

**OFFICIAL RESPONSE TO SIGNIFICANT ENVIRONMENTAL POINTS
RAISED DURING THE TIMBER HARVESTING PLAN EVALUATION
PROCESS**

**FROM THE DIRECTOR OF THE CALIFORNIA DEPARTMENT OF
FORESTRY AND FIRE PROTECTION (CAL FIRE)**

TIMBER HARVESTING PLAN (THP) No :	1-07-067 MEN
SUBMITTER :	Bower Limited Partnership
COUNTY :	Mendocino
END OF PUBLIC COMMENT PERIOD :	September 12, 2007
DATE OF RESPONSE AND APPROVAL :	September 28, 2007

The California Department of Forestry and Fire Protection (CAL FIRE) serves as the lead agency in the review of Timber Harvesting Plans. These Plans are submitted to CAL FIRE, which directs a multidisciplinary review team of specialists from other governmental agencies to ensure compliance with environmental laws and regulations. As a part of this review process, CAL FIRE accepted and responded to comments, which addressed significant environmental points raised during the evaluation of the plan referenced above. This document is the Director's official response to those significant environmental points, which specifically address this timber harvest plan. Comments, which were made on like topics, have been grouped together and addressed in a single response. Remarks concerning the validity of the review process for timber operations, questions of law, or topics and concerns so remote or speculative that they could not be reasonably assessed or related to the outcome of a timber harvesting operation, have not been addressed.

Sincerely,

Alleah S. Middling
Division Chief, Forest Practice
RPF #2420

STAFF FORESTER:staff
cc: County Planning
Fish and Game
Parks and Recreation
Water Quality

PUBLIC NOTIFICATION

To inform the public of this proposed Timber Harvesting Plan (THP) and determine if there were any concerns with the plan the following actions were taken:

- Notice of the receipt of the plan was submitted to the county clerk for posting with other environmental notices (ref. 14 CCR §1032.8).
- Notice of the plan was posted at the Department's local office and also at the regional office in Santa Rosa.(ref. 14 CCR §1032.8).
- Notice of the receipt of the THP was sent to those organizations and individuals on the Department's list for notification of plans (ref. 14 CCR §1032.9(b)).
- A "Notice of the Intent to Harvest Timber" was posted near the plan site (ref. 14 CCR §1032.7).
- A "Notice of Intent to Harvest Timber" was mailed to all property owners within 300 ft. of the plan boundary, where applicable (ref. 14 CCR §§1032.7(e) & (f)).

In addition, the Department determined that a pre-harvest inspection (PHI) was required to take place on the site of the proposed operation before a decision could be made on the proposed plan. The review of this plan resulted in site-specific measures being incorporated into the THP. With the addition of these protective measures CAL FIRE determined there would be no significant adverse or cumulative impacts resulting from this plan.

THP REVIEW PROCESS

The laws and regulations that govern the Timber Harvesting Plan 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 and Fire Protection (the Forest Practice Rules) which are contained in the California Code of Regulations (CCR).

The Forest Practice 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:

- Timber Harvesting Plan contents and the Timber Harvesting Plan 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
- Coastal Commission Special Treatment Areas
- Use, construction, and maintenance of logging roads and landings
- County-specific rules

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 Timber Harvesting Plan. The review team normally consists of, but is not necessarily limited to, representatives of CAL FIRE, the Department of Fish and Game, the California Geological Survey, and the Regional Water Quality Control Board. The purpose of the first review team meeting is to assess the proposed logging plan and determine on a preliminary basis whether it conforms to the rules of the Board of Forestry and Fire Protection. If it is

found in conformance on this preliminary basis, questions are formulated which are to be answered by a field inspection team.

Next, a pre-harvest 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 the Department may request. As a result of the PHI, additional recommendations may be formulated for site-specific conditions to ensure 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 Timber Harvesting Plan. The review team transmits these recommendations to the Registered Professional Forester (RPF) who developed the harvesting plan. The RPF must address and respond to each recommendation. To reach a decision on acceptance or denial of a proposed THP, the Director's representative considers public comment, the adequacy of the RPF's response, and the recommendations of the review team chairperson before reaching a decision to approve or deny a THP.

If a Timber Harvesting Plan is approved, logging may commence. The Timber Harvesting Plan is valid for up to three years, and may be extended under special circumstances for a maximum of 2 years more for a total of 5 years.

Before commencing operations, the plan submitter must notify CAL FIRE. During operations, CAL FIRE periodically inspects the logging area for compliance with the specifications of the Timber Harvesting Plan and for compliance with the Forest Practice Rules. The number of the inspections will depend upon the plan size, duration, complexity, regeneration method, and the potential for impacts. The contents of the Timber Harvesting Plan and the Forest Practice Rules provide the criteria CAL FIRE inspectors use to determine if violations exist. 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 non-Federally owned lands in California. This enforcement policy is directed primarily at preventing and deterring forest practice violations, and secondarily at prompt and adequate correction of violations when they occur. The mitigation measures required or incorporated in this Timber Harvesting Plan will be monitored during the inspections conducted by CAL FIRE as authorized or required by the Forest Practice Act. The inspections include but are not limited to inspections during operations pursuant to Public Resources Code (PRC) section 4604, inspections of completed work pursuant to PRC section 4586, erosion control monitoring as per PRC section 4585(a), and stocking inspection pursuant to PRC section 4588.

Most forest practice violations are correctable and the Department's enforcement program assures correction. Where non-correctable violations occur, criminal action is usually taken. Depending on the outcome of the case and the court in which the case is heard, some sort of environmental corrective work is usually done. This is intended to offset non-correctable adverse impacts.

Once harvesting operations are finished, a completion report must be submitted certifying that the area meets the requirements of the rules. CAL FIRE inspects the area to verify that all aspects of the applicable rules and regulations 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.

SIGNIFICANT ENVIRONMENTAL CONCERNS AND RESPONSES

The majority of the public comment letters raised the issue of the zoning of a portion of the property and expressed concern that the submission of the THP was an effort to avoid a more rigorous review process for developing the property. The most thorough and concise of these were from the County of Mendocino Department of Planning and Building Services and from the Gualala Municipal Advisory Council (Concerns 1 and 2, respectively). The two dozen or more letters expressing similar but more general concerns have been combined into Concerns 3 and 4, which follow concerns expressed in the letters from the County and the Advisory Council.

- 1. Concern:** The County of Mendocino Department of Planning and Building Services submitted a letter dated June 27, 2007 to the Willits CAL FIRE office: The Timber Harvest Plan 1-07-067 MEN-1 proposes 37 acres of clearcut timber harvesting and 37 acres of selective harvesting for a total of 74 acres zones Remote Residential Forty Acre Minimum (RMR 40) and Gualala Planned Development (GPD), just east of the town of Gualala. While Timber Harvest Plans are exempt from the definition of Major Vegetation Removal per Section 20.308.080(B)(4)(d) of the Mendocino County Coastal Zoning Code, therefore exempt from the Coastal Development Permit process, the zoning and proximity to the Gualala town center of this plan justify County comment. We strongly recommend integration of Local Coastal Program and Gualala Town Plan policies as failure to do so is likely to result in inconsistencies between any future development proposal and the Gualala Town Plan. Of particular concern is the area designated as Gualala Planned Development. Policies of the Gualala Town Plan call for retaining mature vegetation, protecting coastal views, and protecting coastal natural resources including wetlands, steep gulches, stream corridors, rare and endangered species, and habitats of rare and endangered species such as rare and endangered fish habitat. We recommend that the property owners consider relevant policies found in chapters two, three, and four of the Gualala Town Plan, since much of the area proposed for harvest, including large areas of clearcuts, is identified in the Gualala Town Plan as an urban growth area. Future development of this land will require a comprehensive two-stage planning process as described in chapters 20.407 of the Mendocino County Coastal Zoning Code. We urge the applicant to contact the Gualala Municipal Advisory Board (GMAC) to ascertain whether the board would be interested in commenting on the Timber Harvest Plan. The Gualala Town Plan allows for unique development opportunities, particularly for the GPD zoned areas, which deserve careful consideration prior to taking irreversible action that could blight the full potential for this important site, and may result in costly mitigations or problems when future development is proposed.

Response: During the review process the acreage of clearcutting was reduced to 34 acres. Of these 34 acres only seven acres fall within the Gualala Planned Development zoning. As to the suggestion that the applicant contact the Gualala Municipal Advisory Board (GMAC) to ascertain whether the board would be interested in commenting on the Timber Harvest Plan, it should be noted that the RPF who prepared the plan presented a program explaining the proposed harvest at the regularly scheduled GMAC meeting on August 2, 2007. Also see Concern 2, a July 17 letter from GMAC which states that the plan submitter (applicant) John Bower addressed the July 12, 2007 Council meeting.

The RPF who prepared the plan also responded to the County's concerns in a letter dated July 5, 2007:

"This is in response to the letter dated June 27, 2007 by Rick Miller for the Mendocino County Department of Planning and Building Services expressing concern that this timber harvesting plan (THP) integrate policies of the Local Coastal Program and Gualala Town Plan. The THP as currently before the Second Review Team has considered and does address the policies identified by Mr. Miller as I will explain in this letter.

Local Coastal Program

Regarding the local Coastal Program, in 1977 the California Coastal Commission reviewed all forested areas within the coastal zone according to five standards based on Coastal Act policies. These standards were used to determine if a forested area should be designated as a Special Treatment Area (STA). These five standards and the criteria for inclusion were:

A. SCENIC VIEW CORRIDORS

Linear areas visible along highly scenic portions of highways or other scenic public roads, rivers or waterways which have potential recreational use.

B. SITES OF SIGNIFICANT SCENIC VALUE

Timberlands and areas where natural features such as land forms, waterways, or rock formations accompany forest cover and together are unusual or outstanding in scenic quality, as viewed from (1) parks, preserves and recreational areas, (2) special coastal communities, (3) rivers and streams with recreational values, and (4) roads and highways, and established public scenic viewpoints.

C. WETLANDS, LAGOONS, STREAMS, ESTUARIES, AND MARINE ENVIRONMENTS

Areas adjacent to, or directly affecting any wetland, estuary, lagoon, marine environment, stream, or other important waterways where the biological productivity of the habitat plays and especially valuable role in a coastal ecosystem,

D. SIGNIFICANT ANIMAL AND PLANT HABITAT AREAS

Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities.

E. RECREATIONAL AREAS

Areas in, or adjacent to recreation areas.

After considering the area covered by this THP for all of the above standards, the Coastal Commission declined to designate this area as a Coastal Commission STA [Special Treatment Area]. In doing so they explicitly acknowledged that timberlands not designated as STA would continue to be managed for long term timber production according to the standard rules of the California Forest Practices Act.

Gualala Town Plan

This THP has considered all of the elements of the Gualala Town Plan identified by Mr. Miller in his letter and is discussed in several places in the THP.

- In the analysis of alternatives available to the landowner, alternative number 7 examines alternative land use and THP pages 100 and 101 identify and discuss the Gualala Town Plan. This analysis concludes: 'The current project as proposed is consistent with the alternative future uses of the land as described in the Gualala Town Plan.'
- The location of the THP on the transition boundary of the area currently zoned for development

and that identified as a future 'residential reserve' is discussed in Section IV of the THP on page 56 in the discussion of Past and Future Activities. Relevant portions of the Gualala Town Plan and the Coastal Zoning Ordinance are included in Section V, pages 176 to 208.

