PRC, § 21080.5(c). Chapter 3 (§§ 21100-21108) and Chapter 4 (§§ 21150-21154) describe the environmental impact report (“EIR”) process to which state agencies, boards, commissions, and local agencies, must adhere in order to comply with CEQA’s general requirements as prescribed by Chapters 1, 2, 2.6, 5, and 6.

<sup>17</sup> See PRC, § 21080.5(d)(3). Under Public Resources Code, section 21080.5, which authorizes CalFire’s THP process as a certified regulatory program, every THP prepared under this program “must include a description of the proposed activity, its alternatives, and mitigation measures to minimize any identified significant adverse.”

<sup>18</sup> See *Joy Road Area Forest & Watershed Assn. v. California Dept. of Forestry & Fire Protection* (2006) 142 Cal. App. 4th 656, 671.

<sup>19</sup> See *Vineyard Area Citizens for Local Control v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442 [“The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project.” Information scattered here and there “is not a substitute for a good faith reasoned analysis”], citations omitted.

<sup>20</sup> See 14 CCR § 898.2.

<sup>21</sup> See THP, Section II, p. 10.

<sup>22</sup> See 14 C.C.R., §§ 897(f)(2), 916.6, 936.6, 956.6 (v)(7)(B).

<sup>23</sup> See HCP, Revised 2015, p. P-55, fn. 20.

<sup>24</sup> See Public Resources Code, § 5093.68.

<sup>25</sup> See *Sierra Club, M. Rounds, Mendocino County Passes Measure V — A Victory for Communities and the Climate*, available at: [https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/loma-prieta\\_chapter/FPC/MendocinoVDoc.pdf](https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/loma-prieta_chapter/FPC/MendocinoVDoc.pdf); see also *Ukiah Daily Journal, Mendocino County working to enforce Measure V timber ordinance* (Feb. 12, 2020), available at: <https://www.ukiahdailyjournal.com/2020/02/12/mendocinocounty-working-to-enforce-measure-v-timber-ordinance/>.

<sup>26</sup> See CEQA Guidelines, § 15125.

<sup>27</sup> *Save Our Peninsula Com. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 120-124 (Save Our Peninsula Com.)

<sup>28</sup> See CDF, *Official Response to Significant Environmental Points Raised During the Timber Harvesting Plan Evaluation Process*, available at: [http://www.fovd.org/pdf\\_files/04-239%20HUM%20OR.pdf](http://www.fovd.org/pdf_files/04-239%20HUM%20OR.pdf), accessed 12/21/21.

<sup>29</sup> See Krosby, et al., Identifying riparian climate corridors to inform climate adaptation planning (2018) available at: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0205156>, accessed 12/21/21; see also CDFW, Guidance Document for Fine-Scale Wildlife Connectivity Analysis (2015).

<sup>30</sup> Steelhead: [https://youtube.com/shorts/45ku0yKON\\_1?feature=share](https://youtube.com/shorts/45ku0yKON_1?feature=share).

<sup>31</sup> Coyotes: [https://youtube.com/shorts/pPe\\_dAoxbK0?feature=share](https://youtube.com/shorts/pPe_dAoxbK0?feature=share).

<sup>32</sup> Otters: <https://youtube.com/shorts/-8Ofm2CTECo?feature=share>.

<sup>33</sup> See Exh. 2 – substance of email exchanges between M Gaterud and CDFW officials re NSO calls.

<sup>34</sup> *Peteet v. Dow Chemical Co.* (1989) 868 F.2d 1428; see also *United States Sugar Corp. v. Henson* (2000) 787 So. 2d 3.

<sup>35</sup> THP, Section IV, p. 159.

<sup>36</sup> *Ibid.*

<sup>37</sup> See Exh. 3 – M Gaterud photos of THP area.

<sup>38</sup> See generally Great Redwood Trail website, at: <http://www.thegreatredwoodtrail.org/>.

<sup>39</sup> See, e.g., *Idaho Rivers United v. Probert* (D. Idaho, May. 12, 2016), Case No. 3:16-cv-00102-CWD.

<sup>40</sup> See Exh. 4 – Before and After Photos of Neighboring THP.

<sup>41</sup> See THP, Section IV, p. 216.

<sup>42</sup> See Exh. 5 – O'Brien Climate Comments on 1-20-00173-MEN 041221.

