

## ATTACHMENT 2

Dogwood THP comment letter **1-15-042 SON** (Dogwood THP), Baye, May 16, 2016 – incorporated by reference

CAL FIRE - Forest Practice Program Manager  
135 Ridgeway Ave,  
Santa Rosa, California 95401  
[santarosapubliccomment@calfire.ca.gov](mailto:santarosapubliccomment@calfire.ca.gov)

May 16, 2016

SUBJECT: THP 1-15-042 SON (2<sup>nd</sup> recirculated “Dogwood” THP)

Dear CAL FIRE:

I would like to supplement my previous two comment letters (December 23, 2015 and July 2015; incorporated here by reference) on the original “Dogwood” THP (1-15-042 SON Gualala Redwood Timber LLC) with the following comments.

This second recirculation of the THP in order to incorporate essential information (skid trail layout in a flood-prone area) that obviously should have been included in the original THP is a concern for the THP and environmental review process in itself. There is actually no explanation given in the recirculation notice for why the “supplemental” submittals were not included in the original THP by the applicant (RPF A. Haschak, on behalf of Gualala Redwood Timber LLC), or required by CAL FIRE for a full and complete THP to provide the public for meaningful comment.

If CAL FIRE had complied with own Riparian Protection Committee (RPC) scientific and technical guidance for “Flood Prone Area Considerations in the Coast Redwood Zone” of November 2005 when it circulated the first or second public versions of the Dogwood THP, it would have identified the magnitude, intensity, context, and spatial distribution of “disturbances” on flood-prone areas that comprise the entirety of the Dogwood THP. The skid roads are among the primary sources of “disturbance” in the THP that could cause impacts to wetlands, rare plants, listed and special-status wildlife (California red-legged frogs and western pond turtles), and essential geomorphic properties of floodplains. Since skid road construction and equipment operation for timber harvesting are “disturbances” causing impacts in riparian floodplain redwood forests, their analysis must be at the heart of the THP impact assessment. The RPC states:

The basic procedures suggested by the RPC for flood prone area protection and restoration include: (1) **inventorying flood prone areas for all of the hydrologic, geomorphic, and biological functions** present that may be affected by proposed timber operations; (2) determining the **category of inundation** of the flood prone area proposed for management (i.e., very frequent, frequent, moderately frequent, or infrequent), and (3) **conducting an appropriate analysis for the functions present in light of possible significant adverse impacts from management. Disclosure and analysis** requirements will increase with increased risk associated with the proposed level of activity, and with increased frequency of inundation of the flood prone area. In particular, management proposed within the 20-year recurrence interval floodplain in a watershed with

anadromous fish habitat (particularly coho salmon habitat or restorable habitat) requires detailed analysis.

CAL FIRE Riparian Protection Committee 2005

[http://www.fire.ca.gov/resource\\_mgt/downloads/RiparianProtComWhitePaperfinal.pdf](http://www.fire.ca.gov/resource_mgt/downloads/RiparianProtComWhitePaperfinal.pdf)

Evidently, CAL FIRE is treating these “basic procedures” as an *ad hoc* afterthought to paper over glaring omissions in the Dogwood THP. But this is a useless exercise in terms of impact analysis and mitigation unless skid road layout is related to equally essential baseline information on the location of sensitive biological resources such as floodplain wetlands and rare plants (Baye 2015 comment letters, cited below), and roughness elements of the floodplain that trap sediment and nutrient inputs to the river (RPC 2005 pp. 9-11, 13-14, 24). None of these individual or cumulative impacts was in any way analyzed with evidence (either consistent with the RPC guidelines or otherwise) in the Dogwood THP, before or after the circulation of the skid road layout. Wetlands are still not inventoried, classified, mapped, assessed or have their distribution shown in relation to the skid roads. Therefore, the skid road layout submittals do not address wetland impacts, and do not comply with RPC 2005 guidelines on p. 11. The same applies to rare plants: there are no current site-specific inventories of rare plants within the THP area, either in wetlands or in non-wetlands. Therefore, the skid road maps cannot be used to meaningfully assess or mitigate impacts to rare plants any more than they can be used to mitigate impacts to floodplain wetlands.

CAL FIRE should follow its own guidance in the RPC 2005 when complying with FPRs and evaluating THPs that lie entirely within a flood prone area, like Dogwood THP. Or at the very least, CAL FIRE should at least provide a rational, explicit explanation for why it does not, especially when it is obliged to justify an “exception” being made for allowing disturbances in flood prone areas. The last-minute (egregiously late) inclusion of skid roads in the absence of any (added or original) corresponding information about the sensitive riparian resources they should be avoiding is a vacuous, perfunctory, *pro forma* exercise.

I previously identified the essential omission of skid roads and their critical relevance to impact analysis to the following sensitive resources in my December 23, 2015 comments. They are cited below, with emphasis in bold. Since the information below is omitted in the THP, the skid road layout submittals do not enable CAL FIRE, resource agencies, or the public to evaluate the efficacy of skid road layout in avoiding or minimizing impacts to them, as falsely claimed by the RPF on p. 27 of the revised THP submittal dated April 8, 2016.