- This THP was explicitly designed to protect coastal views. CDF Forest Practice Inspector Kenneth Margiott, on page 15 of his pre-harvest inspection report dated June 19, 2007 states: 'Visual impacts were carefully assessed by CDF Forester I Chris Curtis and I during the PHI. Forester I Curtis and I examined the plan area from the town of Gualala and along the THP boundaries that face Gualala, the Pacific Ocean and residential areas that surround the plan area. During the PHI, Forester I Curtis and I determined that enough trees will be retained within the group selection areas to provide a visual buffer between the clearcut harvest areas and the residential and business areas that are adjacent to the plan area.'
- Mr. Miller emphasizes the importance of protecting natural resources including wetlands, steep gulches, stream corridors, rare and endangered species, and habitats of rare and endangered species such as rare and endangered fish habitat. Protection of all of these resources are also explicit requirements of the Forest Practices Act. All have been addressed in the THP and reviewed as appropriate on the ground by the pre-harvest inspection team.
- Contacting the Gualala Municipal Advisory Board (GMAC). The plan submitter and I will be happy to discuss this project with the GMAC as an informational item. ..."

As described above pages 100-101 evaluate the current zoning with respect to the proposed project:

"Alternative Land Uses:

The timberlands of the landowners within the project fall under multiple zoning codes. The Gualala Town Plan was implemented in 2002; the THP area is now zoned under five Coastal Zoning Districts. The primary zones changes coming from within the Coastal Zone, being Remote Residential District (RMR: L-40), Gualala Planned Development (GPD), Gualala Highway Mixed Use District (GHMU). Other significantly smaller portions of the plan are overlapped into two other zoning code[s], that being Gualala Village Mixed Use District (GVMU) and Rural Residential District (RR: L-5). See attachment of portions of the Gualala Town Plan in Section V.

Section 2.3 of the Gualala Town Plan states:

'A primary goal of the Gualala Town Plan is to concentrate future residential growth within the Town Plan area, thereby relieving development pressures on resource lands in the outlying areas. This is also intended to decrease automobile traffic and relieve traffic congestion by allowing for alternative modes of transportation. By providing for more residential development and less commercial development, the Town plan strives to achieve a closer balance between residential and commercial growth.'

'The Gualala Town Plan assigns a 'Planned Development' zoning designation to the two largest commercial properties in town (40-acre parcel east of Church Street, which is in the THP area). The Planned Development district requires that at least half of the total acreage be devoted to residential uses.'

'The Gualala Town Plan also provides for long-range planning of future residential development areas. A 480-acre area east of town is designated 'Residential Reserve,' identifying it as a suitable location for future residential development.'

These two land use designations (GPD and RMR) cover the THP area.

The alternative land uses described above are feasible, and the THP can be used to facilitate the town plan. The landowner does not have plans for future development, however with the change in zoning the THP's silviculture and road building attributes can [be] used to buttress the county's plan for the future expansion of Gualala. The current seasonal roads that will be used for hauling are to be used as residential roads if the Gualala Town Plan is implemented as it is currently drafted. The main haul road to be used during THP operations will be part of the Moonrise St. Extension. (See attachments of portions of the Gualala Town Plan in Section V). Within the Gualala Town Plan the permitted uses and conditional uses are spelled out in great detail. Additionally, the map exhibits with the updated zoning codes are included.

The current project as proposed is consistent with the alternative future uses of the land as described in the Gualala Town Plan."

As described in the July 5, 2007 letter from the RPF the zoning of the lands covered by this harvest plan are also disclosed on page 56 of the plan:

"Residential construction. Gualala is located within the unincorporated area of Mendocino County. Land use decisions are governed by the Mendocino County Local Coastal Program (LCP) and the Mendocino County General Plan, as interpreted by the County Planning Commission and Board of Supervisors. Potential future homesite development is possible with any parcel with zoning allowing rural residential development. The current zoning of parcels contained within the THP reflect 2002 updates in the Gualala Town Plan. The Town Plan reclassified the parcels from Commercial and Timber Production to be incorporated into the Gualala Village Mixed Use (GVMU), Gualala Highway Mixed Use (GHMU), Gualala Planned Development (GPD), and for Residential Reserves. No commercial or residential use is currently planned for the THP area by the current landowners."

The RPF who prepared the plan expanded upon the July 5, 2007 response in a letter received by the Department on August 6, 2007:

"I responded to the concerns expressed by Mr. Miller in a letter dated July 5, 2007. In this letter response is provided to specific concerns identified by Mr. Miller and reference to specific pages of the THP where the concerns are addressed is provided. In addition to the information provided in that letter I offer the following additional information.

Gualala Town Plan:

The California Supreme Court in *Big Creek Lumber Co. et al. v. County of Santa Cruz et al.* (2006) S123695, upheld the Court of Appeal in *Big Creek Lumber Co. v. County of San Mateo* (1995) 31 Cal.App.4th 418, 428 that "the 'conduct' of timber harvesting operations is exclusively governed by state law." (p. 17). The court further found that counties may adopt local zoning ordinances that prohibit timber cutting on lands other than those zoned TPZ. The Gualala Town Plan adopted by the County of Mendocino and certified by the California Coastal Commission does not prohibit commercial timber harvesting parcels zoned Gualala Planned Development (GPD). The conduct of timber harvesting operations where not expressly prohibited is governed exclusively by the Forest Practice Rules adopted by the State Board of Forestry pursuant to the State Forest Practices Act."

See other responses regarding retaining mature vegetation (Response 2 below), protecting coastal views (Response 8) and natural resources such as wetlands (Response 7), steep gulches, stream corridors, rare and endangered species (Responses 9, 10, 11, and 17), and habitats of rare and endangered species (Responses 9, 10, 11, and 17). Other rare and endangered bird, amphibian, reptile, fish, invertebrate, mammal, and plant species and their habitats are addressed on pages 81-88 of the plan. Page 127 of the

plan is a letter from the U.S. Fish and Wildlife Service (Service) stating, "...There are no known northern spotted owl activity centers located within 1,000 feet of the above THP (see enclosed map). The Service has determined that operations conducted as proposed on the above THP would not be likely to incidentally take northern spotted owls, provided operations are complete prior to February 1, 2008." The Department has found rare and endangered species and their habitat to be adequately protected. The standard provisions of the Forest Practice Rules also provide substantial protection to wetlands, steep slopes, watercourses and their corridors, rare and endangered species and their habitats, and visual quality. The plan has been thoroughly evaluated and found to have provided adequate protection to these and other natural resources.

2. **Concern:** At the Gualala Municipal Advisory Council (GMAC) meeting on July 12, 2007, we listened to a presentation from Planning Commissioner Britt Bailey regarding the zoning for the land underlying 1-07-067 MEN that has been submitted to CAL FIRE. The THP proposes 37 acres of clearcut timber harvesting and 37 acres of selective cut timber harvesting on land that is zoned Remote Residential Forty Acre Minimum (RMR 40) and Gualala Planned Development (GPD). GMAC also heard comment from numerous members of the public as well as from the applicant John Bower in the two hour long discussion concerning this particular agenda item.

If the THP was proposed for an area that was zoned as a working forest or was located far from the Gualala "downtown" area, GMAC would most likely not have held a public forum on the proposal. However, the Mendocino County Coastal Zoning Code specifically calls for comprehensive two-stage planning before any development occurs at both an overall strategic plan and in a detailed precise plan in the GPD. See Gualala Town Plan G3.3-5, at page 291. [pertinent pages from the Gualala Town Plan were attached]. The GPD process "allows for community review and participation." GPD lands are "reserved" for expansion of commercial and residential uses in Gualala." G3.3-6 at page 291.

Fifty percent of GPD lands must be dedicated to residential uses (Mendocino County Zoning Code Sections 20.407.025), with a minimum ten percent (and not to exceed twenty percent) of the lot area reserved to visitor-serving facilities (Section 20.407.030), and a minimum ten percent of the total lot area consisting of usable activity space (Section 20.404.040). The particular terms of the GPD are codified at Chapter 20.407 of the Zoning Code and the terms governing the Remote Residential District are codified at Chapter 20.380. [Copies of these Chapters were attached to the concern letter].

Development in the GPD must have provisions for retaining mature trees (G3.4-24 at page 294), protecting environmental resources (such as China Gulch and Robinson Gulch), and protecting natural features (including coastal views, wetlands, and stream corridors) (G3.4-1 at page 291 and G3.4-2 at page 292). If the proposed THP was not requesting to clear cut 34 acres (10 acres of which are within the GPD), GMAC would likely not have made comment on the matter. However, the Gualala Town Plan states "Mature trees are an essential element of the Gualala landscape and can take years to reestablish once removed from a site. Existing groves of trees should be retained and integrated with site development plans, with consideration given to public safety. Trees to be saved shall be noted on site plans and appropriate measures shall be identified to protect the trees during construction activities." G3.4-24 at page 294. The Plan further states, "Existing groves of trees should be retained and integrated with street landscaping plans, with consideration given to public safety. G3.4028 at page 295.

Some members of the public and the Council expressed concern that the clear cut areas might be the location of future development and thus short circuit the requirement for the comprehensive two-stage

planning required by the GPD. Mr. Bower testified that he has no plans to develop the parcel at this time. Additionally, if there is a conflict between GTP and this THP, it was unclear what takes precedence: the Gualala Town Plan's requirement for the retention of mature trees or a Timber Harvest Plan.

Response: The Department reviewed the Gualala Town Plan G3.3-5, at page 291 (an attachment to the comment letter). As indicated in the concern the Mendocino County Coastal Zoning Code calls for two-stage planning before any development occurs on those lands zoned Gualala Planned Development. However, no development has been proposed as part of this timber harvesting plan. See other responses. The few acres of the plan area that are zoned Gualala Planned Development will continue to be "reserved" for expansion of commercial and residential uses in Gualala. Nothing in the proposed timber harvest will preclude fifty percent of those lands being dedicated to residential uses, a minimum ten percent and not to exceed twenty percent being dedicated to visitor-serving facilities or a minimum ten percent being usable activity space per the Mendocino County Zoning Code. As indicated below, the proposed management of the property will improve the quality of forest cover so that over time, if and when development is proposed, the desired uses will be among healthy, vigorous and young stands of conifers that can be adapted to a variety of development designs.

The concern stated that "Development in the GPD must have provisions for retaining mature trees (G3.4-24 at page 294)". While no development is proposed at this point pages 47-47.1 of the THP address the question of mature trees:

"The clearcut silviculture system was selected as most appropriate for the 7-acre unit both from the standpoint of maintenance of maximum sustained production of high quality timber products (MSP) but also as the most compatible with the alternative potential future use for the site as a commercial/residential development envisioned in the Gualala Town Plan. The stand is an even-aged forest primarily of redwood and Douglas-fir with a minor component of Bishop pine and hardwoods. Conifer tree heights measured on inventory plots located in the clearcut unit ranged from 130 to 150 feet. The stand is directly exposed to prevailing storm winds blowing out of the southwest. Some trees have been blown down by these winds and some of them have tops broken out from wind action. Partial harvest of this stand would expose individual trees to wind forces to which their root systems are not prepared and will likely cause substantial blow down of residual trees. Many of the trees that remain standing would suffer severe crown dieback from sun, wind and salt burn. Both the productivity and the aesthetic quality of the stand will be degraded. Although the Gualala Town Plan identifies 'mature trees' as an essential element of the landscape, it is unlikely that many, if any of the trees in the existing stand would remain following conversion of the site to residential or visitor-serving land uses identified for the parcel. Those trees that were not directly impacted by the extensive grading that is inherent in such a development would most likely be identified as posing a threat to public safety and removed. The clearcut silvicultural system is identified as the system that most fully meets both the short-term goal of the timberland owner to manage his land for timber production and the long-term goal identified in the Gualala Town Plan as future commercial and residential developments. Development of the lands as indicated in the Gualala Town Plan will constitute a substantial investment of capital and the timberland owner believes that the current market for such facilities will not support the cost of development. The timberland owner does not have a timetable for development of these lands. Such development, if it occurs at all, may not be for decades into the future."