<sup>43</sup> *Joy Road Area Forest & Watershed Assn. v. California Dept. of Forestry & Fire Protection* (2006) 142 Cal. App. 4th 656, 678, quoting *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal. App. 3d 1043, 1051– 1052, internal quotation marks omitted.

<sup>44</sup> EPIC, *supra*, 44 Cal.4th at p. 523.

<sup>45</sup> See *San Franciscans for Reasonable Growth*, *supra*, 151 Cal.App.3d at p. 79.

<sup>46</sup> CBE, *supra*, 103 Cal.App.4th at p. 120 [in the context of cumulative impacts, the issue is not the relative contribution of the project as compared to existing conditions, but whether “any additional amount” contributed by the project should be considered significant in light of the severity of the existing problem]; see also *Kings County Farm Bureau*, *supra*, 221 Cal.App.3d at p. 720.

<sup>47</sup> CEQA Guidelines, § 15355, subd. (b); *L.A. USD*, *supra*, 58 Cal.App.4th at pp. 1024-1025.

<sup>48</sup> See THP, Section IV, p. 191.

**RESPONSE:** Please see responses to General Concerns 1 - 9 above.

The following are additional responses for unique concerns brought up in this public comment letter:

There was concern several listed THPs were not included in the cumulative impacts assessment. THP 1-97-234 fell outside the 10 year assessment window and is not required to be included but was still included in the assessment table on page 224, THP 1-05-105 HUM was withdrawn by the Plan Submitter on 8/30/2005, THPs 1-21-00012 HUM and 1-19-00119 HUM were not located in the watershed assessment area. None of these Plans would meet the criteria to be included in the cumulative impact assessment analysis.

There was reference to “substantial deviation” per 14 CCR § 895.1 and how approved THPs contributed to this substantial deviation. This is not the proper interpretation of this definition as it pertains to the FPRs. A substantial deviation is an addendum to an already approved THP which is major or significant enough and qualifies under the definition to have the Review Team ensure compliance with the rules and conduct a multi-agency field review if deemed necessary. It has no correlation to significant impacts in this case and was not correctly referenced.

There was concern that the Recreation Assessment Area of 300ft outside the harvest area was inadequate and “based on false assumptions”. This assessment area is properly referenced as required under 14 CCR § 912.9 (D) Recreational Resources:

*“The recreational assessment area is generally the area that includes the Logging Area plus 300 feet.”*

The Department found no improper assessment in regards to recreational resources.

The concern stated “To satisfy CEQA’s informational purposes, the THP’s analysis must be understandable to those who were not involved in its preparation.” This is not a factual statement, and not mandated by law. The Department as the Lead Agency has determined the analysis in the THP meets the CEQA information requirements. This is further supported by CEQA Guidelines in section 15121:

- a) *An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.*
- b) *While the information in the EIR does not control the agency’s ultimate discretion on the project, the agency must respond to each significant effect identified in the EIR by making findings under Section 15091 and if necessary by making a statement of overriding consideration under Section 15093.*
- c) *The information in an EIR may constitute substantial evidence in the record to support the agency’s action on the project if its decision is later challenged in court.*

Attached documents:

- Exh1 is a duplicate of concern letter #1 in this OR, see above.
- Exh2 were emails between CDFW and a local resident discussing NSO information, no concerns were found.
- Exh3 photos from M. Gaterud. Many of these images are very beautiful shots of what appear to be the Eel River. No concerns were found in these.
- Exh4 before and after photos of timber harvesting through powerlines. Some showed evidence of minor post harvest activities in Humboldt County, an agriculture county that supports timber operations (see “background” in the beginning of this OR).
- Exh5 O’Brien Public comment letter. This letter was written for a different THP but with many of the same concerns addressed in the General Concerns above.

**21PC-00000677** - from Mary Gaterud on December 23, 2021

As a full-time resident and property owner in McCann for twenty-one years, I am writing to express my concerns about the proposed Timber Harvest Plan (“THP”) in the McCann area. Earlier this year, I received correspondence dated May 4, 2021, from Deakon Duey of Humboldt Redwood Company, LLC, informing me of his company’s intent to harvest “forest products” within 1,000 feet of my property, with a map of the proposed THP. For reference, my parcel APN is 211-303-003-000; my property, and home, is immediately across the Main Stem of the Eel River from the eastern

boundary of the proposed THP. A significant portion of my view encompasses the entirety of the area outlined in the THP map (see photos, Attachment A).

