

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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

THP NUMBER: 1-21-00197-MEN

SUBMITTER: The RMB Revocable Family Trust Dated February 5th, 1999

COUNTY: Mendocino

END OF PUBLIC COMMENT PERIOD: March 11, 2022

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: March 15, 2022

The California Department of Forestry and Fire Protection has prepared the following response to significant environmental points raised during the evaluation of the above-referenced plan. Comments made on like topics were grouped together and addressed in a single response. Where a comment raised a unique topic, a separate response is made. Remarks concerning the validity of the review process for timber operations, questions of law, or topics or concerns so remote or speculative that they could not be reasonably assessed or related to the outcome of a timber operation, have not been addressed.

Sincerely,

Forester III
Cascade, Sierra & Southern Regions

cc:

Unit Chief

Lee Susan and Jesse Weaver, RPF

Dept. of Fish & Wildlife, Reg. 1

Water Quality, Reg. 1

Martha Crawford, Ron Verdier, Frances Perez-Verdier, Sandra Nimmons

COMMON FOREST PRACTICE ABBREVIATIONS

CAL FIRE	Department of Forestry & Fire Protection	FPR	Forest Practice Rules
CAA	Confidential Archaeological Addendum	LTO	Licensed Timber Operator
CESA	California Endangered Species Act	NMFS	National Marine Fisheries Service
CEQA	California Environmental Quality Act	PHI	Pre-Harvest Inspection
CIA	Cumulative Impacts Assessment	RPF	Registered Professional Forester
CGS	California Geological Survey	THP	Timber Harvest Plan
CSO	California Spotted Owl	USFS	United States Forest Service
DBH	Diameter at Breast Height	WLPZ	Watercourse/Lake Protection Zone
DFG	Department of Fish & Game	WQ	California Regional Water Quality Control Board
DPR	Department of Pesticide Regulation	PCA	Pest Control Advisor
NSO	Northern Spotted Owl	[SIC]	Word used verbatim as originally printed in another document. May indicate a misspelling or uncommon word usage.
CDFW/DFW	California Dept. of Fish & Wildlife		
AB 32	Assembly Bill 32	ARB	Air Resources Board
NPP	Net Primary Production	BOF	Board of Forestry
NEPA	National Environ. Policy Act	CAPCOA	Calif. Air Pollution Control Officers Assoc.
NEP	Net Ecosystem Production	CCR	Calif. Code of Regulations
NTMP	NonIndust. Timb. Manag. Plan	CESA	Calif. Endangered Species Act
OPR	Govrn's Office of Plan. & Res.		
Pg	Petagram = 10 ¹⁵ grams		
PNW	Pacific NorthWest		
CO ₂	Carbon Dioxide	PRC	Public Resources Code
CO ₂ e	Carbon Dioxide equivalent	RPA	Resource Plan. and Assess.
DBH/dbh	Diameter Breast Height	RPF	Registered Professional Forester
DFG	Calif. Department of Fish and Game	SPI	Sierra Pacific Industries
EPA	Environmental Protection Agency	SYP	Sustained Yield Plan
FPA	Forest Practice Act	tC	tonnes of carbon
FPR	Forest Practice Rules	Tg	Teragram = 10 ¹² grams
GHG	Greenhouse Gas	THP	Timber Harvesting Plan
ha ⁻¹	per hectare	LBM	Live Tree Biomass
LTSY	Long Term Sustained Yield	TPZ	Timber Production Zone
m ⁻²	per square meter	USFWS	U.S. Fish & Wildlife Service
MAI	Mean Annual Increment	WAA	Watershed Assessment Area
MMBF	Million Board Feet	WLPZ	Watercourse. & Lake Prot. Zone
MMTCO ₂ E	Million Metric Tons CO ₂ equivalent	yr ⁻¹	per year

NOTIFICATION PROCESS

In order to notify the public of the proposed timber harvesting, and to ascertain whether there are any concerns with the plan, the following actions are automatically taken on each THP submitted to CAL FIRE:

- Notice of the timber operation is sent to all adjacent landowners if the boundary is within 300 feet of the proposed harvesting, (As per 14 CCR § 1032.7(e))
- Notice of the Plan is submitted to the county clerk for posting with the other environmental notices. (14 CCR § 1032.8(a))

- Notice of the plan is posted at the Department's local office and in Coast Area office in Santa Rosa. (14 CCR § 1032))
- Notice is posted with the Secretary for Resources in Sacramento. (14 CCR § 1032.8(c))
- Notice of the THP is sent to those organizations and individuals on the Department's current list for notification of the plans in the county. (14 CCR § 1032.9(b))
- A notice of the proposed timber operation is posted at a conspicuous location on the public road nearest the plan site. (14 CCR § 1032.7(g))

THP REVIEW PROCESS

The laws and regulations that govern the timber harvesting plan (THP) review process are found in Statute law in the form of the Forest Practice Act which is contained in the Public Resources Code (PRC), and Administrative law in the rules of the Board of Forestry (rules) which are contained in the California Code of Regulations (CCR).