### 3. Wetlands

The **THP still fails to include any baseline information on the extent or location of wetlands in the flood prone area** that comprises almost the entire plan area, other than “wet areas” narrowly defined (*e.g.* perennially wet areas: marsh, springs, seeps, and swamps) in the FPRs. This is inconsistent with the THP’s identification of the dominant soil type in the THP area, Bigriver series, which is described as prone to seasonal wetness consistent with seasonal wetlands: “The main limitation affecting the harvesting of timber is the seasonal wetness. Ponding limits the use of equipment to dry periods. Unsurfaced roads and skid trails are soft when wet.” The THP also describes alluvial topography conducive to depressions and basins (“low areas”) trapping sediment and water (Section IV p. 166) –

precisely the environment forming floodplain seasonal wetlands. Yet the recirculated THP still fails to survey, map, or describe (or even name!) seasonal wetlands despite the geomorphic wetland-prone setting of the floodplain, and despite their high importance for wetland-dependent sensitive wildlife and plant species. No cumulative impact assessment of floodplain wetlands was performed because there is no assessment of wetlands in 402 acres of the THP flood prone area. This remains a major omission of a significant resource impact.

**CAL FIRE should not approve the floodplain THP without a baseline survey and map of wetlands that includes mitigation protection of seasonal and perennial wetlands from disturbances** (including skid roads), filling, and adverse alteration of drainage. CAL FIRE should also require enforceable monitoring and reporting of pre-project and post-project wetlands that may overlap with skid roads and other disturbances in the floodplain that are proposed in the THP without geographically explicit maps. The THP's failure to map and avoid earth-moving disturbances to wetlands incurs risks that inadvertent fill discharges may cause violations federal and state laws. The limited Clean Water Act Section 404 exemption for "normal" forestry practices does not include conversion of wetlands to non-wetlands (*e.g.* fill that destroys wetland hydrology).

#### 4. Special-status/rare plants

The recirculated THP still includes only rare plant (so-called) "scoping" that is not even specific to the THP area, which is almost entirely floodplain and prone to forming wetlands, as described in the type description for the alluvial Bigriver soil series. The "scoping" for rare plants encompasses all GRT ownership, which is mostly upland slopes and irrelevant vegetation types, and is grossly outdated – about 20 years old.

The THP impermissibly defers surveys for rare plants until after THP approval. The THP includes no enforceable criteria for plant survey expertise, species-specific timing, mapping methods, review, or reporting. It treats the entire plant survey for 402 acres including wetlands and endangered species as a "minor amendment", but by any professional standard, this large floodplain survey area requires a very major plant survey effort. The ten day reporting standard before operations that is proposed makes any survey results infeasible for expert review and rare plant protection; it is an outdated 1960s rare plant salvage standard.

#### 6. Archaeological and cultural resources

The recirculated THP still fails to identify the type and significance of archaeological resources within the THP area that have already been published and are publicly available without compromising the confidentiality of specific archaeological resource localities. CAL FIRE's CEQA assessment of archeological resources for the Artesa (Annapolis) vineyard timber conversion plan did not claim "blackout" exemption for meaningful discussion of archaeological resources, but this THP inappropriately excludes all meaningful assessment of impacts and mitigation under a claimed over-reach of the exemption for confidentiality of archaeological resource locations, citing California Government Code Section 6452.10. This section does not relieve CAL FIRE of CEQA obligations for archeological resources (the CEQA exemption for the THP certified

regulatory program process does not cover CEQA chapters covering archeological resources). The THP area includes both old village sites and camps described in Barrett, S.A. (1908) *Ethnogeography of The Pomo and Neighboring Indians* (pp. 224-226) including pasikoyoyoelli (vicinity or in Unit 1), tcayahakaton, kubamoi, and kabateyo (Rockpile Creek mouth vicinity).

## Conclusions and Recommendations

The addition of skid road maps without corresponding data and analysis of sensitive floodplain forest resources is meaningless for impact assessment and mitigation. CAL FIRE and the applicant have done only half the job they are supposed to do: the skid road layout should correspond to essential flood prone riparian geomorphic and biological functions, and significant biological resources, consistent with RPC guidelines or some reasonable scientific equivalent sufficient to meet FPR and CEQA standards. The multiple recirculations of the Dogwood THP fundamentally fail to do this despite ample comments on record regarding the need to do so.

The sequence of recirculated *ad hoc* THP materials convinces me that the Dogwood THP process is essentially a rationalization for a THP that GRT admits was planned before the flood prone area that comprises Dogwood THP was reclassified as WLPZ (riparian protection zones). The late submittals and recirculation provide only half of the information needed to conduct a meaningful analysis of direct, indirect, and cumulative impacts to floodplain forest ecosystem functions and sensitive biological and archeological resources. The THP still fails to analyze and mitigate potentially significant impacts to these resources.

Respectfully submitted,



Peter Baye, Ph.D.  
Coastal Ecologist, Botanist

Copies furnished:  
Audubon Society Madrone Chapter  
California Native Plant Society  
Center for Biological Diversity  
Forest Unlimited  
Friends of Gualala River  
Northern California River Watch  
California Sen. Mike McGuire  
Independent Coast Observer  
Interested Parties