At that time, after discussing the project, as described, with many of my community members and fellow property owners in McCann, I reached out to Mr. Duey via phone, to discuss our questions about this THP. Mr. Duey referred me to his co-worker, Forester Domingo Escamilla, with whom I communicated via email (please see Attachment B). The main concerns I expressed in this exchange were based on a vision for best practices utilized regarding timber harvest operations, including:

- Selective harvest, rather than a "Clear Cut"
- Robust riparian zone setbacks
- Mitigation of the potential for landslides, resulting from timber extraction on steep slopes
- No post-harvest "hack & squirt" herbicide treatment of hardwoods, resulting in an extreme fire hazard and poisoned ecosystem
- Implementation schedule, hours of operation, impacts to residents

I would like to see your agency consider these factors, and others, when evaluating this THP for approval. Given the current state of environmental conditions — climate change, carbon emissions, extreme drought, the vastly enhanced threat of wildfire, and wildlife habitat destruction — it is imperative to manage our existing forests within the context of these combined issues, to ensure that the health and conservation of the public trust and natural resources are balanced with the short-term financial gain of private interests. Please consider a more robust watershed analysis to determine concrete performance standards for this THP. For example, what will the buffer zone sizes/setbacks be, exactly, for riparian areas and identified Northern Spotted Owl roosts? And how will these be monitored and enforced? Given the increase of intensive land use in this watershed, perhaps a scaled back, downsized version of this THP is more appropriate, and aligns with a more realistic assessment of past and future impacts in this area.

Additionally, the proposed operations would occur on a very steep parcel which is bisected by Dyerville Loop Road (State Road No. SD100), a public road maintained by Humboldt County. This segment of roadway, which extends from the McCann Bridge to the intersection of Sequoia Road (see Attachment C, maps of Dyerville Loop Road, approaches from north and south), is particularly hazardous. It is entirely unpaved, with numerous single lane (10' wide), blind, high-percentage grade hairpin turns with no shoulders and precipitous drop offs down the bank.

Please view video of the road at: <https://youtu.be/u5UUIpHRxpY> (note: the western boundary of the proposed THP begins at minute 2:37, upon passing the Devil's Elbow Creek tributary). Refer to Attachments D & E for measurements, Lat./Long. coordinates, and photographs of 15 separate road points that demonstrate the aforementioned qualities of this road, as well as indicate the steepness of the slope proposed for timber harvesting operations. Because of these conditions, I have concerns regarding traffic safety impacts, as well as impacts to the road and public access during and after operations cease.

In 2004 I was involved in a two-vehicle collision as I travelled south-east on Dyerville Loop Road, around one of these turns. The other driver was oncoming at a high rate of speed in a section of one lane road with no shoulders. In another incident in June of 2010, I was the passenger of a



vehicle on that road when motorcyclists approaching from the opposite direction lost control upon seeing our vehicle and went over the bank. On two separate other occasions I have happened upon and assisted stranded drivers because their vehicles had gone off the road and landed in precarious positions. I connected them with tow truck drivers and provided physical assistance until their issues could be resolved.

Most recently, during this summer of 2021, I was driving along this stretch of Dyerville Loop Road, just before the intersection with Sequoia Road, when I came upon a semi truck with a trailer unloading an excavator, which completely blocked passage of the road in either direction. This massive piece of equipment was being delivered for logging operations in the immediate vicinity. I was forced to back up, rolling backwards down a steep incline with poor visibility, to allow enough space for the offloading to occur. During this lengthy process, the trailer became unhitched from the truck, tilted up and backwards, and a tense moment ensued. It was unclear what level of danger I was in, as the truck driver became extremely agitated and started screaming expletives... was the trailer going to roll, uncontrolled, straight downhill into the front end of my vehicle? Luckily, it did not, but the excavator operator had to use the arm of his equipment to re-attach the trailer to the truck; otherwise it would not have been possible to do so manually, and traffic obstruction on this narrow, steep dirt road would have been prolonged indefinitely.