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

- *THP contents and the THP review process
- *Silvicultural methods
- *Harvesting practices and erosion control
- *Site preparation
- *Watercourse and Lake Protection
- *Hazard Reduction
- *Fire Protection
- *Forest insect and disease protection practices
- *Logging roads and landing

When a THP is submitted to the California Department of Forestry and Fire Protection (CAL FIRE) a multidisciplinary review team conducts the first review team meeting to assess the THP. The review team normally consists of, but is not necessarily limited to, representatives of CAL FIRE, the Department of Fish and Wildlife (DFW), and the Regional Water Quality Control Board (WQ). The California Geological Survey (CGS) also reviews THP's for indications of potential slope instability. The purpose of the first review team meeting is to assess the logging plan and determine on a preliminary basis whether it conforms to the rules of the Board of Forestry. Additionally, questions are formulated which are to be answered by a field inspection team.

Next, a preharvest inspection (PHI) is normally conducted to examine the THP area and the logging plan. All review team members may attend, as well as other experts and agency personnel whom CAL FIRE may request. As a result of the PHI, additional recommendations may be formulated to provide greater environmental protection.

After a PHI, a second review team meeting is conducted to examine the field inspection reports and to finalize any additional recommendations or changes in the THP. The review team transmits these recommendations to the RPF, who must respond to each one. The

director's representative considers public comment, the adequacy of the registered professional forester's (RPF's) response, and the recommendations of the review team chair before reaching a decision to approve or deny a THP. If a THP is approved, logging may commence. The THP is valid for up to five years, and may be extended under special circumstances for a maximum of 2 years more for a total of 7 years.

Before commencing operations, the plan submitter must notify CAL FIRE. During operations, CAL FIRE periodically inspects the logging area for THP and rule compliance. The number of the inspections will depend upon the plan size, duration, complexity, regeneration method, and the potential for impacts. The contents of the THP and the rules provide the criteria CAL FIRE inspectors use to determine compliance. While CAL FIRE cannot guarantee that a violation will not occur, it is CAL FIRE's policy to pursue vigorously the prompt and positive enforcement of the Forest Practice Act, the forest practice rules, related laws and regulations, and environmental protection measures applying to timber operations on the timberlands of the State. This enforcement policy is directed primarily at preventing and deterring forest practice violations, and secondarily at prompt and appropriate correction of violations when they occur.

The general means of enforcement of the Forest Practice Act, forest practice rules, and the other related regulations range from the use of violation notices which may require corrective actions, to criminal proceedings through the court system. Civil, administrative civil penalty, Timber operator licensing, and RPF licensing actions can also be taken.

THP review and assessment is based on the assumption that there will be no violations that will adversely affect water quality or watershed values significantly. Most forest practice violations are correctable and CAL FIRE's enforcement program seeks to assure correction. Where non-correctable violations occur, civil or criminal action may be taken against the offender. Depending on the outcome of the case and the court in which the case is heard, some sort of supplemental environmental corrective work may be required. This is intended to offset non-correctable adverse impacts. Once a THP is completed, a completion report must be submitted certifying that the area meets the requirements of the rules. CAL FIRE inspects the completed area to verify that all the rules have been followed including erosion control work.

Depending on the silvicultural system used, the stocking standards of the rules must be met immediately or in certain cases within five years. A stocking report must be filed to certify that the requirements have been met. If the stocking standards have not been met, the area must be planted annually until it is restored. If the landowner fails to restock the land, CAL FIRE may hire a contractor to complete the work and seek recovery of the cost from the landowner.

Another theme is the idea that CAL FIRE should take a somewhat activist role in steering plan submitters towards, or in this case away from, certain actions that the comment writer deems deleterious to the natural environment. To do so would be contrary to our purpose and entirely outside of our jurisdictional authority. The plan submitter is responsible for proposing plans consistent with their objectives and CAL FIRE is responsible for determining

whether or not the operations as proposed would cause a significant adverse effect on the environment. How an individual THP may or may not align with state goals or other non-regulatory targets is not a factor we can consider when making such a determination.

Public Comment

Public comment for this plan came in the form of three letters. The following issues/concerns were raised during the public comment period and are addressed as follows:

Concern #1:

UNIT, ER, RPF, CalT 1-21-00197-MEN 22PC-000000 034

From: [Martha Crawford](#)
To: [Santa Rosa Public Comment@CALFIRE](#)
Cc: [Martha Crawford](#)
Subject: 1-21-00197-MEN / Mendocino County
Date: Thursday, February 3, 2022 3:24:04 PM

Warning: this message is from an external user and should be treated with caution.

