



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NORTHERN REGION HEADQUARTERS
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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: 1-19-00082-MEN Amendment #7

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

COUNTY: Mendocino

END OF PUBLIC COMMENT PERIOD: June 13, 2022

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: June 20, 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, appearing to read '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 ₂ | Carbon Dioxide | THP | Timber Harvest Plan |
| CO ₂ 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 ⁻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 ₂ E | 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 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))

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.

Review Timeline of the amendment.

1. The Amendment was originally submitted on August 25, 2021. It was deemed not completed and returned to the Plan Submitter on September 2, 2021.
2. The Amendment was resubmitted on April 22, 2022.
3. It was accepted for filing on April 28, 2022.
4. A pre-harvest inspection occurred on 5/9/2022.
5. Second Review occurred on 5/26/2022.
6. The Amendment was recommended for approval on 6/2/2022.
7. Public Comment Period closed on 6/13/2022.
8. The Amendment was approved on 6/20/2022.

Concern #1

We are writing to you to submit comment regarding the Notice of Intent/Notice of Preparation to Harvest Timber in connection with the above identified Timber Harvest Plan filed by Roger Burch, Trustee, RMB Revocable Family Trust dated February 5, 1999. We are writing on behalf of 18 individuals who collectively own the property adjacent to and north of the property covered the land proposed for timber harvest.

As adjacent property owners we have a dispute with the owner of the proposed logging tract regarding the location of the boundary between the two properties. We are concerned that under the proposed Timber Harvest Plan, logging may improperly occur on our property.

Thank you for allowing me to comment on this plan that affects my home and property value as well. The owners did not pay for a survey for the last round, said it was too expensive, and relied on old maps and guesswork, did not mark boundaries, yet markers are all there from back when i purchased my land over 30 years ago. If they can afford to log it, shouldn't they pay for a new survey as i would need to do if i wanted to develop my land?

Response #1

In regard to the first part of the concern, in an email dated May 17, 2022, the Plan submitter stated

In 2000 the RMB Revocable Family Trust (RMB), became aware of a property line claim by the Ratcliff family who owns adjacent land on the northern side of Slick Rock THP 1--19-00082 MEN.

Prior to the 2020 harvest, RMB hired a licensed surveyor to survey the property line that is shown in the deed description for their property. That line was surveyed and flagged by the surveyor prior to the harvest associated with THP. The survey is recorded with Mendocino County. The amendment areas are not located near this surveyed property line.

It appears as that concern has been addressed with the Plan Submitters email.

In addition, CAL FIRE does not have jurisdiction over the location of property lines. This is a civil matter between the two interested parties.

Concern #2

THP 1-19-00082-MEN THP substantial change to 2019 approved THP, affects Morrison Gulch watershed plant and animal life, including my water and property rights. Insufficient information was provided to CalFire on this expanded THP, and approvals are being rushed through without adequate study of major impact to this watershed and mitigation measures to protect this healthy ecosystem. The harvester/owner cites that costs of compliance with good practice are prohibitive or excessive, yet owner is minimizing the destruction to this watershed that their substantially expanded THP will create, essentially destroying this essential blue-line watershed and its water supply, that supports the healthy ecosystem. If allowed to go through without further impact studies, my property that is within the Morrison Gulch watershed will be devalued, as this watershed will be destroyed by this new plan. I was just now notified, very late in the process to take any action to prevent destruction to my property and its value.

I need to learn more about classes of waterways, also, noticing that someone has designated different portions of the Morrison Gulch watershed as class 1 where it crosses hwy 1, and other parts as classes 2 and 3. We're in a drought currently, but in wet years this waterway turns into very high water, runs yearround, sustaining a healthy and abundant variety of flora, fauna, fungi, raptors and other endangered birds, amphibians, fish, lizards, and more. That stream charges the aquifers from which I draw my domestic water supply, if roads are crossing it, and timbers are dragged out if it, that negatively impacts all life that cannot speak and will die. Since the last logging round was done, many raptors I have formerly only seen in the gulch have moved somewhere closer to my home—I am seeing more osprey, owls, etc. outside the gulch than before.

Erosion in wet years is another big concern, why do they need to cross and log in the streambed and on steep slopes? What happens if a tree falls into the gulch when they cut it? Will they leave it, or drag it out to take it?

Response 2.

The amendment, in conjunction with the Timber Harvest Plan address these concerns in several locations.

THP Contents pertinent to the Concern in Section II, the operational part of the plan. This section provides specific instructions on how the plan is shall be operated.

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.

The amendment does propose to use existing crossings in accordance with the Forest Practice Rules. Erosion control measures are specified in primarily in Item 18 but also in other sections. The amendment does not propose any skidding on steep slopes. If during operations a tree inadvertently falls into the gulch, the logs and slash will be removed from the watercourse. Any disturbed soil will be treated as per the THP, which is in conformance to the Forest Practice Rules.

As a part of the Pre-Harvest Inspection, the CAL FIRE Inspector concluded that no recommendations were warranted to address these issues as the plan was in conformance to the Forest Practice Rules.

Prior to the PHI, I reviewed the updated watercourse protection measures, wildlife habitat protection measures and soil stabilization measures written in the THP amendment. During the PHI, I evaluated watercourse protection measures, wildlife habitat measures and soil stabilization measures for this THP amendment. During the PHI, I made no recommendations to address watercourse protection measures, wildlife habitat protection measures or soil stabilization measures for this THP amendment.

During the PHI, I evaluated the three proposed tractor road watercourse crossings, the roads within the THP amendment area and sample mark within the amendment area. I observed that the impacts to the beneficial uses of water will not be significantly impacted as a result of timber operations for this THP amendment.

Upon review of the amendment in conjunction with the already approved THP, CAL FIRE finds that is in accordance with the Forest Practice Rules and avoids significant impact to wildlife and aquatic resources.

Concern #3

i have so many questions...and most of my neighbors were not notified of this new plan.

Upon submittal CAL FIRE reviewed the adjacent landowner list, found it in conformance with 14 CCR 1032.7 and mailed the Notices.

Page 2 of this Response describes what is the standard noticing practices for Timber Harvest Review. CAL FIRE finds that Noticing was in conformance to the Rules

After reviewing the record and completing an onsite inspection, CAL FIRE concurs that the amendment 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.