Given this history and my own harrowing personal experience, I am extremely concerned about the traffic safety risks posed by the use of this road for timber harvest operations. The increased traffic burden from logging trucks and heavy equipment pose an unmitigated threat to public safety, on a public road financed by Humboldt County tax dollars. Additionally, since the THP is for both sides of the roadway, on very steep terrain, the possibility for landslides blocking this access is also a very real possibility. The section of Dyerville Loop Road from the McCann Bridge to HWY 101 has frequent incidents, historically, of being blocked by slides which resulted from timber harvesting. Generally there is at least one of these incidents every rainy season. The County Public Works Department becomes responsible for clearing the debris/obstructions, which has taken days to perform. Sometimes Dyerville Loop Road has been blocked in both directions simultaneously (up to Sequoia Road and the route to HWY 101), effectively stranding the residents of McCann, with serious implications for our health, welfare, and livelihoods. A history of upslope logging contributed to a catastrophic slipout which occurred .25 miles west of my driveway, on McCann Road, in January of 2017 — directly across the river from the proposed THP. This stretch of road was passable by foot only, for four months, and took four years to repair completely, only because federal disaster relief funds were made available to contract out for the repair.

Please note, Dyerville Loop Road from Sequoia Road is the most direct, primary route that the local first responders from the Fruitland Ridge Volunteer Fire Protection District would take to respond to any wildfire or public safety emergency in the McCann area, and all the way out Dyerville Loop Road to HWY 101. If this access is blocked for some reason, already inordinate response times, sometimes exceeding one hour, would be extenuated even further... which could result in catastrophic loss of life and property. In times of climate change and the new normal of devastating wildfires in California, this unmitigated safety risk would be unconscionable. Please see this pertinent item, addressing this situation for another large, impactful project in this area: Public Safety Not Addressed in Rolling Meadows Mega Grow Permit, Says Letter to the Editor and the BOS From Fruitland Ridge VFD – Redheaded Blackbelt I am concerned for this stretch of road, with regard to

traffic and public safety issues, but also due to the potential for landslides into the Eel River resulting from the unstable geology/hydrogeology posed by the mutability of the river's height during floods. Longtime McCann residents recall the 1964 flood, during which a huge landslide (attributable to logging on steep slopes) in this area effectively served as a dam, and exacerbated catastrophic effects from that historic flood event.

I fear that the proposed THP may have similar effects, even long after operations have ceased, and yet these will be costs born by the environment, the residents of McCann, and Humboldt County, with no remuneration for the burden we bear from this extraction. The fact that this THP is based on inadequate, outdated, obtuse, and seemingly unavailable environmental review documents only exacerbates the possibility that vague descriptions of activities will allow for unmitigated damage, and irreparable harms.

In the interest of sustainability, for our forests, wildlife, environment, and community, I ask that the proposed McCanned Eel THP undergo further review. I urge you to require a more in depth, substantial analysis of the THP's environmental impacts, and mitigations to these impacts, before approving any timber harvesting operations.

#### **Attachment B- Email Exchange w/Escamilla re: THP**

It will hopefully be filed in a month. You should be getting an Adjacent landowner letter around then as well. I will let you know when its available for public viewing. Are you familiar with cal trees and how to view the THP's

Donnie Escamilla  
Forester II  
Humboldt Redwood Company LLC

**From:** Mary Gaterud <elevenator@mac.com>  
**Sent:** Friday, June 4, 2021 6:04 AM  
**To:** Domingo Escamilla <DEscamilla@hrcllc.com>  
**Subject:** Re: McCanned Eel THP

Thank you Donnie,

I appreciate your timely response and answers to our questions. Also, do you know when this THP be filed with CAL FIRE? Will this be when I get more detailed notification?

Best,  
Mary

On Jun 3, 2021, at 9:35 AM, Domingo Escamilla  
<DEscamilla@hrcllc.com> wrote:

Hi Mary,

Yah I am happy to answer these and lend some clarification. I believe as part of the THP process you will be get a more detailed notification of the harvest in the near future as well.

— Will it be a selective harvest, or clear cut? Clearly we would prefer a selective harvest, for numerous reasons: The health of the forest, tributaries and Eel river, as well as fire danger.

This will be uneven aged management, so a selective harvest.

— When would it begin? And how long is it expected to last?

This plan will likely be logged next summer, and last most of the summer.

— Is the THP planned for the entire area that is outlined on the map, or some portion thereof? The outline goes all the way to the river's edge... I understand that there is usually a buffer zone left between the harvest area and the riparian zone of the river. Will this apply to this plan? We would prefer that area remain intact, given that it contains numerous old growth trees in the railroad right of way, as well as helps to preserve the health of the river and reduces sediment load and runoff. So yes, the THP covers the entire area outlines in the map. But per the forest practice rules and out habitat conservation plan all watercourses have special prescription and equipment exclusion zones. We will not be cutting or having equipment right down to the river, or even across the tracks.