Attn: Director of Cal Fire:

I was advised to write to you by Cale Lopez from the Santa Rosa Forestry office. My name is Martha Crawford and we live directly next to the dirt road that leads to the property that is designated for the timber harvesting (12990 Ornbaum Rd.) Our road runs parallel to the access road on the June Property.

We have several concerns regarding this proposed timber harvest. Mainly, the noise, constant truck traffic and planting of more flammable conifer trees in place of the harvested Oak trees.

But first, I'd like to ask about any notifications that were sent out prior to this proposal; were there any sent to all residents of the area in question?

I am wondering why there was no letter sent to our home or the community regarding this proposal. The first I heard of this came from a concerned neighbor last week in a group email. I believe she spoke to someone that was driving up the road for the first inspection(?) As far as I can gather, the only effort made by Calfire in terms of informing the residents, is a single print out of the proposal stapled to a post next to the access road. If I am incorrect, please let me know how all were informed. And if possible, please send me a copy of the letter.

Some of my partner and my real concerns:

- Noise from early morning throughout the work day over a 1 year+ project
- Heavy truck traffic less than 30 ft. from our driveway over a 1 year+ project
- Constant dust during the hours of harvesting over a 1 year+ project
- Our well water and the effect(s) of such extreme harvesting north of our property
- The planting of more flammable trees after the harvest of the Oak trees

I appreciate the time taken to reply to my email and addressing all of our concerns. I look forward to your reply and thank you in advance for your time and consideration.

I will share your reply with my neighbors.

Sincerely,
Martha Crawford

RECEIVED
FEB 03 2022
COAST AREA OFFICE
RESOURCE MANAGEMENT

Response #1:

The CAL FIRE Forest Practice Inspector received Concern #1 prior to conducting the Pre-Harvest Inspection (PHI). The Inspector provided the following response to Concern #1 within their PHI report, the full PHI Report can be accessed via the CalTREES website.

78. Response to any Public Comment received prior to the conclusion of the PHI, if any: **22PC-000000034 Public comment regarding noise, truck traffic, fire hazard, and lack of notification sent to their home – the Licensed Timber Operator has instructed their employees to restrict from using jake brakes, maintain slow speeds while on Ornbaun Road. Timber operations are buffered by topography but inevitably will be heard by local residents. The THP addressed impacts to traffic within the cumulative impacts assessment. Timberland owner representative Jesse Weaver contacted resident to address the complaint. In regards to notice of intent to harvest timber a notice was posted at the entrance of the property off of Ornbaun Rd., a notice was sent to neighbors within 300 feet of the property, and a notice was also posted in the Ukiah Daily Journal. In response to the planting of conifer trees in place of oak trees the THP address the management of Tanoak, in order to maintain relative site occupancy with Group A species (conifer). As stated in the THP Item 14 (f) the harvest will retain all true oaks (Quercus spp.) and all hardwoods with a 24 inch or greater DBH unless located in road right of way or safety considerations dictate that a tree needs to be cut.**

Notification

Please refer to the section titled “Notification Process” above. With regards to the request for the Landowner to notify additional parties, CAL FIRE only has the jurisdiction to enforce the Rules and Regulations as written. The Plan Submitter has satisfied all notification requirements. The commentors parcel is not within 300’ of the proposed harvest plan.

CAL FIRE has been transitioning to a transparent and easily accessible online portal for Timber Harvest Document data tracking and record retention. The new platform is called CalTREES and has a variety of user friendly functions. The new portal has a notification function for individuals and organizations who want to receive documents electronically.

Below please find the link to the website. You can either navigate from the website to Timber Harvest Documents and search as needed or scroll to the bottom of the screen and select the “Subscribe to Notifications” button to start the process to get documents for areas you specify emailed to an address of your choice.

CalTREES Portal: <https://caltreesplans.resources.ca.gov/caltrees/>

Fire Hazard

The Cumulative Impacts Assessment portion of the THP addresses Wildfire Risk and Hazard, the following language is from Section IV (pages 210-211) of the THP.

The assessment area for wildfire risk and hazard reduction is the THP area, plus the area within one half mile of the THP boundaries. The assessment area as described seems appropriate for an assessment of potential significant effects which may occur in the vicinity of the plan area based on surrounding land use, local weather patterns and fire suppression response times associated with the project area.

