



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: 1-22-00036-MEN

SUBMITTER: Mendocino Redwood Company, LLC

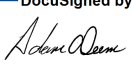
COUNTY: Mendocino

END OF PUBLIC COMMENT PERIOD: May 13, 2022

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: May 17, 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,

DocuSigned by:

AE5E25725914422...

Adam Deem, RPF #2759
Forester II
Review Team Chair

cc: Unit Chief
RPF
Plan Submitter
Dept. of Fish & Wildlife, Reg. 1
Water Quality, Reg. 1
Public Comment Writers

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Summary of Review Process

Common Forest Practice Abbreviations

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

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 Cascade Area office in Redding. (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))

Plan 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 Game (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.

What is (and is not) Answered in an Official Response

In its simplest form, the Official Response (OR) is an apologia, which is latin for “speaking in defense.” This involves CAL FIRE providing an explanation for why the plan was approved within the context of the comments received. Usually, this is why the plan was approved over comments that it should be denied or modified. The OR is limited to only substantial environmental concerns (PRC §21080.5(d)(2)(D)¹, 14 CCR §1037.8², §1090.22, §1094.21³) and does not address issues that are outside of CAL FIRE jurisdiction, involve points of law, or policy.

Public Comment

Public comment for this plan came in the form of a single email, included below as Comment #1.

Comment #1

I am an owner of a parcel that directly abuts the THP known as Radioshack (THP number 1-22-00036-MEN) and I have concerns about this plan that I would like CALFIRE to consider when approving this THP.

First off I would like to say that I have read over the requests from CALFIRE and appreciate the keen eye and thoroughness of the review team. It is so very important that an agency like CALFIRE exists to keep an eye on industry while also protecting the state's natural resources.

This harvest plan in its most recent iteration does not allow for a no-logging buffer along property lines. My parcel is 6 acres and the two neighboring parcels below me, also adjacent to the THP, are both under 5 acres. Having an industrial scale logging operation on our northern property lines, especially one that uses helicopters as proposed in the THP, would drastically affect our quality of life, during operation and for many years afterwards.

Danger of blowdown

¹ (d) To qualify for certification pursuant to this section, a regulatory program shall require the utilization of an interdisciplinary approach that will ensure the integrated use of the natural and social sciences in decision making and that shall meet all of the following criteria:... 2) The rules and regulations adopted by the administering agency for the regulatory program do all of the following: ... (D) Require that final action on the proposed activity include the written responses of the issuing authority to significant environmental points raised during the evaluation process.

² At the time the Director notifies the plan submitter that the plan has been found in conformance, as described in 14 CCR 1037.7, the Director shall transmit a notice thereof to the agencies and persons referred to in 14 CCR 1037.3, and for posting at the places named in 14 CCR 1037.1. A copy of the notice shall be filed with the Secretary for Resources. The notice of conformance shall include a written response of the Director to significant environmental issues raised during the evaluation process.

³ §1090.22 and §1094.21 contain the same language related to the Official Response as §1037.8

The property proposed for logging is directly to the north of our parcels. The maximum wind speed during any time of the year in this location can reach a sustained 50 knots blowing directly from the north/northwest. It is of grave concern that MRC will be cutting trees right up to the property lines. My house is less than 60 feet from the property line while my water pump shed/water well is only 30 feet, (Please see diagram attached below) putting them both at risk of being severely damaged in the event that a tree is affected by the wind during falling. Furthermore, when a forest is logged the remaining trees are much more prone to being uprooted due to the soil disturbance and loss of protection the fellow trees give from the wind.

I request that Calfire require a 100 ft setback from my property where logging will not take place to protect my home and other infrastructure on my property.



Lack of a Herbicide Use buffer Close to Domestic Water Sources

I am also concerned with the lack of a delineated buffer from inhabited residential properties for the use of post-harvest herbicides. Many of the herbicides that MRC will use to control softwoods post-harvest have been proven in California courts to cause cancer. (See article about the maker of Glyphosate losing a 10.9 billion dollar lawsuit due to cancer related effects [Here](#)) My well is 30 feet from the property line and the biopersistence of Glyphosate has been studied extensively and shown to permeate into the water table. (Reference this scholarly article from the National Center For Biotech Information discussing the biopersistence and impact on crop

health Glyphosate has [Here](#))

I request that Calfire require a 300 ft setback from my property where the use of herbicides will not be permitted in order to preserve the purity and integrity of my drinking water.

Loss of Windbreak and Effects on Crops

Looking at satellite images of our parcel as well as walking the property line, you can see that during the last timber harvest during the 1980s, many of the bigger trees located along the property line were left standing. This was a very neighborly thing for MRC to do and it created a windbreak for the downwind properties. This wind break is crucial for protecting our crops from the deleterious effects of wind. We have been developing this land with the intent to grow non-cannabis market crops in the next year. If MRC logs all the trees along our northern border, the exposure to the northwest winds will negatively impact our tender flower and vegetable crops. High winds break plant stems, cool the soil and retard plant growth, making farming (one of the permitted uses of this zoning) untenable.

I request that Calfire require a 100 ft setback from my property where logging will not take place in order to maintain the natural windbreak that protects my farm from the deleterious effects of the strong northcoast winds.

Creating a 100' buffer where MRC would not cut the trees along my property line, would only affect less than 1 acre of land or less than 1/2 of 1 percent of the total area of the proposed THP. This seems like a tiny concession and one that would ensure my family's quality of life would be protected.

Response #1:

This comment letter was received early in the review process and, as a result, the concerns were able to be discussed during the field preharvest inspection. The CAL FIRE Inspector made the following comments:

22PC-000000053 – In regards to potential blowdown resulting from tree removal: There are no requirements to limit uneven aged management in proximity to property boundaries within the Forest Practice Rules. The zoning of the parcel on which timber operations area proposed is intended to be devoted to and used for the growing and harvesting of timber. The area of concern is proposed for group selection silviculture. In response to the use of herbicide during proposed timber operations: Herbicide use is proposed for the management of group B species, see RPF response to RTQ CAL FIRE 17 and revised pages in the THP (pages 125-127). The revised pages discuss chemical use during timber operations.

Specific to the concerns expressed, and based upon CAL FIRE revisions requested to the plan, the RPF made changes to the plan to address the concerns and provide additional clarification on the proposed operations:

1. The plan now includes instructions that no group openings will be allowed along the property line with the comment writer (See pages 61, 66.1 and 315.1)
2. More detail about the use of herbicides is provided on pages 125-126.7. Specific to the concern is the application method for herbicides, which the plan discusses is through direct application to the plant by workers on the ground (i.e. no application from helicopters or aircraft is proposed). This treatment application, along with the other requirements in law that relate to the timing of application, reduce the risk of anything other than the target vegetation being treated.
3. With respect to the potential noise related to the project, there is no proposed helicopter use for logging on this plan.
4. CAL FIRE understands the desire for a setback to be provided along property lines, but there is no legal authority for us to require such a measure in a plan. The potential risk of tree blowdown from high winds is too speculative to require revisions to the plan.

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.