— Which tributaries will be impacted? Will there be any mitigation measures for sediment runoff?

Like I said watercourses have protection buffer that mitigate impacts. There is a numerous amount of the historic dirt fill and watercourses Humboldt crossing in this THP. We will be removing them and putting in crossings that meet the current standards. So this will be an upgrade.

— What will be the policy for the hardwoods? A recent THP adjacent to this one seems to have employed the "Hack and Squirt" practice. The hardwoods were left, but have now all died (injected with herbicide?) and now the entire steep slope is covered in dead trees. Given the current state of the climate, and extreme drought, this has created an extraordinary wildfire hazard, on a remote, steep parcel. Any fire that burns here would be extremely difficult to fight, and put the McCann Community and surrounding areas (Fruitland Ridge/Myers Flat) in extreme peril.

There is no plan for hardwood treatment yet. There may be some hack and squirt the tan oaks, but I do not believe there will be a whole hillside of standing dead oaks. There really is not a lot of oak in that spot.

— Another concern is that removing trees and building roads on this very steep slope of the inner canyon of the Eel River increases the risk for slides. What, if any mitigation measures are planned to reduce this possibility? During the flood of 1964, it is my understanding that logging in this area contributed to a massive slide which served to partially damn the Eel river here. Given that the drought conditions tends to make soils hydrophobic, and climate change is resulting in shorter, sharper, more extreme rain events, there exists the possibility for drastic land movement. The ability

for the land to absorb rainfall is becoming compromised, and may result in exponentially increased catastrophic land movement events, after logging operations cease.

We have a licensed geologist that is evaluating this area exactly for this purpose. If there are areas that present a risk to the Eel from operations he will have mitigations that will be in place for us to abide by. One of the benefits of selection logging is that there are plenty of trees left behind to keep things stable.

— What would be the hours of operation? Community members would like to negotiate this issue. We would like noise and other disturbances (chainsaw and yarding equipment, trucks) limited to reasonable hours so that early morning hours are not marred by extreme activity and noise pollution, especially since the acoustics of this canyon have an extreme ability to carry sound over long distances.

Loggers typically work from sunrise to sundown. I do not know of any regulations that dictate timber operating hours around communities, for this region. But we like to be good neighbors, so I will talk with management and see if this is something we'd be willing to work with the community on. I know that area is hot and dry, so during fire season CAL FIRE can requires ending the work day early which means the crews start earlier. That is kind of just a trade off for the fire safety.

I hope that covered all the bases.  
Thank You,  
Donnie Escamilla  
Forester II  
Humboldt Redwood Company LLC

**From:** Mary Gaterud <elevenator@mac.com>  
**Sent:** Thursday, June 3, 2021 8:57 AM  
**To:** Domingo Escamilla <DEscamilla@hrcllc.com>  
**Subject:** Re: McCanned Eel THP  
Hello Donnie,

Thank you for emailing me. Some of the questions and concerns I, and my fellow community members in McCann have regarding this THP:

— Will it be a selective harvest, or clear cut? Clearly we would prefer a selective harvest, for numerous reasons: The health of the forest, tributaries and Eel river, as well as fire danger.

— When would it begin? And how long is it expected to last?

— Is the THP planned for the entire area that is outlined on the map, or some portion thereof? The outline goes all the way to the river's edge... I understand that there is usually a buffer zone left between the harvest area and the riparian zone of the river. Will this apply to this plan? We would prefer that area remain intact, given that it contains numerous old growth trees in the railroad right of way, as well as helps to preserve the health of the river and reduces sediment load and runoff.