- 1 **Fire hazard severity zoning:** Public Resources Code 4201-4204 directs the California Department of Forestry and Fire Protection (CAL FIRE) to map fire hazard within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. These statutes were passed after significant wildland-urban interface fires; consequently, these hazards are described according to their potential for causing ignitions to buildings. These zones referred to as Fire Hazard Severity Zones (FHSZ), provide the basis for application of various mitigation strategies to reduce risks to buildings associated with wildland fires. GIS data accessed at <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/> on 1/13/2022 shows the project area to overlap areas rated as either "High" or "Moderate" on a ranking system of Moderate, High or Very High). CalFire posts the following disclaimer on the above cited web page "The State of California and the Department of Forestry and Fire Protection make no representations or warranties regarding the accuracy of data or maps."
- 2 **Existing and probable future fuel conditions including vertical and horizontal continuity of live & dead fuels:**
Existing fuel levels are considered to be high. On the timbered ground there has been no harvesting in 20+ years. Vegetation both understory and overstory vegetation is dense. Even along the roads vegetation is encroaching making it easier for fire to cross from one side of the road to another. Existing forested landscapes have a substantial amount of dead fuel in the understory and mid canopy layers do to the natural development of these timber stands where young stands have hundreds of stems per acre and due to competition over time the stems per acre decline resulting in increased volumes of dead fuel on site. Sudden oak death is not known to be in this area. The overstory canopy is generally thrifty (green) with occasional snags being present. A couple small patches of Douglas-fir overstory located on poor site are dying; I attribute this to drought related stress. On the grass dominated habitats fuel is high due to an absence of grazing on this ranch for several decades. By late summer when fire danger is at its annual peak the grass on these slopes is tall and dry (dead).

Harvesting is going to create openings in the canopy as trees are cut. The skidding/yarding process is going to knock down swathes of understory which typically consists of dense huckleberry. Roads will be free of vegetation post harvest reducing horizontal continuity. Similarly skid trail use will create some disruption of horizontal continuity but roads and skid trails combined will be 15+/- percent of the harvest area. Vegetation grows quickly here so reductions in fuel continuity will last a few years. On the plus side dead vegetation decays quickly here due to the climate. Vertical continuity of fuels may be reduced somewhat but slopes are mostly steep in these areas and understory fires are likely to spread to the overstory due to the effect of slope on fire behavior. Harwood reduction is mandated by the FPR and herbicides are used to kill hardwoods to maintain species balance in the timber stand. Logging activities will create a temporary increase in fuel loading near landings where slash is piled. Additional slash from harvesting will be scattered about the harvest units which will decay over time. Site vacancies created by harvest will re-vegetate and biomass will accumulate over time increasing overall fuel loads. Harwood reduction as required by regulation will be accomplished at least in part by the use of herbicides. Herbicides are injected into hardwood trees (tanoak mostly) and the trees die in place. This type of hardwood treatment increases dead fuel loading for several years until the treated trees decay. An intermediate term reduction in total fuel load will result from the hardwood treatment but short term increases in dead fuel will also occur.
- 3 The surrounding area is a mixed use landscape and is expected to remain so into the foreseeable future. There has been only one other timber harvest in the past 10 years within the assessment area. That was THP 1-18-034MEN which covered 34 acres. There are no other timber harvest activities within the assessment area which are being planned to the best of my knowledge.
- 4 There are no known existing public fuel breaks or fuel hazard reduction activities in the vicinity of the project area. So long as the requirements of the FPR and THP are properly implemented there will be no long term increase in wildfire risk due to the

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proposed project. Fire protection zone requirements apply adjacent to public roads and residences (if any) as shown on the THP Map.

- 5 One significant benefit of the proposed harvest is that the existing roads in this area will be re-opened and rehabilitated. This improved access would reduce response time should wildfire break out on the upper end of Ham Canyon.

Impacts Evaluation

Will the proposed project, as presented, in combination with the impacts of past and future projects, as identified in Parts A through C above, have a reasonable potential to cause or add to significant cumulative impacts to Wildfire Risk and Hazard Reduction?

Yes, after mitigation

No, after mitigation

No: no reasonably potential significant effects

XXX

CAL FIRE and the other multi-agency review team concurs with the assessment. In addition to any practices specified in the Plan, the following rules pertaining to fire danger apply and are enforced on all Timber Harvesting Activities. These rules are not required to

be reiterated into the timber harvest plan, but must be followed for every timber harvest plan.

Fire tools and clearance are regularly enforced by CAL FIRE Inspectors.

Per Article 8 of the FPR.

Article 8 Fire Protection

918, 938, 958 Fire Protection [Coast, Northern, Southern]

When burning permits are required pursuant to PRC § 4423, Timber Operators shall:

- (a) Observe the fire prevention and control Rules within this article.
- (b) Provide and maintain fire suppression related tools and devices as required by PRC §§ 4427, 4428, 4429, 4431, and 4442.
- (c) Submit each year, either before April 1st or before the start of Timber Operations, a fire suppression resources inventory to the Department as required by the Rules.

