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September 28, 2019

**SUBJECT: THP 1-18-095 MEN (Little THP),** Gualala Redwoods Timber, Mendocino County, Gualala River Little North Fork, Doty Creek Planning Watershed.

To: CAL FIRE Forest Practices, Santa Rosa

On behalf of Friends of Gualala River (FoGR), we are submitting comments on Little THP. FoGR remains concerned that CAL FIRE is preparing yet another THP with disregard for the standards of evidence and reasoned explanation demanded by the California Environmental Quality Act (CEQA). The Little THP includes sensitive riparian redwood (flood-prone) habitat in the last part of the Gualala River watershed known to have supported cool streams with coho salmon, as recently as 2004. The high sensitivity of this environmental setting demands rigorous environmental assessment, equivalent to an Environmental Impact Report required for projects with potential significant impacts.

Despite the need for this CEQA standard to be met in practice for THPs (CEQA certified regulatory program), Little THP relies on unsupported opinion to assess THP impacts. For cumulative impacts assessment of the THP, it relies on long-outdated survey data (mostly up to 2003, few as recent as 2011, and none later) regarding stream conditions and salmonids. The majority of sensitive wildlife species discussions in the THP refer to no survey data at all in the THP area. The same deficiency occurs with sensitive plant impacts in the THP. The THP just recites the same “scoping” text we see in every Gualala Redwoods Timber THP, compiling old lists from 1997 to 2001, with absolutely no current or even recent survey data from the THP area. The impact assessment routine is the same, too: the THP prepared by GRT foresters simply compiles cut-and-paste, boilerplate background information and leaps to conclusions that impacts are unlikely (or no impacts are known) for the THP area, in the absence of any evidence about existing, current conditions. The general boilerplate language for wildlife and plant impacts is almost exactly the same in every Gualala Redwoods Timber THP we have read for the last 5 years. We give specific examples of these deficiencies below, and request that CAL FIRE require the applicant to provide actual, updated data or adequate evidence to characterize existing conditions in the THP area for wildlife, plants, fish, and habitat conditions, to conduct evidence-based impact assessment meeting CEQA standards. Without this, meaningful public comments

are impossible. Meaningful public comments on the THP are already hard enough because it is written in industry and agency jargon instead of plain language.

There is no reference to any mitigation, monitoring, and reporting plan in the entire Little THP. The THP generally proposes that various standard protections, like WLPZ (stream and riparian buffer) conditions will effectively mitigate impacts – apparently as an article of faith, because the THP cites no past monitoring reports or any other post-harvest THP monitoring evidence that indicates how effective any mitigation measures are at minimizing or avoiding impacts. The THP at most cites long-outdated general Gualala River Watershed Council monitoring reports (last year of data reported: 2011) that do not even relate to before-and-after comparisons of THP conditions. Or the THP cites even older general watershed monitoring trends (not specific to the THP area) from before 2003 in the NCWAP Gualala report (GRWC 2003). How can the public, or any professional forester or independent expert, know whether the FPR protections cited as panaceas for all timber harvest impacts have any effect, without a requirement for mitigation and monitoring reports – a standard requirement of all CEQA documents, and one from which the THP certified regulatory program is not exempt. If the Little THP is relying on impact assessment based on subjective opinion or generalizations without evidence, the least it can do is validate and test those predictions of “no impact” or “little impact” with monitoring data, reported and made publicly available.

The THP’s reliance on subjective opinion unsupported by explanation of evidence is shown in a misnamed sub-heading, “Summary of Watershed analysis specific to this THP” in Section 4 (cumulative impacts) p. 148. Here the RPF declares faith in FPRs to minimize impacts to flood-prone areas: “Because of the limitations and beneficial actions required by the Forest Practice Rules and especially the ASP rules I believe that this plan will improve the existing conditions...”. But there are no monitoring data from the THP vicinity, or any previously authorized flood-prone THPs, cited to support this opinion that no significant cumulative impacts occur. Dogma and faith-based opinion are not reasoned explanation.

Mitigation monitoring and reporting is particularly necessary for all the flood-prone areas of the Little THP. CAL FIRE and resource agencies have presented and assessed absolutely no monitoring data from the first GRI (GRT) “pilot” Gualala flood-prone THP, “Kestrel”, to test whether the in-lieu ASP rule practices are in fact protecting salmonids and flood-prone habitats. This evasion of fundamental mitigation monitoring and reporting practices should end with the Little THP. For example, Little THP (Sec 2 p. 30) refers to GRT salmonid habitat enhancement to improve conditions and offset logging impacts, citing 560,000 board feet of large woody debris placement in streams and road upgrades. But Little THP cites absolutely no monitoring data or any objective information on the effectiveness or improvement of salmonid habitat conditions relevant to Little THP, or its salmonid population trends up to date. And none is evaluated in Little THP Sec 4 (cumulative impacts). Obviously, claiming virtue of government-subsidized wood-in-stream projects in the watershed, without any performance monitoring data analysis, is meaningless for public comment or expert assessment of the Little THP.