- Which tributaries will be impacted? Will there be any mitigation measures for sediment runoff?
- What will be the policy for the hardwoods? A recent THP adjacent to this one seems to have employed the “Hack and Squirt” practice. The hardwoods were left, but have now all died (injected with herbicide?) and now the entire steep slope is covered in dead trees. Given the current state of the climate, and extreme drought, this has created an extraordinary wildfire hazard, on a remote, steep parcel. Any fire that burns here would be extremely difficult to fight, and put the McCann Community and surrounding areas (Fruitland Ridge/Myers Flat) in extreme peril.
- Another concern is that removing trees and building roads on this very steep slope of the inner canyon of the Eel River increases the risk for slides. What, if any mitigation measures are planned to reduce this possibility? During the flood of 1964, it is my understanding that logging in this area contributed to a massive slide which served to partially damn the Eel river here. Given that the drought conditions tends to make soils hydrophobic, and climate change is resulting in shorter, sharper, more extreme rain events, there exists the possibility for drastic land movement. The ability for the land to absorb rainfall is becoming compromised, and may result in exponentially increased catastrophic land movement events, after logging operations cease.
- What would be the hours of operation? Community members would like to negotiate this issue. We would like noise and other disturbances (chainsaw and yarding equipment, trucks) limited to reasonable hours so that early morning hours are not marred by extreme activity and noise pollution, especially since the acoustics of this canyon have an extreme ability to carry sound over long distances.

On Jun 3, 2021, at 7:51 AM, Domingo Escamilla  
<DEscamilla@hrllc.com> wrote:  
Good Morning Mary,

Thank for calling me back. I'll be in the office all day today and should be able to receive your call. If not I am happy to address your questions and concerns over email.

Looking forward to talking with you.  
Thank You,  
Donnie Escamilla  
Forester II  
Humboldt Redwood Company LLC

### Attachment C:

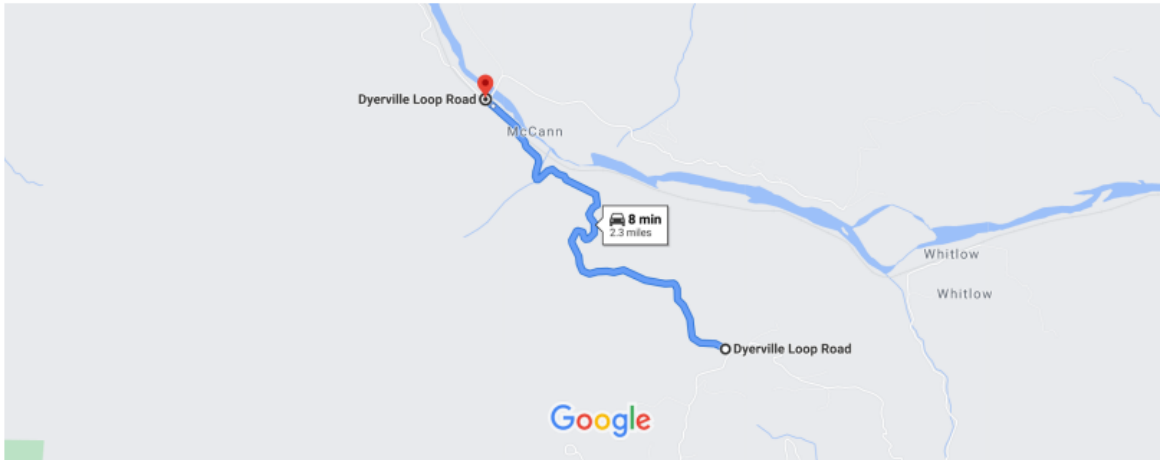
12/26/2020

Dyerville Loop Rd, Myers Flat, CA 95554 to Dyerville Loop Rd, Myers Flat, CA 95554 - Google Maps



Dyerville Loop Rd, Myers Flat, CA 95554 to Dyerville Loop Rd, Myers Flat, CA 95554