918.1, 938.1, 958.1 Fire Suppression Resource Inventory [All Districts]

The Fire Suppression Resource Inventory shall include, as a minimum, the following information:

- (a) Name, address and 24-hour telephone number of an individual and an alternate who has authority to respond to Department requests for resources to suppress fires.
- (b) Number of individuals available for firefighting duty and their skills.
- (c) Equipment available for firefighting. The Fire Suppression Resource Inventory shall be submitted to the ranger unit headquarters office of the Department having jurisdiction for the timber operation.

918.3, 938.3, 958.3 Repealed [All Districts]

918.4, 938.4, 958.4 Smoking and Matches [All Districts]

Subject to any law or ordinance prohibiting or otherwise regulating smoking, smoking by persons engaged in Timber Operations shall be limited to occasions where they are not moving about and are confined to cleared Landings and areas of bare soil at least three feet (.914 m) in diameter. Burning material shall be extinguished in such areas of bare soil before discarding. The Timber Operator shall specify procedures to guide actions of his employees or other persons in his employment consistent with this subsection.

918.5, 938.5, 958.5 Lunch and Warming Fires [All Districts]

Subject to any law or ordinance regulating or prohibiting fires, warming fires or other fires used for the comfort or convenience of employees or other persons engaged in Timber Operations shall be limited to the following condition:

- 1. There shall be a clearance of 10 feet (3.05 m) or more from the perimeter of such fires and flammable vegetation or other substances conducive to the spread of fire.
- 2. Warming fire shall be built in a depression in the soil to hold the ash created by such fires.
- 3. The Timber Operator shall establish procedures to guide actions of his employees or other persons in their employment regarding the setting, maintenance, or use of such fires that are consistent with (a) and (b) of this subsection.

918.8, 958.8 Inspection for Fire [Coast, Southern]

The Timber Operator or his/her agent shall conduct a diligent aerial or ground inspection within the first two hours after cessation of felling, Yarding, or loading operations each day during the dry period when fire is likely to spread. The person conducting the inspection shall have adequate communication available for prompt reporting of any fire that may be detected.

918.10, 938.10, 958.10 Cable Blocks [All Districts]

During the period when burning permits are required, all tail and side blocks on a cable setting shall be located in the center of an area that is either cleared to mineral soil or covered with a fireproof blanket that is at least 15 ft. in diameter. A shovel and an operational full five-gallon back pump or a fire extinguisher bearing a label showing at least a 4A rating must be located within 25 feet of each such block before Yarding.

Per 14 CCR 923.6(d) Use of Logging Roads and Landings

(d) When burning permits are required pursuant to PRC § 4423, Logging Roads and Landings that are in use shall be kept in passable condition for fire trucks.

Below are pertinent excerpts from the Public Resources Code, Division 4, Chapter 6.

4428. Use of hydrocarbon powered engines near forest, brush or grass covered lands without maintaining firefighting tools.

No person, except any member of an emergency crew or except the driver or owner of any service vehicle owned or operated by or for, or operated under contract with, a publicly or privately owned utility, which is used in the construction, operation, removal, or repair of the property or facilities of such utility when engaged in emergency operations, shall use or operate any vehicle, machine, tool or equipment powered by an internal combustion engine operated on hydrocarbon fuels, in any industrial operation located on or near any forest, brush, or grass-covered land between April 1 and December 1 of any year, or at any other time when ground litter and vegetation will sustain combustion permitting the spread of fire, without providing and maintaining, for firefighting purposes only, suitable and serviceable tools in the amounts, manner and location prescribed in this section.

(a) On any such operation a sealed box of tools shall be located, within the operating area, at a point accessible in the event of fire. This fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools, and a sufficient number of shovels so that each employee at the operation can be equipped to fight fire.

(b) One or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area, or, in the alternative, a full set of timber-felling tools shall be located in the fire toolbox, including one crosscut falling saw six feet in length, one double-bit ax with a 36-inch handle, one sledge hammer or maul with a head weight of six, or more, pounds and handle length of 32 inches, or more, and not less than two falling wedges.

(c) Each rail speeder and passenger vehicle, used on such operation shall be equipped with one shovel and one ax, and any other vehicle used on the operation shall be equipped with one shovel. Each tractor used in such operation shall be equipped with one shovel.

(d) As used in this section:

(1) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn over any land surface, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(2) "Passenger vehicle" means a vehicle which is self-propelled and which is designed for carrying not more than 10 persons including the driver, and which is used or maintained for the transportation of persons, but does not include any motor truck or truck tractor.