Little THP should require a comprehensive, enforceable (and enforced!) mitigation and monitoring & reporting plan (MMRP) for all WLPZ protections, sensitive fish, wildlife and plants, invasive species, and water quality, with baseline (pre-harvest) and post-harvest data

analyzed for potential significant, direct indirect, and cumulative impacts. Otherwise, there is no way to test or ensure whether FPR protections actually reduce potential significant impacts to less than significant levels or not. Without monitoring data and reporting, FPR mitigation measures are unenforceable and faith-based.

The Little THP justification for allowing exceptions to standard rules prohibiting heavy equipment in flood-prone areas (Section 3, page 110) is absurd. It says that mitigation is to drive tractors with the blade raised when not in use! First, there is no reason to have a tractor blade lowered when it is not in use in the first place, so it's a gratuitous, nominal "mitigation". Second, there is no evidence that only the tractor blade, and not the heavy tractor vehicle traffic itself, is a disturbance impact. Repeated passes of heavy equipment on soft alluvial soils disturbs not only sediment, but every living thing in the ground – from invertebrates and fungi to amphibians, reptiles, burrowing mammals, plants, seeds – as well as the ground itself (soil compaction). There was a reason for having this as a standard rule, and those reasons (explained by the CAL FIRE interagency Riparian Protection Committee's 2005 "flood-prone considerations" report), as well as the rules themselves, are just brushed off arbitrarily in the Little THP.

Flood-prone areas are not described or evaluated to allow assessment of their important ecological role in supporting growth and survival of juvenile salmonids during overbank flooding (floodplain submergence), and THP impacts. Section 4, p 147, states in two sentences only where recent flooding occurs, but nowhere in the THP is there an explanation of biologically significant flooding when steelhead and other salmonids access the invertebrate food-rich submerged floodplain for brief periods of rapid growth to survivable size. Again, the THP fails to describe existing conditions and potentially significant cumulative impacts of logging in the flood-prone areas of the THP. Cumulative impacts of flood-prone area timber harvest are not even possibly assessed relative to existing conditions, since Section 4 (pp 153-158) cites only long-outdated stream survey data for steelhead and coho that stop in 2002, with no recent data for existing conditions and trends.

The Little THP also fails to provide a reasonable comparison of feasible alternatives for the project, based on objectives or goals that are not merely restatements of the applicant's preferences to log the plan area. The alternatives analysis doesn't even consider an alternative that applies the standard rules for Anadromous Salmonid Protections and "flood prone" areas, which require exclusion of heavy equipment operation and avoidance of skid road use in flood-prone areas. It just considers the proposed substitute exceptions ("in lieu" practices) that set aside the standard rules for protection, without even comparing environmental consequences of the standard and substitute rules, in this and every Gualala THP including flood-prone areas we have read. In fact, we cannot find even one instance of a Gualala THP that has evaluated or applied the standard ASP and flood-prone rules since they were finalized. This begs the basic question of what the ASP and flood-prone rules are for, and what they actually protect, if they are set aside and replaced by substitute rules in each and every case when they should apply.

For example, Little THP (Sec 3 p. 109. Item 27 a & f part 1) states that the standard rule 916.5(d) prohibits heavy equipment in WLPZ (riparian, stream, and flood-prone areas), and Sec 3, p 110.1 Item 27 a & f part 2 states that standard rule 916.13(c) prohibits tractor road use in Class 1-3,

WLPZ and related wet riparian habitats. The only explanation and justification waiving this rule is that the main haul road that the applicant would like to use (a road system older than this rule) is almost entirely in WLPZ, and the old skid trail (road) system is in the flood-prone area. CAL FIRE defers to the applicant's preference to keep using the same old road systems that don't fit the new rules, and adapt the new rules to fit the old forest road system, so there is no reduction in the (otherwise protected) logged area. This is repeated in every case of THPs with Gualala THP flood-prone areas, apparently, so the flood-prone rule exceptions become the rules in practice. Instead of administratively re-writing the rules so they never apply in practice, why not at least compare the impacts of full compliance (no heavy equipment in WLPZ) and the environmental consequences of proposed exceptions to the rule?