Drive 2.3 miles, 8 min



Map data ©2020 2000 ft



via Dyerville Loop Rd

8 min

Fastest route

2.3 miles

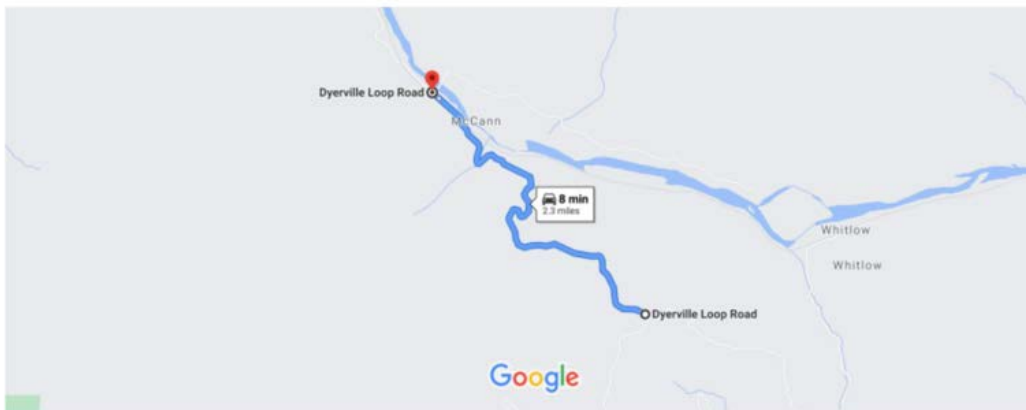
12/26/2020

Dyerville Loop Rd, Myers Flat, CA 95554 to Dyerville Loop Rd, Myers Flat, CA 95554 - Google Maps



Dyerville Loop Rd, Myers Flat, CA 95554 to Dyerville Loop Rd, Myers Flat, CA 95554

Drive 2.3 miles, 8 min



Map data ©2020 2000 ft



via Dyerville Loop Rd

8 min

Fastest route

2.3 miles

**Attachment D - Road Data:**

**Road Data / Dyerville Loop Road / State Road SD100  
From the intersection of Sequoia Road to the McCann Bridge:**

<b><u>Road Point:</u></b>	<b><u>Lat./Long.:</u></b>	<b><u>Width:</u></b>	<b><u>Notes:</u></b>
1	40.308506, -123.817748	13'	
2	40.309577, -123.821003	17'	
3	40.312413, -123.822352	12'	
4	40.313096, -123.822302	12'	
5	40.314057, -123.826985	16'	
6	40.313932, -123.827618	14'	
7	40.313775, -123.829803	13'	
8	40.316053, -123.831605	13'	
9	40.316834, -123.830681	16'	
10	40.316215, -123.830682	18'	
11	40.318601, -123.829082	15'	very steep
12	40.319276, -123.829474	17'	
13	40.319684, -123.830178	10'	one lane/no turnout
14	40.320825, -123.832903	10'	
15	40.321255, -123.833886	14'	

**Attachment E - Photos of Dyerville Loop Road:**

**Photographs Corresponding to Road Points 1 - 15, along Dyerville Loop Road, starting from the Sequoia Road intersection**

**Road Point 1:**



**Road Point 2:**



**Road Point 3:**

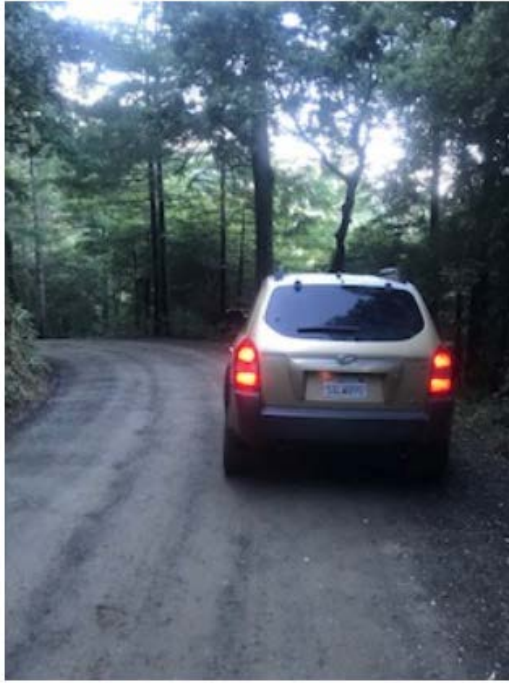




**Road Point 4:**



**Road Point 5:**



**Road Point 6:**



**Road Point 8:**



**Road Point 7:**



**Road Point 9:**



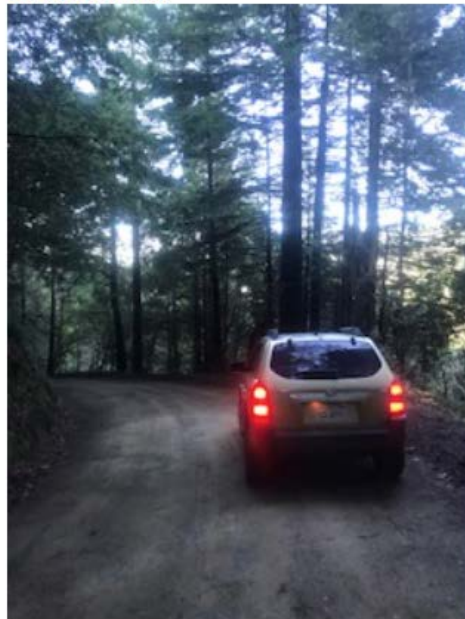
**Road Point 11:**



**Road Point 10:**



**Road Point 12:**



Road Point 13:



Road Point 14:



Road Point 15:



**RESPONSE:** Please see responses to General Concerns 1 - 9 above.

The following are additional responses for unique concerns brought up in this public comment letter:

Many of the issues brought up were answered in the email exchange as displayed in the comment letter between HRC Forester Donnie Escamilla and Mary Gaterud. No additional clarifications appear to be needed that are not already addressed in the general concern responses.

It is unfortunate you had negative traffic experiences on the Dyerville Loop Road, but Humboldt county is responsible for the condition and care of this county road, not CAL FIRE or the Plan Submitter. Please follow up with the county to address any safety or improper maintenance concerns that may exist with the county road.

In regards to the THP silviculture, Item 14, page 10 of the Plan, "clearcutting" is not a proposed silviculture as mentioned in the concerns and as addressed by Donnie Escamilla in the email responses. The THP proposed Selection and Group Selection harvesting. This is further supported

in the PHI report with the CAL FIRE inspector agreeing that the proposed silviculture is appropriate for the harvest area.

In regards to schedule of the hours of operations, the Plan submitters replied in emails that there are no regulations restricting timber operations in Humboldt. The Department confirms this with the FPRs. The Humboldt County Planning Department lists detailed language that the county is an agriculture county and timber harvesting is basically considered a part of society in TPZ areas and shall not be considered a nuisance (see "Background" section at the beginning of this OR). It was stated in the email response from the Plan Submitter that they are wanting to be good neighbors and may be willing to work with local residents. It is suggested that if there is an event potentially impacting the area traffic, and has a justification to briefly adjust timber operation / log hauling hours (birthday party, wedding etc.) for safety, it is recommended to contact the RPF and request a minor temporary change in operation scheduling to accommodate the event, within reason.

The photos and the youtube link provided for the county road conditions do not support an unsafe road. In contrast, there were many turnouts and many wide places on the Dyerville Loop road to accommodate logging traffic and the side clearing maintenance of brush provided ample travel line of sight, sometimes for long stretches of the road. This road appears to be a typical rural county road route, and potentially in above average condition compared to other county roads used for log hauling. There were no concerns brought up by the Review Team that participated on the PHI and traveled along the county road to the THP.

## REFERENCES

2021 California Environmental Quality Act Statute & Guidelines. Available on 05/04/2021 at [https://www.califaep.org/statute\\_and\\_guidelines.php](https://www.califaep.org/statute_and_guidelines.php)

2021 California Forest Practice Rules and Forest Practice Act. Available on 03/23/2021 at [https://bof.fire.ca.gov/media/3qebuoma/2021-forest-practice-rules-and-act\\_final.pdf](https://bof.fire.ca.gov/media/3qebuoma/2021-forest-practice-rules-and-act_final.pdf)

Humboldt Redwood Company LLC Habitat Conservation Plan. Available on 01/03/2022 at: <https://www.hrcllc.com/sites/default/files/inline-files/HCP%20updated%20to%2003-2019.pdf>

## SUMMARY

The Department has reviewed the concerns brought up through the public comment process and has replied to them by this Official Response. This process has not demonstrated any new significant points that would warrant a recirculation of the Plan pursuant to 14 CCR § 1037.3(e), or a recommendation of nonconformance pursuant to 14 CCR § 1054. The THP states in Section I, under Item 13(b) "After considering the rules of the Board of Forestry and Fire Protection and the mitigation measures incorporated in this THP, I (the RPF) have determined that the timber operation will not have a significant adverse impact on the environment". The Department finds that the RPF

has sufficiently documented that there shall be no unmitigated significant impacts to the identified resources under this THP.

It is the Department's determination that this THP, as proposed, is in compliance with the FPRs and has been through a detailed multi-agency review system. The discussion points and mitigation measures included in the THP have been found to be appropriate to address the concerns brought up by the public comment process. The conclusions reached by the Department and the other state resource agencies are based on decades of professional experience associated with the review of similar harvest plans.