4429. Camps or local headquarters, firefighting equipment.

During any time of the year when burning permits are required in an area pursuant to this article, at any camp maintained in such area for the residence of employees, or at any local headquarters in such area of any industrial, agricultural, or other operations on or near any forest-covered land or brush-covered land, there shall be provided and maintained at all times, in a specific location, for firefighting purposes only, a sufficient supply of serviceable tools to equip 50 percent of the able-bodied, personnel, resident of such camp, or working out of such headquarters, for fighting fires. Among these tools shall be included shovels, axes, saws, backpack pumps, and scraping tools. With such tools there shall also be one serviceable headlight adaptable for attachment to at least one-half of the tractor-bulldozers used on the operation, and a sufficient number of canteens and flashlights to equip a third of the able-bodied personnel.

4431. Gasoline powered saws, etc.; firefighting equipment.

During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate or cause to be operated in the area any portable saw, auger, drill, tamper, or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, brush-covered land, or grass-covered land, within 25 feet of any flammable material, without providing and maintaining at the immediate locations of use or operation of the saw or tool, for firefighting purposes one serviceable round point shovel, with an overall length of not less than 46 inches, or one serviceable fire extinguisher. The Director of Forestry and Fire Protection shall by administrative regulation specify the type and size of fire extinguisher necessary to provide at least minimum assurance of controlling fire caused by use of portable power tools under various climatic and fuel conditions.

The required fire tools shall at no time be farther from the point of operation of the power saw or tool than 25 feet with unrestricted access for the operator from the point of operation.

4442. Spark arresters or fire prevention measures; requirement; exemptions.

(a) Except as otherwise provided in this section, no person shall use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester, as defined in subdivision (c), maintained in effective working order or the engine is constructed, equipped, and maintained for the prevention of fire pursuant to Section 4443.

(b) Spark arresters affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

(c) A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

(d) Engines used to provide motive power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.

(e) Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.

Traffic

The Traffic Impact Assessment on page 207 of the THP concludes the proposed project does not have a reasonable potential to cause or add to significant cumulative impacts to vehicular traffic on public roads. CAL FIRE and the other multi-agency review team concurs with the assessment.

CAL FIRE regulates the harvest of timber on private lands and road use on roads located within the THP boundary which are owned by the subject timberland owner and roads considered appurtenant to the plan. Appurtenant roads *means a logging road under the ownership or control of the timber owner, timberland owner, timber operator, or plan submitter that will be used for log hauling.* (Ref. 14 CCR §895.1)

Issues regarding the use of non-appurtenant roads located outside of the THP boundary are of a Civil nature, beyond CAL FIRE jurisdiction, and must be pursued by the actual parties who have been damaged as a result of actions of another. To this end, PRC 4572 requires that all licensed timber operators (LTO's) in the state have general liability insurance before they are allowed to conduct timber operations:

4572 (A) Commercial general liability insurance for not less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage combined, including within that limit, or in a separate limit, loggers third party property damage liability.

CAL FIRE's approval of a THP in no way authorizes a landowner to trespass, or cause damage to the property or resources of another person. The Department must restrict themselves to items which fall under its' jurisdiction and issues related to non-appurtenant roads are beyond our jurisdiction to control.

Dust

In-regards to dust resulting from timber operations, 14 CCR 923.7(c) of the Forest Practice Rules specifically address the need for dust abatement (stabilizing road surface fines), which can be accomplished by a variety of means, including but not limited to watering, chemical treatment, asphalt, or rocking. The licensed timber operator is required to stabilize road surface fines on roads located within the THP boundary and on appurtenant haul road. In many cases, watering is done in the dark in order to let the water set into the road and provide a firm base. This is designed to limit the amount of water needed for hauling, whereas watering during the daylight hours can expose a lot of the water to evaporation before setting up and firming the road base.

It is important to note that issues or problems related to dust on any public road system is beyond the scope of CAL FIRE's authority, however the plan submitter is still responsible for meeting all other laws that may pertain to the use of public roads.

Well Water

The Forest Practice Rules require notice to request information on Domestic Water supplies.

1032.10 Request for Information on Domestic Water Supplies

The THP submitter shall provide notice by letter to all other landowners within 1,000 feet downstream of the THP boundary whose ownership adjoins or includes a Class I, II, or IV Watercourse(s) which receives surface drainage from the proposed Timber Operations. The notice shall request that the THP submitter be advised of surface domestic water use from the Watercourse, within the THP or within 1,000 feet downstream of the THP boundary. When required to notice by letter, publication shall also be given one time by the THP submitter in a newspaper of general circulation in the area affected by the proposed project. Such letter and publication shall notify the party of the proposed timber operation and describe its legal location and identify the name, if any, of the Watercourse it may effect. The letter and publication shall request a response by the property owner within ten days of the post-marked date on the letter or the date of publication as appropriate. The RPF may propose, with justification and explanation, an exemption to such notification requirements, and the Director may agree. Copies of either notice, proof of service and publication, and any responses shall be attached to the THP when submitted. If domestic use is noted, the plan shall contain mitigations necessary to protect domestic water use. The plan shall not be submitted until ten days after the above notification(s) have been done.