Also see Responses 3, 5, and 16. During the preharvest inspection the Department confirmed the potential for wind damage if partial harvest were to take place on the areas proposed for clearcutting. Page 47.1 of the THP continues:

“After clearcut the redwood stumps will sprout and the remaining area [will be] planted. The new stand can be managed using pre-commercial and commercial thinning, and other cultural practices, to maintain a healthy vigorous stand with a 30% to 40% live crown ratio that will be more adaptable to future uneven-aged management practices or to [minimize] the severe shock caused by clearing and grading of a subdivision development. If a subdivision occurs within 30 to 40 years of completion of timber operations a high likelihood exists that some of the regenerated trees may be sufficiently healthy and wind-firm to be retained as part of the development. If development occurs more than 40 years after harvest the problems previously described are likely to recur.”

It should be noted that during the review process this clearcut was reduced from ten acres to seven acres in size in response to concerns about visual quality; See Response 8. The majority of the trees on the three acres that are no longer proposed to be clearcut will be retained. The seven acres where clearcutting is proposed represents only a portion of the GPD zoned lands within the THP boundaries. The selection and group selection harvest on the other acres will retain some mature trees.

This concern was submitted on July 17, 2007. In a letter received by the Department on August 6, 2007 the RPF who prepared the plan stated that he made a presentation to the Gualala Municipal Advisory Council (GMAC) on August 2, 2007 to try and better explain to members of the Gualala Municipal Advisory Council and the general public that the proposed harvest does not conflict with future development as per the existing zoning, and that such development is not likely to occur in the immediate future and possibly not for decades.

- 3. Concern:** Letters from approximately 20 individuals raised similar concerns regarding the future intent to develop the property. These letters have been combined to the extent possible due to their similarity.

Not addressed in this THP is the fact that of the 70 acre plan (34 clear cut), 10 of the acres scheduled for clear cut overlap with the boundaries of the Gualala Town Plan. THP 1-07-067 MEN conflicts with the enacted town plan. The Gualala Town Plan clearly states that mature trees and growth & plantings (natural mature vegetation) shall be left in place whenever possible (during all stages of development, throughout the development). Clear cutting is in direct opposition to “retaining natural mature vegetation.” The town plan as passed by the Mendocino Board of Supervisors and the California Coastal Commission says that these 10 acres (among others) shall go through an intense and thorough planning and development process, reviewed in a transparent public venue (a fully transparent development process for all major development), before any stages of development begin (all stages of development are to be submitted as a development plan, all stages of development must go through the Development Process). Have Mr. Bower submit a development plan; the timber harvester is breaking the law by not submitting a development plan. These ten acres fall inside the area of the town plan that is designated crucial. Clear cutting the 10 acres (the most valuable commercial and residential areas) immediately adjacent to the center of the downtown is: a clear (obvious) first step, clear trigger for development (a trigger in the development process), a stage of development or development, which according to law must go through the development process. It seems development is planned. The plan submitter has side-stepped due process by only submitting a THP, an act meant to allow him to act outside the rule of law. The land owner/developer will have an easier time building, and hence make more money if the plan is already clear cut before he submits his true development plans. Only CALFIRE can force him to play by the rules, stop any actions intended for these 10 acres, and come back to the table having proved that he has submitted a proper development plan to go along with his timber harvest plan. Though Mr. Bower stated in a public GMAC meeting that “he has no immediate plans to develop this property, unless of course the citizens of the town ask him to” he has also stated that “it would be prudent to clearcut those acres

because he wouldn't want small trees to blow over on structures or houses". He stated publicly (see enclosed newspaper article from 8/25/2006) that he intends to convert this land for housing. Given the THP location (immediately adjacent to the center of Gualala - adjoining: a mobile home park, Redwood Coast Medical Services, the Coast Life Support District, the South Coast Volunteer Fire District headquarters, and the Baptist Church and within a thousand feet of the core of downtown Gualala, including Sundstrom Mall, Post Office, the Gualala Hotel, the Gualala Community Center, two gas stations, Mary Star of the Sea church, and Cypress Center shopping center) and the fact that a significant portion of the THP is within a parcel zoned "GPD" (Gualala Planned Development), future residential and/or commercial development of the THP area is a given. No structures currently exist in those 10 acres, at least not until he develops them. Several members of the public have no problem with Mr. Bower harvesting the trees on his property, so long as he is in compliance with CALFIRE and other state and local laws. They have no problem with the approximately other 60 acres in this THP, either selective harvesting or clear cutting (about a 50/50 mix). But these 10 acres needed to be considered within the boundaries of the Town Plan. It behooves CALFIRE to send Mr. Bower back to Mendocino Planning and Development so that he may clearly state his full intentions for this parcel, as the town plan dictates he must. There are 60 other acres he can proceed on, if he chooses. Let him proceed with the other 60 acres, but not these 10 acres until he is in compliance with our country laws and regulations.

Is this plan an actual timber harvest – assuming re-planting or is it the beginning of a housing development?

Mr. Bowers' intention here is to not submit a development plan, and hence not have to come before County Planning who would not let him clear cut at this stage in the process, or at any stage. By going through CALFIRE, with which the country has no recourse, he is finding a loophole in the law. Please let it be known that you expect timber harvesters to play by all the laws. Stop for the moment the clear cutting on these ten acres and make him go through all the steps he should. At the very least put these ten acres on hold so that further public discourse can occur.

Please halt any work on these 10 acres until further discussion and permitting is in place. The plan states:

Site Planning

G3.4-1 Natural features, such as hillsides, gulches and mature vegetation, shall be considered important design determinants in siting development. New development shall minimize site disturbance to natural landforms.

G3.4-24 Mature trees are an essential element of the Gualala landscape and can take years to reestablish once removed from a site. Existing groves of trees should be retained and integrated with site development plans, with consideration given to public safety. Trees to be saved shall be noted on site plans and appropriate measures shall be identified to protect the trees during construction activities.

G3.4-41 New development shall conform with the above design guidelines, Policies G3.4-1 through G3.4-40. In addition, within the Gualala Planned Development districts, new development shall conform with the criteria established in Chapter 4 of this plan, which provides for the protection of sensitive coastal resources within the GPD district, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River. New development requiring a coastal development permit within the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts shall be referred to the Gualala Municipal Advisory Council or some similar advisory council for comment prior to action by the Coastal Program Administrator or the Planning Commission. The advisory council shall forward its findings and recommendations to the Coastal Program Administrator or Planning Commission for its consideration.

Response: The plan is 74 acres in size. 34 acres have been proposed to be clearcut. Of these only seven acres are within the area zoned as Gualala Planned Development. During the review process the acreage was reduced from ten acres to seven; see Response 8. The concern letters have given the impression that the Gualala Planned Development Zoning was restricted to the 10 acres where clearcutting had been proposed. This is not the case. Approximately 24 acres (as measured from the THP maps) have this zoning, as seen on the Gualala Zoning map on page 180 of the plan. Over 2/3 of the THP area that overlaps the Gualala Planned Development zoning is proposed to be harvested using the group selection method.

Group selection harvest will retain a substantial number of mature trees and other vegetation. As described in the previous response, the concern about preserving mature vegetation where the clearcutting has been proposed was addressed on pages 47-47.1 of the plan as revised August 10, 2007; see Response 2. The condition of the existing stand was evaluated by the Department during the preharvest inspection. The potential for the existing trees to become wind damaged and unsafe if the stand were to be partially harvested was supported by observations made by the Department:

“The RPF is proposing the clearcut silviculture system in two separate units in the plan area. These two units are located on ridgetops and windswept slopes. Many of the redwood trees in the clearcut harvest units have broken tops and salt burn. There are minimal amounts of conifer regeneration in the understory of these clearcut harvest units. Using a partial silvicultural system would result in windthrow in the residual timberstands. Furthermore, using a partial system would not open up the timberstand enough to provide enough sunlight to establish a new age class of conifer trees.”

The concern requested that only group and single tree selection silviculture methods within the GPD-zoned land should be considered. The Department agrees with the plan submitter that using a partial harvest would be inappropriate for the existing conditions. Also see Response 2 above. Page 47.1 provides additional discussion of how the proposed harvest will prove beneficial to the site, allowing for the retention of more and healthier vegetation if development occurs at some time in the future.

The required planning and development process will still be required if at some future date some portion of the plan area is considered for development. One of the concern letters referenced a newspaper clipping dated August 25, 2006 that was included as an attachment to the comment letter. The plan submitter was quoted as saying there were some beautiful sites on the property and that “A proposed China Gulch Road connection past the Community Center is ‘far in the future.’ A section was highlighted that stated “Velina Underwood chairs GMAC. She asked what kind of housing density they were talking about. Alden said about 200 single-family, middle-income houses, built in stages following a master plan, at about 12 to 15 houses per year.” Mr. Alden does not speak for the plan submitter of THP 1-07-067 MEN. Mr. Alden was identified in the article as the manager of GRI (Gualala Redwoods, Inc.) an adjacent landowner with a substantial land base in the general area. The article also indicated that the housing market has not been favorable for development. One site visited (on GRI property) was described as having a plan developed and reviewed by the public (“It was well-received”) eight years ago. As of the date the article was printed no development had taken place. Mr. Alden of GRI is quoted as saying; “You always have to wait for the market to develop before you spend that kind of money.” At the present time the plan submitter for THP 1-07-067 MEN has stated, and the Department has no reason to doubt, that he has no immediate plans for development of the property. Page 47.1 of the plan states:

“... Development of the lands as indicated in the Gualala Town Plan will constitute a substantial investment of capital and the timberland owner believes that the current market for such facilities will not support the cost of development. The timberland owner does not have a timetable for

development of these lands. Such development, if it occurs at all, may not be for decades into the future.”

Nothing in the zoning prevents the property from being managed for timber production into the future. The zoning discussed in this and other concerns does not require development in the immediate future. The Department has found that a timber harvesting plan is the appropriate permit given the current situation, harvest of timber without plans for conversion in the immediate future. As described in Response 2, if development takes place in 30-40 years, healthy stands of young and vigorous redwoods will be in place to provide the “mature vegetation” component mentioned as being part of the Gualala Town Plan’s policy.

The site planning elements listed in one of the concerns do not apply directly to this harvest operation because development is not proposed. However, natural features, such as hillsides, gulches and mature vegetation, have been considered (G3.4-1) and will be retained for the most part; see discussion above and Response 2 about windfirmness of the trees on the seven acres to be clearcut. Mature trees and public safety are also addressed above and in other responses (G3.4-24). Sensitive coastal resources within the GPD district, including views from public areas such as Highway 1 and the Gualala Point Regional Park have been considered and provided protection (G3.4-41);, see Response 8. Other sensitive resources associated with the Gualala River are addressed in Response 6 (wetlands) and Responses 9, 10, 11, and 17 (rare and endangered species and their habitats). Also see other responses.

4. **Concern:** Several concern letters requested that the plan submitter obtain a Timberland Conversion Permit for this proposed project.

If the THP is actually the initial step for a housing subdivision, it should be reviewed as a conversion proposal and Mendocino County should be acting as lead agency initiating an EIR for the proposed division of land.

