



**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: 1-22-00035 MEN

SUBMITTER: RMB Revocable Family Trust, Roger A. Burch, Trustee

COUNTY: Mendocino

END OF PUBLIC COMMENT PERIOD: June 6, 2022

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: June 8, 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,

A handwritten signature in blue ink that reads "Jon Woessner".

Jon Woessner, RPF #2571  
Forester III

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

## 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	[S/C]	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 <sub>2</sub>	Carbon Dioxide	THP	Timber Harvest Plan
CO <sub>2</sub> e	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 <sup>-1</sup>	per year
GHG	Greenhouse Gas		
ha <sup>-1</sup>	per hectare		
LBM	Live Tree Biomass		
LTO	Licensed Timber Operator		
LTSY	Long Term Sustained Yield		
m <sup>-2</sup>	per square meter		
MAI	Mean Annual Increment		
MMBF	Million Board Feet		
MMTCO <sub>2</sub> E	Million Metric Tons CO <sub>2</sub> 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	Govrn'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.

## Public Comment

Public comment for this plan came in the form of a single letter written to the RPF who prepared the plan and submitted via email to CAL FIRE. The contents of the letter are copied below under Concern #1.

### **Concern #1**

*As the Board of the Westport Community Water District, we are stewards for the Wages Creek watershed, on which the members of the WCWD (the residents of Westport) depend as their exclusive source of water. The WCWD's water intake is downstream from the likely situs of the THP. We want and need to ensure the residents of Westport that their interests in clean and potable water are protected in both the preparation and execution of the THP. THPs may cause erosion, sedimentation and the inflow of toxins from both equipment operations and the use of herbicides and pesticides. That pollution has the potential not only to affect the potability of water, but to endanger fragile fisheries and animal habitats, all of which Westport has an interest in protecting.*

*To do so, we may require – by way of example only -- restrictions on periods of operation (e.g., dry season only), erosion control measures being put in place before any measurable rainfall, no use of herbicides or pesticides, pollution control measures to prevent and/or ameliorate equipment spills, and the monitoring of water quality downstream for the duration of the THP.*

*We welcome the opportunity to review and comment on the THP before it is finalized. We would also like to attend any pre-harvest inspection (PHI) scheduled by Cal Fire or other regulatory agency and any subsequent meetings or phone calls to discuss the PHI and any recommendations that have emanated from the PHI. Please confirm that we may participate in these ways and suggest any others that may be available. 1-22-00035-MEN We also request the following information and/or written response from you, preferably by Friday, December 24, 2021, in preparation for the WCWD's January 2021 Board Meeting:*

*1. Has a THP been prepared, and if it has not yet been completed, when do you expect it will be? Is a draft available for our review? If not, when do you expect it will be?*

2. Has a pre-harvest inspection been scheduled? If so, please provide details so that we may attend. If not, please notify us at least 2 weeks in advance of the later-scheduled date.

## Response #1

CAL FIRE Considered the request for the Water District to be included in the PHI. 14 CCR 1037.5 (a.) allows the Director to request on federal, state or counties agencies to be included in the Review. Upon looking into the status and after consultation with Mendocino County, it was determined the Water District was not a county agency. The concern letter was then included in the record as public comment.

Review Timeline of the plan.

1. The THP was originally submitted on March 7, 2022. It was deemed not complete and returned to the Plan Submitter on March 17, 2022.
2. The THP was resubmitted on April 11, 2002. It was accepted for filing on April 21, 2022.
3. A pre-harvest inspection occurred on 4/30/2022. CAL FIRE and Regional Water Quality Control Board were in attendance. Both CAL FIRE and Regional Water Quality Control Board made recommendations to improve the plan. These recommendations were agreed to and included in the plan.
4. Second Review occurred on 5/26/22 and the Plan was recommended for approval.
5. Public Comment Period closed on 6/6/2022.

THP Contents pertinent to the Concern

- Section II, Item 18 – Soil Stabilization and Erosion Control
- Section II, Item 19-21 Ground Based Equipment Operations
- Section II, Item 23 - Winter Operations.
- Section II, Item 24 Road construction – none proposed.
- Section II, Item 26 and 27 Watercourse protection measures
- Section II, Item 28 – Domestic Water Notification
- Section II Item 32 – Biological Resources – protection measures for aquatic species.
- Section IV Cumulative Effects Analysis – Specifically addressing the potential for impacts to watershed resources and herbicide use

The CAL FIRE Inspector and Regional Water Quality Board Inspector reviewed the comment letter, then conducted an inspection of the plan area.

CAL FIRE's inspection report specially addressed the concern. Below is language provided within the PHI Report.

*Prior to the PHI, I spoke with WCWD representative Gary Weiss on the telephone and via email. Weiss told me the intake for the WCWD is on Wages Creek*

*approximately 30 feet east of highway 1. Given this information and the flow path of water leaving the THP, the intake is approximately 10,021 feet from the THP at its closest (based on GIS analysis).*

*During the PHI, WQ representative Joelle Geppert and I discussed the concern of the WCWD and evaluated the plan as proposed and mitigated to determine if there would be any significant adverse environmental impacts on the beneficial uses of water. We are in agreement that if the THP is conducted as proposed and mitigated, and in accordance with the CA Forest Practice Rules, **it is expected that there will not be a significant adverse environmental impact on the beneficial uses of water, including the WCWD intake located approximately 10,021 feet from the THP.** (CAL FIRE PHI report page 12)*

The WQ PHI Report stated

*It appears that with inclusion of recommendations from review team agency PH I reports, the THP will be likely to avoid or minimize both short term and long-term adverse impacts to beneficial uses of water. When considered with the proposed selection silviculture harvest, the requirements for post-harvest retention of overstory canopy, and watercourse and lake protection zone requirements, I believe THP 1-22-00035(corrected) HUM will comply with applicable water quality standards and therefore will be eligible for coverage under either the General WDRs.*

After reviewing the record and completing an onsite inspection, CAL FIRE concurs that the plan as proposed will not have significant adverse impact.

## **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.**