The THP identified downstream landowners and who qualified for noticing per 1032.10. Section V (pages 310-314) of the THP provides proof on newspaper and letter noticing to the referenced downstream landowners. The comment writer was not identified as a downstream landowner requiring noticing for surface domestic water usage. The comment writer's parcel does not receive surface water from the THP area and is further than 1000 feet from the THP area. The PHI report by the CAL FIRE Inspector indicates one of the RPFs for the timberland owner was made aware of the comment writer's concern and contacted the comment writer to determine if any additional protection measures were necessary. No additional changes were made to the plan in response to their conversation. Though the referenced well falls outside of the scope of CAL FIRE's jurisdiction (wells and other sources greater than 1000 feet downstream of the plan area)- it is not expected there will be any negative impacts to ground water sources as a result of the proposed timber harvesting activities.

Concern #2:**UNIT, ER, RPF, CalT****1-21-00197-MEN****22PC-000000 035**

From: [Ron Verdier](#)
To: [Santa Rosa Public Comment@CALFIRE](mailto:SantaRosaPublicComment@CALFIRE)
Subject: PROJECT # :1-21-00197-MEN / Mendocino County.
Date: Monday, February 7, 2022 11:05:17 AM

Warning: this message is from an external user and should be treated with caution.

Dear Director of Calfire:

We have great concern regarding the above mentioned logging operation off of Ormbaun Road. We understand that logging will begin at 6:00 am until 4:00 pm with approximately 12 trucks per day. It is planned to last well into the hot summer months. This seems to be a rather extensive logging operation and given our recent drought conditions, we have many concerns surrounding the dry conditions during these summer months with a logging operation so close to our homes. Would it be possible to reduce this operation by half so that it does not go into the hot, dry summer months when the chance of fire is at its highest?

Thank you for your consideration.

Ron & Frances.

Ron Verdier & Frances Pérez-Verdier

12861 Ormbaun Road

Boonville, CA 95415

Ph: (707) 489-1491

Response #2:

The CAL FIRE Forest Practice Inspector received Concern #2 prior to conducting the Pre-Harvest Inspection (PHI). The Inspector provided the following response to Concern #2 within their PHI report, the full PHI Report can be accessed via the CalTREES website.

22PC-000000035 Public comment regarding timber operations during a period of drought, and potential associated fire hazard. Timberland owner representative Jesse Weaver contacted resident to address the complaint. The Forest Practice Rules address the operation of fire causing equipment and timber operations on timberlands during the period of April 1 to December 1, Public Resources Codes 4427- 4442.

Please see the Fire Hazard portion of Response #1 above. The plan submitter is responsible for proposing plans consistent with their objectives and CAL FIRE is responsible for determining whether or not the operations as proposed would cause a significant adverse effect on the environment. The THP as proposed has been found to be

in conformance with the Z'eberg-Nejedly Forest Practice Act and the requirements of the Forest Practice Rules. The Department does not have the legal authority to deny approval of a THP that is in conformance with the rules and regulations of the Board. Furthermore, the Department does not have the legal authority to establish laws or revise those laws which regulate timber harvesting. The California Legislature and the California Board of Forestry and Fire Protection are responsible for rules and regulation making, while CAL FIRE enforce those rules and regulations.

Concern #3:

UNIT, ER, RPF, CalT	1-21-00197-MEN	22PC-000000 041
<hr/>		
From:	Sandra Nimmons <sangnimmo@gmail.com>	PC3
Sent:	Friday, February 18, 2022 9:02 AM	
To:	Santa Rosa Public Comment@CALFIRE	
Subject:	Project 1-21-00197-MCN	
<p>Warning: this message is from an external user and should be treated with caution.</p> <p>I am a homeowner on Ornbaun Rd. Boonville. As have many others expressed concern regarding the de-forestation project referenced above I too am extremely troubled. Is this process necessary for safety reasons? I am totally against cutting trees unless there is a safety issue at stake. Please respond.</p> <p>Sincerely, Sandra Nimmons</p>		

Response #3:

Please refer to Responses #1 and #2 above. The RPF defines the project objectives and statement of purpose within Section III of the THP (page 115).

<p>iv. Project Objectives:</p> <p>The overall objectives of the project are to effectively manage the proposed THP area for timber production using sound forest practices, with due consideration for the protection of biological and watershed resources. Timber operations on this project have been designed to ensure that watershed and biological resources will be protected, with the added emphasis of achieving a properly functioning condition 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 THP area to ensure that the long-term sustained yield (LTSY) goals may be realized. Specifically, the objectives of this THP are:</p> <ul style="list-style-type: none"> • To maintain stand structure. The silvicultural prescriptions incorporated within the plan are designed to improve forest stocking, health, and achieve the LTSY goals of the landowners, while simultaneously implementing operational and conservation measures specified in the FPR. A variety of distinctly different timber stands are located within the project area and silvicultural methods to be applied are different for stands with different stand structures. Silvicultural methods to be utilized include, single tree selection, transition, seed tree removal, white and black oak woodland management and variable retention.

transition, seed tree removal, white and black oak woodland management and variable retention.