CALFIRE should suspend processing of the subject THP and require the applicant to resubmit a Timber Conversion Plan (TCP) with full disclosure of all relevant public agency documentation of land use designation and its history, as well as a formal declaration of a time-explicit intent of future land use during the minimum period required for a timber harvest rotation. CALFIRE should initiate preparation of a general or program-level EIR with Mendocino County as the co-lead agency for the TCP. The CEQA document should include a full and adequate impact analysis and mitigation and monitoring plan.

The public has reason to believe that this THP is planned as a first step in a County-planned, zoned commercial/residential expansion of Gualala. Conversion of land from timberland to residential use is foreseeable, included in the planning documents of the Gualala Municipal Advisory Committee and Mendocino County. The THP area has no history of commercial harvest under its current ownership since it has been under the regulatory oversight of CDF/Cal Fire. The proposed THP does not seem to be part of ongoing or planned timber rotation. CDF/Cal Fire has acknowledged the possibility of future conversion, particularly in the clearcut portion of the plan. Agency representatives stated that this should be in accordance with zoning changes included in the 2002 Gualala Town Plan. The THP states, “No residential use is currently planned or anticipated for the THP by the current landowners.” There are contradictions regarding the future use of the parcels under this THP. Does the current owner intend conversion when/if zoning is changed? CDF/Cal Fire must require a Timber Conversion Plan, rather than a THP. An Environmental Impact Report is also warranted for significant conversion impacts. This could be avoided if the subject parcels are rezoned to timberland

or a conservation easement prohibiting conversion is put in place. Such measures would assure the public that no conversion is planned.

Mr. Bower intends to bypass public input and develop Robinson Terrace. The ecological impacts are numerous and the people of Gualala would pay the price. Ultimately the ecology and people of Gualala cannot afford to sustain such an injustice. A proper TCP format would be most appropriate. The people of Gualala have a right to know of J. Bower's intentions. His plans will affect our environment, as we know it.

People of the community are aware that John Bower and company hopes to develop this parcel. By allowing this THP when what is really needed is a TCP is to discredit the local voice of the community as well as the administrative process. This land is zoned "Gualala Planned Development" and therefore it should be treated as such and the proper actions should be taken. We expect a Development plan, which allows for substantial public input and the submitting of a Timberland Conversion Plan.

The THP is within an area zoned for commercial and residential development. The project proponent participated in creation of the Gualala Municipal Advisory Council (GMAC) General Plan that includes such development for the THP site. There seems to be no history of rotational harvests under current land ownership. CDF should have identified the land use zoning and planning documents for the THP area. The GMAC planning process cited future development of the THP area on a time scale shorter than minimum THP rotation period. There is enough evidence in the public record to constitute "constructive notice" of the landowner's intent to convert the THP area to commercial or residential use within a time period less than the minimum rotation period for timber harvest. Therefore a Timber Conversion Plan (TCP) is necessary under CEQA. This is true unless, prior to approval of the THP, the county changes the zoning designation of the land in question, or a conservation easement keeping the THP area in perpetual timber production and prohibiting conversion is put in place. Thus, CDF, CalFire must require a Timber Conversion Plan, rather than THP. An Environmental Impact Report is also warranted for significant conversion impacts. CNPS asks that these issues be resolved before the THP is approved.

Response: A TCP (Timberland Conversion Permit) is not an appropriate format for this project as the stated intentions of the plan submitter are not, at this time, to develop the property. The property will remain timberland as defined by the Forest Practice Rules for the time being. If at some future time development is proposed Mr. Bower will be required to file for a Timberland Conversion Permit as well as conform with local permitting processes associated with the zoning of the parcel being converted. See Response 3 above; the harvest plan as well as information provided by the public (i.e., the newspaper article) have lead the Department to believe the statements found in the record for this plan that development is not currently being planned. As noted in the response above, an adjacent landowner (Gualala Redwood, Inc.) completed development plans for property in the general area eight years ago (as of August 25, 2006) and had not started construction of those home sites as of last year.

The plan has acknowledged the zoning and that at some time in the future, it could be several decades from now, it is possible that development may take place. This satisfies the requirements in the California Environmental Quality Act regarding disclosure of future activities. A conversion permit would require completion of the development within three years of the termination of the THP or the property would have to be planted and returned to timberland. As no conversion is proposed within five years, asking for such a permit to be submitted is not reasonable. Also see Response 6.

The County changed the zoning designation to the current one in 2002. It is unlikely that they would reverse themselves at this time. It also appears that it is the desire of the community of Gualala to have

the option of residential growth close to the current town center. It would not be reasonable to require a conservation easement keeping the THP area in perpetual timber production and prohibiting conversion.

As no conversion is being proposed an Environmental Impact Report is not warranted. At the present time there are no proposed significant conversion impacts. There are no significant adverse environmental impacts associated the THP as proposed. See other responses; impacts associated with the proposed timber harvest have been adequately addressed in the THP.

5. **Concern:** Ms. Bailey (Planning Commissioner, 5th District Mendocino County) was concerned that RPF Williams' letters of July 5 and August 3, 2007, in response to letters from the Mendocino County Planning and Building Services and Gualala Municipal Advisory Council, did not answer the questions and concerns raised. For example, the inconsistency between the proposed Robinson Plan and the Gualala Town Plan's policy to preserve mature vegetation was not addressed. The Robinson Plan takes place within land zoned Gualala Planned Development (GPD) and RMR. These lands are adjacent to and provide the visual backdrop for the Town of Gualala. It is the timber harvesting – specifically, the 7-acre clear-cut on the GPD land – that has caused the greatest concern. The community is aware that lands zoned GPD have been set-aside as an area for future residential and commercial development for the Town. The intent of the GPD policies is to cluster future residences and businesses near existing services, create a walkable town, and discourage sprawl. According to Division II, Title 20, Section 20.407 of the Coastal Zoning Code, Gualala Planned Development requires a two-stage comprehensive planning (Master and Precise Plan) and substantial community review and input in lieu of requiring individual coastal development permits for proposed commercial and residential projects. Ms. Bailey understands that without a development plan in hand the timber harvest plan does not meet the criteria for consideration of a Timber Conversion Permit under the laws of the Forest Practice Act. The landowner, Mr. Bower, has stated numerous times that he has no present intent to convert this land to its Planned Development uses. She recognizes that should a development plan be created it would require a Timber Conversion Permit or an exemption through submission of form RM-91 requiring the landowner meet CEQA requirements for conversion at the county level. At such time, a CalFire forester would be certain CEQA processes and coastal zone aspects of conversion requirements are coordinated locally with the county and the regional coastal commission, commensurate with lead agency and coastal commission responsibilities. Local government will require that both permitted and exempted conversion conform to local zoning and general plan requirements. While the landowner has not submitted a development plan and has stated publicly that he has no immediate plans to develop the land, the Robinson Plan as submitted does in fact position and locate future development. In a public meeting of August 5, 2007, Mr. Williams (representing the landowner) consistently stated that the "Robinson" plan has been designed to accommodate future planned development. For example, when asked why the clear-cut on the GPD land was necessary, Mr. Williams first stated that the clear-cut was necessary because of "wind throw." He then went on to say that the clear-cut would provide a "younger forest better suited for housing – nobody wants big trees falling on their house." An additional reference to the harvest plan's siting of future development arose when Mr. Williams stated that the clear-cut terrace "would ensure that future houses have ocean views. Given these admissions, Ms. Bailey is of the opinion the timber harvest plan as submitted commits the land to a certain profile and character without undergoing the comprehensive planning and community review required by the local coastal plan. Specifically, is the 7-acre clear-cut the best location to site future houses? Given that this land is zoned Planned Development, this decision should be subject to public input. The County and the community recognize the unusual circumstances surrounding the Robinson Plan. She asks that these circumstances be taken into account with the review. If the Robinson Plan did not include the clear-cut in the GPD-zoned land, she doubts the harvest plan would be creating such outcry. She asks that only allowing group and single selection silviculture methods within the GPD-zoned land be

considered. She also asks that a visual specialist review the timber harvest plan for its visual effects to the Town of Gualala and public lands surrounding town.

Response: The question of the inconsistency between the proposed Robinson Plan and the Gualala Town Plan's policy to preserve mature vegetation was addressed on pages 47-47.1 of the plan as revised August 10, 2007:

"The clearcut silviculture system was selected as most appropriate for the 7-acre unit both from the standpoint of maintenance of maximum sustained production of high quality timber products (MSP) but also as the most compatible with the alternative potential future use for the site as a commercial/residential development envisioned in the Gualala Town Plan. The stand is an even-aged forest primarily of redwood and Douglas-fir with a minor component of Bishop pine and hardwoods. Conifer tree heights measured on inventory plots located in the clearcut unit ranged from 130 to 150 feet. The stand is directly exposed to prevailing storm winds blowing out of the southwest. Some trees have been blown down by these winds and some of them have tops broken out from wind action. Partial harvest of this stand would expose individual trees to wind forces to which their root systems are not prepared and will likely cause substantial blow down of residual trees. Many of the trees that remain standing would suffer severe crown dieback from sun, wind and salt burn. Both the productivity and the aesthetic quality of the stand will be degraded. Although the Gualala Town Plan identifies 'mature trees' as an essential element of the landscape, it is unlikely that many, if any of the trees in the existing stand would remain following conversion of the site to residential or visitor-serving land uses identified for the parcel. Those trees that were not directly impacted by the extensive grading that is inherent in such a development would most likely be identified as posing a threat to public safety and removed. The clearcut silvicultural system is identified as the system that most fully meets both the short-term goal of the timberland owner to manage his land for timber production and the long-term goal identified in the Gualala Town Plan as future commercial and residential developments. Development of the lands as indicated in the Gualala Town Plan will constitute a substantial investment of capital and the timberland owner believes that the current market for such facilities will not support the cost of development. The timberland owner does not have a timetable for development of these lands. Such development, if it occurs at all, may not be for decades into the future.

After clearcut the redwood stumps will sprout and the remaining area [will be] planted. The new stand can be managed using pre-commercial and commercial thinning, and other cultural practices, to maintain a healthy vigorous stand with a 30% to 40% live crown ratio that will be more adaptable to future uneven-aged management practices or to the severe shock caused by clearing and grading of a subdivision development. If a subdivision occurs within 30 to 40 years of completion of timber operations a high likelihood exists that some of the regenerated trees may be sufficiently healthy and wind-firm to be retained as part of the development. If development occurs more than 40 years after harvest the problems previously described are likely to recur."

Nothing in the harvest plan prevents the property from being managed for timber production into the future. The zoning discussed in this and other concerns does not require development in the immediate future. The Department has found that a timber harvesting plan is the appropriate permit given the current situation, harvest without plans for conversion in the immediate future. If development takes place in 30-40 years healthy stands of young and vigorous redwoods will be in place to provide the "mature vegetation" component mentioned as being part of the Gualala Town Plan's policy. Also see Response 6; the zoning also requires "minimum ten percent (and not to exceed twenty percent) of the lot area reserved to visitor-serving facilities (Section 20.407.030), and a minimum ten percent of the total lot area consisting of usable activity space (Section 20.404.040)" for a total of up to 50% of the area with the Gualala Planned Development (GPD) zoning. These non-residential requirements could be compatible

with retention of the young forest that develops on the seven acres that are clearcut. The proposed harvest does not commit the land to any one future development pattern.

The concern asked if the 7-acre clear-cut is the best location to site future houses. It appears from the plan maps that the area where group selection is proposed below the clearcut area would be more suitable for placement of houses as it is nearly level, more closely associated with existing infrastructure (water tanks, a water main and the existing road) and closer to the town and therefore more suitable to the intent of the GPD policy to create a walkable town, as described in the concern.