The Little THP doesn't even include a full map of flood-prone skid roads, or quantify them, as existing conditions. It just assures that they are flagged so timber operators can see where they are. But it's not possible to assess the impacts of heavy equipment use (normally prohibited in flood-prone areas), without quantifying the density of skid roads in flood-prone areas. It's also not possible to compare alternatives minimizing those heavy equipment impacts without seeing skid road density in maps, or comparing them with maps of sensitive habitats like floodplain wetlands, rare plants, or wildlife habitats. None of those biological resources are surveyed or mapped either. Not one basic CEQA or ASP rule can be planned or evaluated meaningfully without maps of skid roads/trails, and biological resources in the THP area.

The continued lack of any valid wetland mapping in flood-prone areas is also especially troubling. Anybody who views the Gualala River floodplain sees the scattered meadows of slough sedge, which is an "obligate" wetland plant, meaning that it is ranked as occurring over 99% of the time in wetlands. The RWQCB made a PHI request for information on wetland indicators in Little THP area. The CAL FIRE response was that no resource agency provided any, which is obviously a non-response, turning the request back at the PHI agency. The Little THP maps representing "wet areas" (which are aquatic habitats, and don't include the prevailing slough sedge meadows in the floodplain that drain and dry in low-flow summertime) have only icons for "wet areas", and don't show boundaries or measure their areas, or even estimate them. How can floodplain wetland existing conditions and impacts be assessed without wetland delineation protocols and maps? Little THP, like all other GRT THPs in flood-prone areas, refuses to assess seasonal wetlands impacts. Given their widespread distribution in flood-prone areas, and the standard ASP rules that prohibit heavy equipment and skid trail use in flood-prone areas, is this a coincidence?

The Little THP alternatives analysis is an obvious sham if it doesn't even consider environmental consequences of applying standard FPR protections for salmonid habitats in at least one alternative. Instead, Little THP evaluates only the applicant's preferred alternative and a series of straw-man alternatives that overtly do not meet basic project objectives (and are thus not even valid candidates for feasible alternatives in the first place by CEQA standards; see Attachment).

There is no indication that CAL FIRE is exercising meaningful supervision or control of the THP alternatives analysis. CAL FIRE is responsible for ensuring FPR and CEQA perspectives on alternatives and project objectives prevail, with consideration but not undue deference to the applicant's alternatives analysis submittals. Instead, CAL FIRE simply published undigested,

unedited biased alternatives that rationalize the applicant's preferred Little THP alternative. That is hardly CEQA-equivalent, and it is hardly environmental regulation in any sense.

The analysis of flood-prone areas and impacts in Little THP is deeply flawed at all levels. First, we learned that PHI agencies, including those that collaborated on the definitions and intent of flood-prone rules and protections, could not even come to basic agreement over the boundaries of the flood-prone area for Little THP, and didn't even agree on the interpretation and criteria for resolving the disagreements. This is unacceptable, and it is even more unacceptable that this controversy was not disclosed in the description of existing conditions of flood-prone areas. There is not even a clear map showing the extent of proposed flood-prone areas, or the boundaries of differing CDFW, RWQCB, and CAL FIRE/GRT flood-prone boundaries. There must be an interagency protocol for resolving basic boundaries for where ASP & flood-prone rules apply. Disclosing the accurate area and boundaries of flood-prone areas is needed for a complete description of the project area, and for assessment of cumulative impacts to flood-prone areas. The THP (Sec 4 p 123) merely states that Little comprises 200 acres or 4.3 % of the Doty Ck planning watershed, but provides no objective estimate of its flood-prone acres, or the percentage of all flood-prone areas in the Doty Ck planning watershed, or the Little North Fork sub-watershed as a whole. Little THP should be suspended until it is resolved objectively, with expert peer review, and without arbitrary authority or undue deference to applicant interests.

Additional comments:

Maps. Maps of existing conditions in the THP area and setting are obscure because they lack place-names of creeks, ridges, or other identifiable geographic locations needed for meaningful public comment. Overlays of base maps on aerial photos (at least in one location map) would probably remedy this problem. Maps appear to be prepared and used only by agencies and the landowner's consultants, excluding public review.

Table of contents, index, searchable pdf. The duplicative organization of the Little THP sections and headings is not equivalent to CEQA documents that guide public reviewers to focused, concise, plain-language assessments of biological resources, water and air quality, contaminants, etc. At the very least, the THP should present either a table of contents (including all sections), or at least present THP documents in legible, searchable pdf formats.