- To upgrade forest roads. The construction maintenance and upgrading of the road system is planned in order to reduce and/or eliminate the amount of sediment that reaches the watercourse system.
- To harvest timber, while mitigating potentially significant impacts on the environment, including wildlife habitat and fisheries, which could result from timber harvest operations. The THP as proposed, with all the mitigation measures adopted in the plan, will not result in significant environmental effects. The plan has included resource protection measures, some of which are in excess of the current standard Forest Practice Rules.

v. Statement of Purpose (Need for the Project):

The landowners must grow and harvest high quality saw timber from their lands in order to maintain a viable business. The timber proposed for harvest will be milled into lumber and sold to meet consumer demand for forest products.

It is critical that the landowner generate revenue from their timberlands not just to maintain a viable business but to pay taxes and fund environmental and resource improvement projects, such as the planned road improvement projects. This enterprise is essential to the local economy both for the forest products produced as well as employment opportunity provided.

Comment #3 infers CAL FIRE should take a somewhat activist role in steering plan submitters towards, or in this case away from, certain actions that the comment writer is opposed to. To do so would be contrary to our purpose and entirely outside of our jurisdictional authority. The plan submitter is responsible for proposing plans consistent with their objectives and CAL FIRE is responsible for determining whether or not the operations as proposed are in conformance with the rules. The THP as proposed has been found to be in conformance with the Z'eborg-Nejedly Forest Practice Act and the requirements of the Forest Practice Rules. The Department does not have the legal authority to deny approval of a THP that is in conformance with the rules and regulations of the Board. Furthermore, the Department does not have the legal authority to establish laws or revise those laws which regulate timber harvesting. The California Legislature and the California Board of Forestry and Fire Protection are responsible for rules and regulation making, while CAL FIRE enforce those rules and regulations.

SUMMARY AND CONCLUSIONS

The Department recognizes its responsibility under the Forest Practice Act (FPA) and CEQA to determine whether environmental impacts will be significant and adverse. In the case of the management regime which is part of the THP, significant adverse impacts associated with the proposed application are not anticipated.

CAL FIRE has reviewed the potential impacts from the harvest and reviewed concerns from the public and finds that there will be no expected significant adverse environmental impacts from timber harvesting as described in the Official Response above.

Mitigation measures contained in the plan and in the Forest Practice Rules adequately address potential significant adverse environmental effects.

CAL FIRE has considered all pertinent evidence and has determined that no significant adverse cumulative impacts are likely to result from implementing this THP. Pertinent evidence includes, but is not limited to the assessment done by the plan submitter in the watershed and biological assessment area and the knowledge that CAL FIRE has regarding activities that have occurred in the assessment area and surrounding areas where activities could potentially combine to create a significant cumulative impact. This determination is based on the framework provided by the FPA, CCR's, and additional mitigation measures specific to this THP.

CAL FIRE has supplemented the information contained in this THP in conformance with Title 14 CCR § 898, by considering and making known the data and reports which have been submitted from other agencies that reviewed the plan; by considering pertinent information from other timber harvesting documents including THP's, emergency notices, exemption notices, management plans, etc. and including project review documents from other non-CAL FIRE state, local and federal agencies where appropriate; by considering information from aerial photos and GIS databases and by considering information from the CAL FIRE maintained timber harvesting database; by technical knowledge of unit foresters who have reviewed numerous other timber harvesting operations; by reviewing technical publications and participating in research gathering efforts, and participating in training related to the effects of timber harvesting on forest values; by considering and making available to the RPF who prepares THP's, information submitted by the public.

CAL FIRE further finds that all pertinent issues and substantial questions raised by the public and submitted in writing are addressed in this Official Response. Copies of this response are mailed to those who submitted comments in writing with a return address.

ALL CONCERNS RAISED WERE REVIEWED AND ADDRESSED. ALONG WITH THE FRAMEWORK PROVIDED BY THE FOREST PRACTICE ACT AND THE RULES OF THE BOARD OF FORESTRY, AND THE ADDITION OF THE MITIGATION MEASURES SPECIFIC TO THIS THP, THE DEPARTMENT HAS DETERMINED THAT THERE WILL BE NO SIGNIFICANT ADVERSE IMPACTS RESULTING FROM THE IMPLEMENTATION OF THIS THP.