The concern requested that only group and single tree selection silviculture methods within the GPD-zoned land be considered. Why this would not be appropriate was discussed in the Department's preharvest inspection report:

"The RPF is proposing the clearcut silviculture system in two separate units in the plan area. These two units are located on ridgetops and windswept slopes. Many of the redwood trees in the clearcut harvest units have broken tops and salt burn. There are minimal amounts of conifer regeneration in the understory of these clearcut harvest units. Using a partial silvicultural system would result in windthrow in the residual timberstands. Furthermore, using a partial system would not open up the timberstand enough to provide enough sunlight to establish a new age class of conifer trees."

Visual quality was also addressed in the preharvest inspection report:

"...During the PHI, I determined that the group selection harvest areas will provide a visual buffer between the clearcut harvest units and the mobile home park, the businesses and residences surrounding the plan area. ..."

"Visual impacts were carefully assessed by CDF Forester I Chris Curtis and I during the PHI. Forester I Curtis and I examined the plan area from the town of Gualala and along the THP boundaries that face Gualala, the Pacific Ocean and residential areas that surround the plan area. During the PHI, Forester I Curtis and I determined that enough trees will be retained within the group selection areas to provide a visual buffer between the clearcut harvest areas and the residential and business areas that are adjacent to the plan area. During the PHI, Forester I Curtis and I determined that the post harvest timberstands in the group selection areas will be left in a well forested condition."

Also see other responses.

- 6. Concern:** The THP does not occur primarily within timberlands. It is proposed in a sensitive environmental setting including residential and commercial land, and direct drainage to the lower reaches (estuarine, lagoon) of the Gualala River above Sonoma County regional parks. The biological, hydrologic, and esthetic impacts of the THP must be considered in terms of this environmental setting. Specifically, the proposed THP area lies within lands zoned for commercial and residential development, with the knowledge and participation of the landowner in the General Plan and GMAC (Gualala Municipal Advisory Council) administrative process over many years. Most of the proposed THP area has no history of commercial timber harvest with[in the] period of current family/trustee ownership. The Mendocino County Planning Department revises its general plan and land use zoning through a process that occurs at shorter intervals than the minimum feasible rotation of commercial timber harvest.

CALFIRE staff should have confirmed the land use zoning status and county planning records for the THP area. GMAC records refer to explicit and direct discussion of the future development of the THP area in a time-scale shorter than a minimum THP rotation. GMAC Special meeting on the Town Center Plan of April 7, 1993 report the following discussion of land use planning in the THP area:

“5. Proposed Commercial Zoning Classifications: Gualala Planned Development

GPD...Comments/Questions: John J. Bower – Very happy with the existing C designation. Does not wish to have to go for a Use Permit for every project. Does not like PD and does not want it. Does not want to support the County with Use Permits. Does not want to do a Comprehensive Plan for the parcel because he believes that a plan is only good for five years and updating will only cost more money. If you require that only 30% is commercial and the rest is residential then you are down zoning the property and someone has to pay the difference.”

The GMAC Regular meeting of October 12, 1994 recorded the following: “6. Gualala Town & Area Plan...John Bower - Reiterated previous opposition to having his commercial parcel east of downtown designated as a Planned Development Parcel...” At the July 12, 2007 public meeting of the GMAC, open discussion referred to multiple references to expected future development. There is no substantive, credible evidence in any government agency record to indicate any future land use within the THP area within any reasonable interpretation of a minimum feasible timber rotation time other than commercial or residential development. This evidence, in addition to the designation of major portions of the THP area as count[y]-zoned “GPD,” (Gualala Planned Development), future residential and/or commercial development of the THP area, combined with a record of public statements by the landowner indicating nothing but interest in commercial development designations, constitutes constructive notice (CDF Administrative Manual Section 5471.2) of an intent to convert the land to non-timber uses.

It would be an abuse of CEQA and CDF discretion to authorize a THP as part of long-term rotation conserving forestland, when there exists “constructive notice” (substantive prior knowledge that both the landowner and the County intends to convert the THP area to commercial or residential development within a period of time less than the minimum feasible rotation for commercial timber harvest and FPR restocking standards) of an intention to convert the THP area to non-timber land uses. County records support a conclusion that the THP is direct [sic] to commercial or residential development that severely degrades natural resources that establish the environmental baseline for impact assessment under CEQA.

A TCP, not a THP, must be required by CALFIRE for all timber removal that is an incremental step towards urban development and expansion in Gualala, and an EIR for significant conversion impacts is necessary for conversion unless (a) parcels within the THP area are rezoned by the County as timberland or (b) a conservation easement retaining the THP area in perpetual timber production, prohibiting conversion (contra the County land use designation), is attached to [the] deed.

Response: Many of the statements made in this concern are not supported by the record. For example, until there is a bona fide conversion of the lands they meet the definition of timberlands as found in the Forest Practice Act, PRC 4526:

“ ‘Timberland’ means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. ...”

The definition does not require that the land be available for a complete rotation (and a rotation for Christmas trees would be less than 10 years). The sensitive nature of the property; adjacent landowners, and lower reaches (estuarine, lagoon) of the Gualala River above Sonoma County regional parks, have been considered in the preparation and review of this plan, adequately mitigated in the harvesting plan, and addressed in other responses. No adverse cumulative environmental (biological, hydrologic, or aesthetic) impacts are expected from the proposed timber harvest; see other responses.

The Bower family owns approximately 500 acres within two miles of the THP area (as estimated from an image from a PowerPoint presentation the RPF submitted as part of the record, received August 6, 2007). The presentation shows that various areas have been harvested in the 1970s through the 1990s. A portion of THP 1-07-067 MEN plan area is shown as having been harvested in the 1970's. As indicated below, the family has a documented history over more than 30 years of managing and using their timberland holdings.

See Responses 3 and 4. While zoned to allow future development there is no requirement that the property be converted. For the present time the THP states that the plan submitter plans to manage the property for timber resources. As indicated in Response 3, another landowner took development designs to public meetings eight years ago but has yet to begin his development due to market conditions. Unless market conditions become favorable zoning alone would not predispose the property to conversion. As a timberland conversion permit is good for a period of six years (three years for the harvesting plan and three years beyond that to complete the conversion), it is not reasonable for such a permit to be sought until development is assured (code section 14 CCR 1104.2(e):

“Exemption for Conversion of Non-TPZ Land for Subdivision Development

(e) If the subdivision development project is not completed or is abandoned, the Director may take corrective action pursuant to PRC 4605-4611 to have restocked those parts of the area from which timber has been harvested and which do not meet the stocking requirements of this chapter. For purposes of this subsection, the project shall be deemed abandoned or not completed if:

- (1) The county or city tentative map approval has expired; and
- (2) No further work has been carried on to complete the subdivision for three years after the expected date of completion stated in the THP. The Director shall order inspections as needed to determine whether the project has been completed as proposed.”

The CDF Administrative Manual is not law or regulation but internal guidelines used by the Department. The provisions are not enforceable. However Section 5471 does not require a conversion permit as indicated in the concern (emphasis added):

“The Forest Practice Act requires owners of nonfederal timberland to apply for a Timberland Conversion Permit (TCP) form RM-56, from the Director of CDF for the following:

- Immediate rezoning of three acres or more from Timberland Production Zone (TPZ) to another zoning classification, whether or not timber operations are involved. TPZ rezoning requests merely for a less-restrictive zoning classification, without a bona fide proposed change to a nontimber growing use within a short time, will seldom meet the criteria in law for rezoning and the related conversion permit issuance (see Section 5471.6)
- Changing three acre or more of non-TPZ timberland to a nontimber growing use when timber operations are involved.
- Subdividing these acres or some of non-TPZ timberland into ownerships of less than three acres when there is constructive notice and the subdivision involves timber operations. Constructive notice in the case of subdivision includes, but is not necessarily limited to, subdivision maps filed with applications to local government for development and use permits (see Sections 5471.2 and 5471.5)). Most subdivisions will qualify for the exemption for

subdivision if they document to CDF by submitting an RM-91 that they meet the CEQA requirements for conversion at the county level (see Section 5471.5)."

The prior zoning was not TPZ. Following harvest the use will still be timber growing; applications and use permits have not been filed. Section 4571.2 states:

"The board's maintenance of timber supply policy states that it is in the public interest to oppose diversion of prime timberland and TPZ land to uses precluding timber growing, except when the public values of such diversion exceed those derived from timber growing. The board and the Director intend that the timberland conversion requirements be administered strictly.

If CDF personnel concerned have constructive notice (substantive prior knowledge) that there is to be a change to a nontimber growing use, the landowner and other parties concerned should be informed that a conversion permit will be required in order for the THP to be accepted for filing and review. Meeting stocking standards upon completion of timber operations alone does not eliminate the conversion permit requirement.

Constructive notice includes clear statement of the landowner or other parties involved, documents filed with local and other government agencies, and other means that show the landowner's clear intent to use the land for a nontimber growing use following completion of timber operations (see Sections 5471 and 5471.5)."

In the present instance, clear statements were made by the landowner that the property would continue to be used to grow timber following completion of timber operations. Also, as noted in other concerns, the zoning requires "minimum ten percent (and not to exceed twenty percent) of the lot area reserved to visitor-serving facilities (Section 20.407.030), and a minimum ten percent of the total lot area consisting of usable activity space (Section 20.404.040)" for a total of up to 50% of the area with the Gualala Planned Development (GPD) zoning. These non-residential requirements could be compatible with continued forest management, so could some developed parcels. The manual continues with section 5471.5 (emphasis added):

"...The following criteria and procedures shall be used for subdivision in connection with conversion:

- A conversion permit or notice of exemption on non-TPZ lands is required only when timber operations are involved.
- A conversion permit or notice of exemption is required for all cases when there is constructive notice that non-TPZ land will be subdivided into parcels of less than three acres in connection with timber operations.
- By definition in board regulations [14 CCR §1100(g)(1)(C)], timberland conversion includes a division of timberland into ownerships of less than three acres. Therefore, creation of these smaller parcels constitutes a conversion to nontimberland use. ...
- A conversion permit or notice of exemption on non-TPZ land should usually be required in timber operations when road and housing density will prevent meeting stocking requirements and make timber growing and harvesting impractical. ...
- Sizable areas reserved for open space uses, such as commons, greenbelts, and recreation areas, may be excluded from the conversion area, provided such areas meet stocking requirements and are otherwise feasible.
- A conversion permit on non-TPZ lands usually should not be required under the following circumstances:
 1. When the road system and openings are such as normally required for timber operations.
 2. When stocking requirements will be met.

3. When there is no constructive notice to divide and sell the land in parcels of less than three acres.
4. When there is no land-use change making infeasible or preventing future timber harvests [14 CCR §1100(g)(1)(A)] ...”

No conversion is proposed in connection with timber operations proposed in THP 1-07-067 MEN. There is no indication in the record that the timberland has been or will be divided into ownerships of less than three acres. Future development may be compatible with timber management as discussed previously. The road system and openings associated with this plan are normal for timber operations. Stocking requirements will be met. At present there is no land-use change proposed that will prevent future timber harvest or make it infeasible.

There were sufficient differences between the situation presented by this harvesting plan and the direction provided in the Manual, Forest Practice Rules and Forest Practice Act for the Department to conclude that a conversion permit was not appropriate.

