

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

NORTHERN REGION HEADQUARTERS REDDING

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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: 2-20-00037-SHASUBMITTER: LandVest IncCOUNTY: Shasta

END OF PUBLIC COMMENT PERIOD: July 2, 2020

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: July 3, 2020

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,

A handwritten signature in blue ink that reads "John Ramaley".

John Ramaley, RPF #2504  
Forester III  
Cascade, Sierra & Southern Regions

cc:  
Unit Chief  
Kieran O'Leary, RPF  
Clayton Code, RPF  
Dept. of Fish & Game, Reg. 1  
Water Quality, Reg. 5  
Christopher Ewens

**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 <sup>15</sup> grams		
PNW	Pacific NorthWest		
CO <sub>2</sub>	Carbon Dioxide	PRC	Public Resources Code
CO <sub>2</sub> 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 <sup>12</sup> grams
GHG	Greenhouse Gas	THP	Timber Harvesting Plan
ha <sup>-1</sup>	per hectare	LBM	Live Tree Biomass
LTSY	Long Term Sustained Yield	TPZ	Timber Production Zone
m <sup>-2</sup>	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 <sub>2</sub> E	Million Metric Tons CO <sub>2</sub> equivalent	yr <sup>-1</sup>	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 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))

## **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.

**Public Comment**

Public comment for this plan came in the form of a letter, included for reference at the end of this document.

**Good Faith Statements:** Portions of the concern letter include narratives of past experiences with logging activities and personal observations of projects not associated with the THP being reviewed. CAL FIRE has made a good faith attempt to filter out the concern relating to the THP in question.

**Comment #1: The entirety of the letter is related to concerns for a stretch of road described in the letter with photos attached.**

**Response 1:** It was not immediately clear from the letter where the stretch of road in question was located. This was necessary to determine if CAL FIRE had any authority to regulate the road in question. Based upon the address and directions to the section of road the letter of concern refers to, CAL FIRE inferred the road section and homestead being referenced are located within Township 37N R4W Sections 7 and 17 MDBM. Additionally, to confirm the location of the concern area in relation to the proposed THP, the RPF was contacted soon after the letter was received. A RPF representative of the Landowner provided the following comment:

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

Jon, according to Shasta County records, the location discussed in this comment letter is associated with Shasta County road. Further, it is not our intention to transport forest products on this road.

This is a link to Shasta County Roads:

<https://maps.co.shasta.ca.us/Roads/>

CAL FIRE has reviewed the map link and while the exact location of where the county road ends what is clear is that Shasta Cascade Timberlands ownership does not begin until the blue highlighted area in the phot below. The property ownership is much higher than the area described in the letter. CAL FIRE only has authority for roads that are within the plan, or are appurtenant to the plan, which means under the ownership or control of the landowner.





The RPF's information, in conjunction with what CAL FIRE inferred from the description of the road segment provided in the letter indicate the road section is not associated with the THP referenced nor under the control of the Landowner who submitted the THP.

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). The road section in question does not appear to be either within the THP Boundary or appurtenant to the plan.

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.

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.

While it may seem harsh when a state agency advises that one's only recourse in a civil dispute is court action, it is not out of concern such statements are made. CAL FIRE must regulate within their judicial bounds of authority and cannot adjudicate disputes outside such limits. The judicial system has the authority to deliver judgment regarding property boundary and road use disputes and specifically exists to resolve matters such as these.

## 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.**



July 3, 2020

**CHRISTOPHER & LORI EWENS**27373A Fat Bear Way, Castella, CA 96017  
(530) 235-0721

May 12, 2020

Review Team Leader, Forest Practice Program  
THP# 2-20-00037-SHA  
California Department of Forestry & Fire Protection  
6105 Airport Road  
Redding, CA 96002**RECEIVED**  
**MAY 19 2020**  
REDDING  
FOREST PRACTICE

Reviewed by:	_____
Dist. by:	_____
Dist. Date:	_____
RU	PS
FG	TO
WQ	TLO
ARCH	LTC
RPF	DMS
INSP	BOE
OTHER:	_____
FPS	_____
Status:	_____

Dear Review Team Leader:

The referenced THP plans to use "G Line", also known as Mears Creek Road or Upper Shotgun Road, for access. I am concerned that a substandard, narrow, damaged part of that road will be further damaged by the heavy equipment and logging truck use of that road.

During the THP approval process for a previous THP in this area, I commented on this same issue. At that time, the property was owned by Roseburg Resources. I was contacted by **Arne Hultgren**, who asked me to meet with **Jim Henson** and informally work out a solution instead of commenting further on the THP. **Jim Henson** and I met at the road site and he agreed to widen the road where the road is damaged. As a response to his commitment, I agreed to refrain from any further commenting on the THP.

Subsequent to our agreement, the road was not repaired or widened. **Jim Henson** and **Arne Hultgren** did not fulfill their obligation to do so. I have email correspondence from Arne Hultgren which corroborates the agreement I have with both he and **Jim Henson**. Consequently, I cannot rely on the word of individuals representing their corporations that they will honor such agreements.

Please include a requirement in the proposed THP that the substandard, narrow, damaged section of G Line be widened before the road is used for logging THP 2-20-00037-SHA. Attached are pictures of the existing condition of the road at the point I am referencing. If you drive west on G Line from the crossroad, Mears Ridge Road, the damaged curve in the road is about 50 yards beyond the two homes located on the beginning of the road.

This road provides access to my home. Please give this matter the same consideration as if it were the access to your home. Thank you.

Sincerely,



Christopher L. Ewens