Sonoma tree vole (Sec 2 p. 41). The THP states this sensitive wildlife species "occur extensively" in GRT lands, but the THP provides no survey data or other search evidence for them in the THP area. It fails to assess existing conditions, impacts, and mitigation for Sonoma tree voles.

Western Pond turtle (Sec 2 p. 41). The THP notes that WPT may occur, in the THP but will be protected by standard WLPZ. But turtles leave WLPZ and move overland, especially in winter, and are not completely aquatic. They also occur in stream crossings (where heavy equipment moves) where they are hidden, since they look almost the same as cobbles underwater. Since the Little THP proposes to allow heavy equipment in the flood-prone areas, there can be significant impacts to turtles.

Osprey (Sec 2 p 42). The THP cites no survey data at all, or other searches, to support its statement that nests are absent in the THP area. Osprey nests should be surveyed, since they hunt regularly along the lower Gualala River.

Northern Spotted Owl (Sec 2 p. 46). The THP says year 2 NSO surveys not complete. That means existing conditions and impact assessment, as well as take avoidance and other mitigation measures, are not complete. So significant impacts, and possibly take, may occur without adequate mitigation.

California red-legged frog. (Sec 2 p 54). The THP says CRLF are “believed to be discovered in an inside ditch”, but does not refer to any survey. An incidental observation of one frog indicates that a population is present, and survey is needed. It is not a survey itself. Aquatic habitats are not the only adult habitat for CRLF, which travel and forage at night in overland movements far from standing water. Little THP proposes to allow heavy equipment in the flood-prone areas, where adult frogs feed and travel, so there can be significant impacts, including take, to adult CRLF. Section 4, p. 176, confirms that moist forest habitats (rotten logs, mammal burrows, duff) are an important habitat for amphibians. This THP evaluates only aquatic breeding and foraging habitat. This impact would be partly mitigated by standard rules prohibiting use of heavy equipment in flood-prone areas.

Vaux’s swift (Sec 4 p. 169). Despite the THP’s reported frequency of this sensitive wildlife species in the watershed, it cites no survey data for nests in THP area, so neither existing conditions nor impacts are assessed.

Rare plants. (Sec 2 p. 55, Sec 4 p. 150 & 180). Scoping for rare plants is just a list of species to look for in surveys, but there are no surveys for rare plants or sensitive plant communities in the Little THP. Surveys are deferred: “will be submitted no less than 10 days before harvest”. So Little THP fails to assess both existing conditions and impacts to rare plants. It proposes no monitoring and reporting before and after timber harvest, so CAL FIRE and the public have absolutely no way of knowing whether any of the proposed mitigations for rare plants are effective or useless or in between. A minimum 5-year monitoring plan is needed to assess direct (destruction, damage) and indirect (invasive species, competition) short-term logging impacts on rare plants. CAL FIRE must make rare plant survey results available at the time of THP submittal or else the public and agencies are excluded from participation in a CEQA-equivalent THP process.

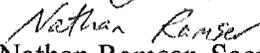
In conclusion, the Little THP should be suspended and revised to provide:

- CEQA-equivalent description of existing conditions for all significant natural resources
- CEQA-equivalent mitigation monitoring and reporting plans for natural resources that may be significantly impacted by logging
- CEQA-equivalent alternatives analysis, including only feasible alternatives that meet the basic project objectives (not just the applicant’s preferences) and at least one alternative that applies standard ASP and flood-prone rules
- Quantified and mapped flood-prone areas and their skid roads

Sincerely,

  
Charles Ivor, President

  
Richard Jackson, Vice-President

  
Nathan Ramsar, Secretary

  
Jeanne Jackson, Treasurer

Friends of Gualala River Board of Directors

ATTACHMENT  
CEQA ALTERNATIVES EVALUATION

"[P]ublic agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects" of the project. (Pub. Resources Code, § 21002.)

An EIR must describe and analyze a range of reasonable alternatives to the project that: 1) are potentially feasible, 2) would "**feasibly attain most of the basic objectives** of the project," and 3) would avoid or substantially lessen any of the project's significant effects. (CEQA Guidelines §15126.6, subd. (a).) The purpose of this analysis is to determine whether there is a feasible way to achieve the **basic objectives** of the project, while avoiding impacts. (Pub. Resources Code, § 21002.1.)

**Objectives:** "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid decision makers in preparing findings or statement of overriding considerations, if necessary. The **statement of objectives** should include the **underlying purpose** of the project." CEQA Guidelines Section 15124(b)

The EIR "must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." (CEQA Guidelines, § 15126.6, subd. (a).)