In a letter received by the Department on August 6, 2007 the RPF provided additional discussion regarding this concern:

“The Bower family had a documented history over more than 30 years of managing and using their timberland holdings as liquid asset reserve to generate cash when required for family business purposes. The family currently has need to generate cash as testified by John H. Bower before the Gualala Municipal Advisory Council (G-MAC) at its July 12, 2007 meeting to pay estate taxes due following the death of John J. Bower, to finance renovation of the Surf Super supermarket complex, and to construct a retaining wall endorsed by G-MAC. Selection of a specific stand of timber from which to generate needed cash in any particular harvest was made by the Bower family based on criteria specific to that project. Some of the timber stands in this THP have been entered previously, others have not, but all have always been considered part of the available timber base.

Conversion of Timberland is regulated under 14 CCR Article 7, Section 1100 et seq. Regarding the concern that a Timberland Conversion Permit (TCP) be submitted instead of a THP, the project as presented does not qualify for a TCP. Land for subdivision development is exempt from the requirement for a timberland conversion permit (Section 1104.2). Instead the applicant must, among other requirements, submit to CDF documentation of the county or city tentative subdivision map approval, conditions of approval, required use permit, or other required county or city project approvals. If the subdivision development is not completed or is abandoned, the Director may take corrective action pursuant to PRC 4605-4611 to have restocked those parts of the area from which timber has been harvested and which do not meet the stocking requirements of this chapter. For purposes of this subsection, the project shall be deemed abandoned or not completed if no further work has been carried on to complete the subdivision for three years after the expected date of completion stated in the THP that implements the conversion. The THP submitter has stated that he does not have plans to develop the property and has not submitted or plan to prepare for submission the required documentation of subdivision necessary to support a conversion exemption.”

Two individuals submitted letters concerning wetlands and surface hydrology. These letters have been combined into a single concern.

- 7. Concern:** Wetlands. The forested slopes and terrace within and around the vicinity of the THP area (mostly marine terrace sandstone-derived soils of the Quinliven-Ferncreek-Shinglemill complex)

support many wetland inclusions related to surface discharges of groundwater, particularly diffuse seeps indicated by sedge and rush vegetation, or shrubs tolerant of prolonged waterlogging. The seasonally wet (saturated) soil conditions are well document[ed] in the NRCS descriptions of the site-specific soils in the THP area (including Bruhel-Shinglemill complex loams with poor drainage and slow permeability, low shear strength when seasonally saturated). The THP activities, particularly soil disturbance, road grading, and post-harvest application of herbicides, would cause significant impacts to seep-fed slope wetlands, including loss of sensitive wetland-dependent plant species, rapid invasion by non-native plant species, and adverse topographic, drainage, and other hydrologic modifications. The wetlands in the vicinity of the THP area are formed on mature forest soils, and will not self-regenerate after timber harvest disturbances. A wetland delineation and assessment based on Coastal Zone (coastal commission policy) standards is needed to identify and protect wetlands. A wetland mitigation plan (subject to review and approval of CDFG [California Department of Fish and Game]) emphasizing protection of existing wetland hydrology, soils, and vegetation is needed to minimize significant potential impacts to wetlands.

In a community like Gualala, where water availability may constrain new residential development, wetlands should be preserved. Timber operations involve not only the removal of trees, but also grading and road-building, which can have significant deleterious impacts on local hydrology. This THP area includes small drainages, fen-like sedge meadows, and hydrophilic soils. Grading and harvest activities could severely damage drainages that support local wetlands. Wetland vegetation also contributes to the integrity of complex, local hydrological systems (the overall system), but neither the vegetation nor the underlying structure can regenerate after extreme damage. Post-THP, those areas that retain water will be overrun by invasive wetland weeds, already widespread hereabouts, a significant impact. Ms. Hubbard of the California Native Plant Society requests that the THP include a wetland delineation and assessment based on Coastal Zone (CA Coastal Commission policy) and a wetland mitigation plan to provide protection for existing wetland hydrology and soils. This would provide assurances to the public that significant potential impacts to wetlands have been minimized (kept to a minimum). Ms. Hubbard of the California Native Plant Society reiterated the above issues in a later letter adding that she continues to be concerned about the potential for significant, deleterious impacts on local hydrology. In a community with growth potential, it makes sense to preserve natural waterflow systems. Small drainages, fen-like sedge meadows, and hydrophilic soils, all of which are found in this THP area, contribute to the local water supply for wildlands and human use.

Response: Two wet areas and two springs (seeps) are identified on the THP maps and have been provided protection in the form of equipment exclusion zones. Page 29 of the plan addresses wet areas:

“There are several wet areas located throughout the THP area as shown on the Watercourse Map. Wet areas include areas of moisture, and in some cases hydrophilic vegetation, not directly associated with a classified watercourses. In some cases, wet areas may be entirely contained within a classified watercourse WLPZ, and in some cases are outside of a prescribed WLPZ. Ground based operations near known wet areas outside of a prescribed WLPZ shall be provided a Class III EEZ, unknown wet areas outside of a prescribed WLPZ shall be avoided. ...”

Review of the plan area maps shows that one of the springs has been identified as being associated with populations of swamp harebell and one of the wet areas has been identified as being associated with a population of coast lotus. The protection measures associated with these sensitive plants will also be afforded to the wet areas: a 25-foot Equipment Exclusion Zone in which no equipment shall operate and there shall be no soil disturbance (berms or ditches) that would interrupt normal drainage into or out of the populations within the zone for the swamp harebell and exclusionary fencing to prevent disturbance by equipment for the lotus (see page 32 of the plan and Response 9). Seeps and springs are also

protected by Class II watercourse and lake protection zone measures (THP page 29). These measures include a 100 foot (75 foot for cable yarded areas) equipment exclusion zone and retention of at least 50% of the total canopy. During the preharvest inspection the review team agencies did not find additional “wetland inclusions” or “diffuse seeps indicated by sedge and rush vegetation, or shrubs tolerant of prolonged waterlogging” as described in the concern.

The NRCS descriptions referred to in the concern are assumed to be from the Natural Resources Conservation Service *Soil Survey of Mendocino County - Western Portion* (<http://www.ca.nrcs.usda.gov/mlra02/wmendo/>). These descriptions are not site-specific to the THP area but generalizations for soil complexes found throughout western Mendocino County. This can be demonstrated by addressing the statement made in the concern that Bruhel-Shinglemill complex loams have poor drainage, slow permeability, and low shear strength when seasonally saturated. What the Soil Survey says is:

“This unit is about 50 percent Bruhel loam and 25 percent Shinglemill loam. The Bruhel and Shinglemill soils occur as areas so intricately intermingled that it was not practical to map them separately at the scale used.

Included with these soils in mapping are small areas of Abalobadiah, Flumeville, and Gibney soils and Tropaquepts. Also included are small areas that have slopes of 15 to 30 percent. Included areas make up about 25 percent of the total acreage of the unit. The percentage varies from one area to another.

The Bruhel soil is deep or very deep to weathered bedrock and is well drained. ... Permeability is moderate in the Bruhel soil. ...

The Shinglemill soil is very deep and is poorly drained. ... Permeability is slow in the Shinglemill soil. ...

The main limitations affecting homesite development are the slope and low strength and the seasonally saturated soil conditions and slow permeability of the Shinglemill soil. ... The design of buildings and roads should offset the limited ability of the Shinglemill soil to support a load. The seasonally saturated soil conditions and the restricted permeability of the Shinglemill soil increase the possibility of failure of septic tank absorption fields. Alternative systems may be needed, such as those in which leach lines are placed in a mound above the soil surface.”

The first point to note is that only about 20 acres of the plan area is associated with the Bruhel-Shinglemill complex. Only 25% of that complex is composed of the Shinglemill soil type which does exhibit poor drainage and slow permeability. Examination of the plan area in the field did not reveal significant drainage or permeability problems, so it is very possible that there is no Shinglemill soil type associated with the plan area. The issue of low shear strength when the soils are seasonally saturated is specific to construction. Homesite or building construction is not proposed as part of this harvesting plan. The seasonal roads will be constructed outside of the winter period when soils are not saturated (THP page 24) and used only during periods when the roads and landings have a stable operating surface (THP page 23).

The Department did not find that given the physical conditions of the plan area as examined during the preharvest inspection that THP related activities would cause significant impacts to seep-fed slope wetlands or sensitive wetland-dependent plant species. Drainages, seeps, and wet areas have been provided adequate protections. Heavy equipment will not operate in the immediate vicinity of drainages, springs or wet areas. Because of the gentle slopes in the plan area soil disturbance will be minimized and

more than half of the plan area will retain fully stocked forest stands immediately upon completion of harvest operations. Sensitive species are provided protection from harvest and post-harvest activities as described above for swamp harebell and coast lotus. Sensitive areas are not expected to be adversely impacted by invasion by non-native plant species, or hydrologic modifications due to the protections that have been provided.

Based on field observations, a wetland delineation and assessment based on Coastal Zone (Coastal Commission policy) standards was not found to be needed to identify or protect wetlands. The Department of Fish and Game was provided a copy of the plan when it was submitted (March 20, 2007) and when it was resubmitted (April 27, 2007) and invited and requested to participate in the review of the plan. That agency did not raise any concerns specific to wetlands, soil disturbance, or drainage associated with the proposed operations. The Department did not find there to be fen-like sedge meadows or hydrophilic soils present in the plan area. No road construction (grading) is proposed in the immediate vicinity of wet areas, which are protected by equipment exclusion zones. Existing drainage patterns will be maintained through outslowing of the two short seasonal road segments that are proposed to be constructed, by use of a rocked ford for the one Class III watercourse crossing that has been proposed, and by adherence to the drainage requirements for all roads, skid trails and landings used during the harvest operation. The integrity of the overall system will be maintained. As described above the wet areas, seeps (springs), and watercourses in the plan area are being protected.

Because wet areas and seeps are protected with equipment exclusion zones there should not be significant areas of disturbed soils within or immediately adjacent to these areas that would allow them to be “overrun by invasive wetland weeds” or non-native plant species as described in the concerns. These areas would also be protected from herbicide application by regulations associated with forestry applications that provide buffers for open water, should it be determined in the future that such application is necessary to secure regeneration or tree growth,. Page 8 of the plan discloses:

“This THP does not mandate use of herbicides in the project areas. ... Operational practices have been developed to protect the beneficial uses of waters of the State during and after herbicide applications. These practices have evolved into Best Management Practices (BMPs) that, when fully implemented, are designed to provide maximum protection to these beneficial uses.

The entire THP area is eligible for herbicide treatment, with the following limitations:

- Chemical applications shall not be used in WLPZ, ELZ, EEZ, springs, and/or wet areas, or within 200 feet of habitable structures.”

In addition, page 69 states, “All required buffers near watercourses will be carefully avoided. ‘Required buffers’ includes all FPR WLPZ buffers, State-designated Pesticide Management Zone (PMZs), and /or label restrictions. ‘Carefully avoided’ means no herbicide will be applied in these buffers.” Page 72 explains that the purpose of herbicide use, if any should be used, is not to eliminate forb and weed species but to allow the trees an opportunity to outgrow the competition. Elsewhere in the plan it explains that application would likely be foliar spray from a backpack sprayer or basal bark injection. These targeted applications minimize the potential for the product to enter watercourses or to come in contact with identified populations of sensitive plants.

Several concerns were raised regarding the impact of the proposed harvest on views from the town, Highway 1 and nearby park lands.

8. **Concern:** The Sandovals are residents of the town of Gualala and live across China Gulch from the proposed timber harvest plan. They are concerned about the approval granted for clear cutting, especially the clear cutting approved for the ~10 acres of the plan in an area that overlaps with the Gualala Town Plan, approved by the Mendocino Board of Supervisors. They oppose the proposal to clear cut in Gualala in an area that is in full view from Highway One. As the town develops, an important amenity will be mature growth redwoods. Having an open scar on the hillside above the town will not attract positive growth to a community which depends on tourism as a major economic base. Leaving mature trees in place during selective cutting will permit the area to retain some of its character and encourage future development.

Mr. Lane stated that visual impacts of the proposed clear cuts are understated in the THP. Contrary to the impression conveyed by the name Robinson Terrace THP, large portions on the harvest area, including clear cut areas, are on a steep terrace break. From the topographic and silviculture maps in the THP submittal, the northern clear cut area has a topographic relief of 30 meters ($\times 3.26 \text{ ft/m}$) = 98.4 feet. The slope exposure generally faces west and southwest, towards a cleared rise traversed by Highway One. The same maps show the southern clear cut area contains a relief of 65 meters or 213.2 feet. Slope exposure is directly south, across the Gualala River estuary and towards Gualala Point Regional Park. The park trail most proximately to the southern clear cut is approximately 2500 feet from the clear cut. Even a brief visit to the park shows that at least one, and most probably both, proposed clear cut areas are easily visible from the park. Although Gualala Point Regional Park is not mentioned in the visual impacts discussion, its proximity (less than one-half mile), topography (on an elevated promontory directly facing the THP area, and with postcard-views of downtown Gualala), and popularity (recent verbal estimates from Sonoma County Parks staff indicate approximately 75,000 visitors annually), all suggest that this is a serious omission. The current THP submittal should, at a minimum, contain GIS-based visual analysis, in which impacts to the Gualala Point Regional Park are fully considered.

Ms. Sawyer would like to impart the hideous view that this THP would inflict on her beautiful town. This is not some parcel hidden along some back road. It is in the fullest of views from every location of downtown and even seen from Gualala Point Regional Park. Visitors to her small town come for one thing and one thing only and that is natural beauty. It is a get away into nature, trees, waterways and purity. A huge clear-cut parcel overlooking the town would be an eyesore that would most definitely have effects on the town's annual revenue. Small towns like hers cannot afford such a gamble.

Response: Visual quality was addressed in the Department's preharvest inspection report:

"... During the PHI, I determined that the group selection harvest areas will provide a visual buffer between the clearcut harvest units and the mobile home park, the businesses and residences surrounding the plan area. ..."

"Visual impacts were carefully assessed by CDF Forester I Chris Curtis and I during the PHI. Forester I Curtis and I examined the plan area from the town of Gualala and along the THP boundaries that face Gualala, the Pacific Ocean and residential areas that surround the plan area. During the PHI, Forester I Curtis and I determined that enough trees will be retained within the group selection areas to provide a visual buffer between the clearcut harvest areas and the residential and business areas that are adjacent to the plan area. During the PHI, Forester I Curtis and I determined that the post harvest timberstands in the group selection areas will be left in a well forested condition."

In a letter received by the Department on August 6, 2007 the RPF also addressed these concerns:

“The THP has been designed to provide a visual screen of the clearcut units from view of State Highway 1 or anywhere in the community of Gualala outside of the lands of the timberland owner. In response to this and other similar letters of concern we re-evaluated the visual effect of the clearcut and concluded that although the clearcut will not be visible from any public point in Mendocino County it may be briefly seen from a vehicle traveling north on State Highway 1 and possibly from certain locations in Gualala Point Regional Park in Sonoma County. To further mitigate these concerns the THP has been amended to move the lower boundary of the southern clearcut approximately 400 linear feet up the hill raising the elevation of the lower clearcut boundary approximately 120 feet. The clearcut unit has been reduced from 10 to 7 acres in size. We believe these actions will screen most if not all of the clearcut unit from view in most locations. Any remaining view of the clearcut unit will be insignificant and will disappear as the unit becomes reforested. The attached PowerPoint presentation contains three slides of views of the project area with the expected reduction in crown canopy delineated on the photographs.”

As an attachment to the August 6, 2007 submission, which is part of the record for this plan, was a copy of a PowerPoint presentation the RPF who prepared the plan presented to the August 2, 2007 meeting of the Gualala Municipal Advisory Council. Three of the slides depict how the view would be altered from town (as seen from the parking lot of the Gualala Supermarket), from Gualala Point Park, and from Highway 101. The change in the treeline on the horizon was drawn on each of the images. The slides show that intervening trees will screen the areas to be clearcut from view. It should also be noted that the fast growing redwood sprouts will also fill in the open areas over time and that the clearings that are proposed are not permanent.

With regard to Mr. Lane’s discussion of the relief of the slopes it should be noted that Gualala Redwoods, Inc. is the landowner immediately adjacent and upslope of the THP area. Gualala Redwoods has recently been harvesting in units higher on the slope than is proposed in THP 1-07-067 MEN. Some of the harvest that has been completed is clearcutting. There was no indication in any of the concern letters that the completed harvest upslope of the proposed plan area was visible from the town or other vantage points. THP 1-07-067 MEN includes partial harvesting as well as clearcutting, as described above and in other responses. This partial harvesting is expected to provide adequate visual screening for the clearcuts proposed in this plan.

Something Mr. Lane did not take into account when discussing the slopes is that between the Gualala River estuary/Gualala Point Regional Park and the plan area the land rises approximately 300 feet over a distance of half a mile or more. The slopes below the proposed seven acre harvest unit are forested, and those within the plan submitter’s property will remain forested following the harvest operations. The slope within the clearcut area is such that it does not appear significantly higher than the foreground slopes when seen from the river and park. This is most clearly seen in the PowerPoint slide mentioned above. Following harvest a change will be observed in the crowns of the trees visible on the horizon. But the intervening trees should adequately screen the ground from view. The slopes in the larger clearcut area are more gentle than in the seven acre unit and are likewise screened by the forested slopes that will be retained below the harvest unit.

It should be noted that within the larger of the two clearcut units not all of the trees are to be removed. Page 47 of the plan states, “... Within portions of the northern clearcut unit a stratified multi-cohort appearance will remain after harvesting. Some large wildlife trees and small diameter conifer trees will remain within the units after harvest. These traits will help maintain wildlife and advance regeneration that is beneficial to future stand development. ...”

The above is reflected in the text on pages 88 and 88.1 of the plan as well:

“...The assessment area for the visual resources is the logging area that is visible to significant numbers of people who are no further than three miles from the timber operations. The plan area and the majority of the visual assessment area are located on private property. The project area is generally not visible to travelers along Highway 1 or from navigable waters in the lagoon of the Gualala River. Traveling north on Highway 1 the project area will be briefly visible as the vehicle passes the entrance to Gualala Point Regional Park but will quickly disappear as the vehicle drops down to the Gualala River bridge. There are two single-family homes along the eastern edge of China Gulch that may be able to see the project area, however they will be viewing the project area across the China Gulch WLPZ and a small portion of Gualala Redwoods Inc. property that is not part of this plan (the GRI parcels range from 450 ft to 50 ft wide separating China Gulch from the THP area).

A topographic bench of unmerchantable Bishop pine and Grand fir between the harvest units and the village of Gualala will remain after logging is completed creating a visual screen from portions of the town. Additional visual screening of the clearcut units is provided by group selection harvest units that will maintain the general forested appearance of the landscape.

Portions of the project area are visible from Gualala Point Regional Park located across the Gualala River in Sonoma County ranging from one mile to one and one-half miles from the project area. The 27-acre clearcut located in the northwestern portion of the plan area is not expected to be visible following completion of operations. This unit is located on a coastal marine terrace and will be completely screened by the selection and group selection harvest units on the slope below the terrace. A small portion of the seven-acre eastern clearcut unit may be visible from the park following completion of timber operations. This unit is located on the nose of a south-facing ridge that forms the bluff between the marine terrace directly above the town of Gualala and the next terrace up the hill. The elevation difference between the top of the clearcut unit and the bottom of the unit is approximately 120 feet. Timber from the bottom of the clearcut unit to the southern THP boundary at Church Street will be harvested using group selection silvicultural system. Conifer tree heights measured on inventory plots located in the clearcut and group selection area ranged 130 to 150 feet.

To assess the potential visibility of the clearcut units from the park we photographed the project area from several locations in Gualala Point Regional Park. Based on examination of these photos we conclude that the screen of trees created by the group selection harvest unit down slope from the eastern clearcut unit will prevent view of the actual ground in the clearcut unit in most cases. In general someone viewing the project area before and after harvest will notice a reduction in the height of the tree tops at the skyline and some textural changes in the vista, but will not be able to directly see the timber harvest. The existing haul road that forms the southwest boundary of the clearcut unit is visible from some locations in the park and from some viewpoint a small portion of the clearcut unit adjacent to the road may be visible after completion of logging operations. Visibility of some portion of these clearcut units is not considered significant. The focus of the park is the Pacific Ocean, beach and Gualala River lagoon. The view of the project area is most pronounced from the parking lot; as the visitor leaves the visitor's center and travels to the beach and river, view of the project area diminishes. The project area, and particularly the clearcut unit, is not visible from the beach or the Gualala River. Vegetation in the form of redwood stump sprouts and grass will quickly cover the bare ground creating a meadow-like vista. In a few years the young forest will completely cover the site and begin blending in with the surrounding forest texture.

As mitigated in the plan by screening clearcut harvest units with selection and group selection harvest units the project is not expected to create a significant adverse visual impact.”

There were very detailed concern letters from two individuals concerning sensitive plant species.

- 9. Concern:** Mr. Baye found the botanical surveys to be cursory, general, only reconnaissance-level and insufficient to detect inconspicuous or intermittently emergent populations of sensitive and rare plant species that may be expected to occur on mature forested marine terrace soils of the THP area. He commented that [these] nutrient-poor clayey sand loam soils with well-developed surface horizons rich in organic matter occur in a low-transpiration, high fog-drip coastal microclimate, and [are] associated with high density of regionally declining, uncommon to rare floor herbs, including tree root fungus-dependent (mycorrhizal associates; mycotrophic) forbs, especially orchids, ericads. Widespread use of herbicides following timber harvest contributes significantly to regional declines and rarity. Many of these species (particularly “saprotrophic”, mycotrophic forbs) are only intermittently emergent among years, and require focused protocol surveys for detection during a limited seasonal window. Otherwise, significant botanical resources are likely to be underreported. The THP lacks focused botanical surveys for regionally rare plants. The THP earthmoving and herbicide use would likely cause extirpation of seed and bud banks of undetected sensitive plant species. These impacts would occur as a result of silvicultural treatments (clear-cut, group selection with intensive soil disturbance, loss of soil profile and seed bank; post-harvest herbicide treatment) and its immediate consequences (post-harvest surface soil erosion, rapid invasion by non-native weeds). The THP would be likely to result in extirpation of local populations of undetected rare plants.

Ms. Hubbard of the California Native Plant Society (CNPS) recommends denial of the plan as currently written (July 17, 2007). Rare plants, including some classified as CNPS 1-B, have potential to occur on the project site and under CEQA CNPS 1-B plant species are given the same consideration as government-listed plants. Some of our rare forest plants have been found to be partners in three-way nutrient exchanges between herbaceous plants, mycorrhizal fungi and conifers – relationships that benefit conifers. Factors such as this make it important that all forest species uncommon in this area should be surveyed for and protected.

Examples of regionally rare plants likely, known to occur, or having high potential to occur in the vicinity of the project in local soil and climate conditions, but were not subject to sufficient survey methods and sampling intensity (as listed in Mr. Baye and Ms. Hubbard’s letters) are:

Ferns

Botrychium multifidum (S. Gmelin) Ruprecht Grape-fern. Only 3 records in Mendocino Co CAS:
Acid wetland soils: shaded forest, scrub thickets, sedge meadows

Grasses, sedges, and allies

Calamagrostis stricta ssp. *inexpansa* (syn *C. crassiglumis* Thurber. Only 3 Mendocino Flora records

Carex mendocinensis Olney Mendocino sedge. Very rare in California and Mendocino County; known to occur in seeps along the southern Mendocino/Northwest Sonoma Coast from Point Arena to Sea Ranch. High survey effort needed for detection

California sedge *Carex californica* Rare in Mendocino county. It requires considerable expertise to identify.

Deceiving sedge *Carex salinaeformis* A small sedge, easily overlooked. As the common name implies, it is difficult to detect or identify.

Bolander’s reed grass *Calamagrostis bolanderi* A tall, but airy grass that is easily overlooked.

Lilaceous (broad sense) bulbs and forbs

Lilium maritimum Coast lily. Seedlings and shrub-canopy suppressed, non-flowering individuals are likely to be underdetected.

Veratrum fimbriatum Corn-lily. Seedlings and shrub-canopy suppressed, non-flowering individuals are likely to be underdetected.

Mycotrophic ericads, orchids

Allotropa virgata A. Gray Ericaceae Sugar stick. Short season of flowering shoot emergence, no leafy structures. Obligate mycotroph/parasite of moist conifer forest. High survey effort needed for detection.

Chimaphila umbellata (Linnaeus) Bartram Ericaceae Prince's pine. Rare in mature forest and woodland soils with thick organic soil horizons.

Corallorhiza striata Lindley Striped coral-root. Uncommon in Mendocino County, rare in south County and NW Sonoma Co. Easily mistaken for more widespread *C. maculata* prior to or after flowering. High survey effort needed for detection.

Mertens coral-root *Corallorhiza mertensiana* Uncommon in Mendocino County and easily overlooked.

Twayblade *Listera cordata* Rare for Mendocino County, very small, easily overlooked. Blooms in early spring.

Hemitomes congestum A. Gray Ericaceae Gnome plant. Rare in Mendocino County, non-green plant limited to mature forest soils (primarily coastal redwood forest) with thick organic horizons. Reported from Gualala as recently as 1964 (Flora of Mendocino County; only 4 Mendocino County records in CAS). High survey effort needed for detection.

Monotropa hypopithys Linnaeus. Pinesap. Rare in Mendocino County, uncommon in California; non-green plant limited to mature coniferous/mixed forest soils. Known to occur on coastal terrace north of Gualala in vicinity of Iverson Road, similar to soils and climate of THP area. High survey effort needed for detection.

Pityopus californicus (Eastwood) Copland. Rare in California; non-green plant locally frequent in portions of Mendocino County. Known to occur in Gualala and coastal terrace north to Iverson Road vicinity, similar to soils and climate of THP area. (Flora of Mendocino). High survey effort needed for detection.

Pleuricospora fimbriolata Gray. Fringed Pinesap. Rare in California, non-green plant restricted to coast, similar to *Pityopus*; known to occur in Gualala and coastal terrace north to Anchor Bay. High survey effort needed for detection.

Piperia michaelii Ackerman. Rare in coastal Mendocino County, uncommon county-wide. High survey effort needed for detection.

Piperia transversa Suksdorf. Rare in Mendocino County; often in partially shaded slump or gully scars, road cuts, in seasonally moist soil. Inconspicuous summer-flowering tiny green-flowered orchid; high survey effort needed for detection.

Spiranthes porrifolia Lindley. Western ladies-tresses. Rare in forested wetland of Mendocino County; congener *S. romanzoffiana* with similar habitat requirements is known from Gualala vicinity. High survey effort needed for detection.

Wetland forbs

Campanula californica California or swamp harebell. Some populations were detected in THP botanical surveys, but the "mitigation" of a 50 foot EEZ timber harvest exclusion zone is insufficient to protect the viability of the population that depends on the microclimate and drainage (surface and shallow subsurface hydrology) of the surrounding forest. Shaded populations flower very late, in late summer or fall, and may not be detected by early season surveys.

Horkelia tenuiloba (Torrey) Gray. Globally rare plant present on sandy clay or claypan marine terrace soils in vicinity of Gualala and Sea Ranch. This plant is likely to occur in areas of forest gaps or exposures of subsoil. Detection depends on surveys during summer flowering period.

According to the comment writers, this is not necessarily a complete list but is intended to demonstrate the need for a complete, floristic botanical survey. Our rare forest plants inhabit a variety of micro-habitats, bloom at different times of the year, and generally require expertise to identify. A complete floristic (rather than species-targeted) survey, with visits at appropriate blooming times for all rare species with potential to occur on the site is the only way to determine if the species are present. It takes a qualified botanist with local experience, using CNPS-level protocols, to detect and identify most of these plants. They cannot be identified by Licensed Timber Operators on the job, and it would be unfair to expect timber workers to do so. Thorough botanical surveys will help avoid significant and cumulative impacts to rare plants, whose decline is brought on by inappropriate herbicide use and silvicultural methods like short-rotation, group selection and clearcutting. As these plants become more rare, they move toward government listing, with additional regulatory constraints on THPs. It is in the interest of timberland owners and resource agencies to avoid this.

CNPS reiterated these concerns on September 10, 2007 in a subsequent letter. The species listed in the September 10, 2007 letter as having a high potential to occur in the plan area did not include Mertens & striped coral-root (*Corallorhiza mertensiana* and *C. striata*) but was otherwise the same as the list supplied in the July 17, 2007 letter.

Response: In a letter received by the Department on August 6, 2007 the RPF addressed this concern as follows:

“A memo regarding spring botanical survey from Kjeldsen Biological Consulting dated June 7, 2007 and reporting findings as of May 30, 2007 has been added to the THP. This memo was submitted to CDF on June 7, 2007 and forwarded by CDF to DFG [California Department of Fish and Game] on June 11, 2007. DFG has not provided any comments. This work identified *Campanula californica* (Swamp harebell) in seven locations on the THP and vicinity and *Lotus formosissimus* (harlequin or coast lotus) in one location. The report contained recommendations including site-specific mitigation measures which were placed in the plan. Locations of these rare plants on the THP are shown on the botany map, page 45.2 (revised 7-5-07).

I asked Dr. Kjeldsen to specifically respond to the species identified by Peter Baye. Several of these species require an additional field survey that will be conducted during the month of August. When completed Dr. Kjeldsen's complete report together with any additional species identified and necessary protection measures will be amended into the THP.”

In the RPF letter dated May 18, 2007 it states that language was added to the plan that prohibits commencement of operations until the results of the botanical survey has been amended into the plan. Page 32 of the plan (revised July 6, 2007) indicates that the surveying has been completed:

“A botanical survey of the project area has been conducted by Kjeldsen Biological Consulting. Two special-status plants are present within the THP for which special protection measures are incorporated into this plan. The locations of these plants are shown on the Botany Map included in this THP. Special protection measures are:

- A 25-foot Equipment Exclusion Zone has been flagged around populations of Swamp Harebell (*Campanula californica*). No equipment shall operate within this zone nor shall there be soil disturbance (berms or ditches) that would interrupt normal drainage into or out of the populations within the zone. Tree harvest within the buffer zone may be conducted provided no equipment enters the zone and the trees shall be removed in a manner that minimizes soil disturbance.

- A single population of Coast Lotus (*Lotus formosissimus*) exists adjacent to the appurtenant haul road. High visibility exclusionary fencing shall be installed along the edge of the seasonal road at the location of this plant to prevent disturbance by equipment.

If an occupation by a listed, sensitive, or species of concern plant species identified and discussed but not currently known to be present is discovered as a result of the survey or during timber operations, the LTO shall cease operations in the vicinity of the occupied area and shall notify the RPF as soon as possible. The RPF, or supervised designee, shall flag a 50 foot Equipment Exclusion Zone (EEZ) if the plant is listed or cannot be identified. The RPF shall notify the Department of Forestry, Department of Fish and Game, and the U.S. Fish & Wildlife Service as soon as possible.”

The “Botanical Resources Report”, dated August 27, 2007 and made part of the plan on September 7, 2007, is 66 pages in length (THP pages 221.6-221.71) and appears to address those plant species that have a reasonable potential to be present in the plan area or immediate vicinity. The botanical surveys described in the report would have been sufficient to detect inconspicuous, intermittently emergent and regionally rare populations of sensitive and rare plant species that may be expected to occur on the soils of the THP area. The surveys were described as follows:

“The property was walked by field personnel in order to provide a rigorous documentation of the vegetation. Transects through the proposed project sites were made by foot. Transects were established to cover topographic and vegetation variations within the study area. Initial reconnaissance was the basis for follow-up seasonal studies. ... Our field dates are the following; March 14, April 18, May 30, June 14 and August 9, 2007.”

Early and late season blooming periods have been adequately covered by this survey effort. All species encountered were recorded; and other than the swamp harebell and coast lotus noted above, none of the species listed in the concern letters were found to be present in the plan area.

One of the concerns stated that widespread use of herbicides following timber harvest contributes significantly to regional declines and rarity. Page 64 of the plan states: “The THP area has not historically utilized herbicides to control competing vegetation.” There is no evidence that herbicides have been used on the acres associated with this THP in the past. Because of the sprouting nature of redwoods, the use of herbicides in the general area, following timber harvest on other properties, is limited. In addition, recent harvesting plans in the general vicinity have also required botanical surveys and have provided protection measures for sensitive plant populations when they are encountered. The statement in the concern that widespread use of herbicides following timber harvest contributes significantly to regional declines and rarity is unsupported. It should also be noted that for THP 1-07-067 MEN 40 acres, more than half of the plan area, is to be harvested using the selection and group selection harvest methods which retain fully stocked stands immediately upon completion of harvest operations. However, if in the clearcut harvest areas herbicides should be used, page 8 of the plan provides for sensitive plant protection; “Chemical applications shall not be used in WLPZ, ELZ, EEZ, springs, and/or wet areas, or within 200 feet of habitable structures.” Identified sensitive plant populations have equipment exclusion zones established. Page 72 of the plan also explains that the purpose of herbicide use, if any should be used, is not to eliminate forb and weed species but to allow the trees an opportunity to outgrow the competition. Elsewhere the plan explains that herbicide application would likely be foliar spray from a backpack sprayer or basal bark injection. These targeted applications minimize the potential for the product to come in contact with identified populations of sensitive plants.

Mr. Baye noted in his concern that *Campanula californica* (California or swamp harebell) populations were detected in THP botanical surveys, but the “mitigation” of a 50 foot EEZ timber harvest exclusion zone is insufficient to protect the viability of the population that depends on the microclimate and

drainage (surface and shallow subsurface hydrology) of the surrounding forest and that shaded populations flower very late, in late summer or fall, and may not be detected by early season surveys. The surveys conducted for this THP took place late into the summer and should have been adequate to detect the full extent of the swamp harebell populations. The botanical report noted that one of the populations found was associated with an area of disturbance, within the cleared access along the powerline. As indicated above no equipment shall operate within the protection zones for this species and there shall be no soil disturbance (berms or ditches) that would interrupt normal drainage into or out of the populations within the zones. The microclimate and drainage (surface and shallow subsurface hydrology) surrounding these populations have been adequately protected.

The list of plants provided in the concern letters have been considered in the preparation and review of this harvesting plan. None of the plants will be adversely impacted, most do not occur in the plan area, and several are not sensitive species:

- *Allotropa virgata* (sugar stick) is not listed on the CNPS website (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). The elevational range for this species is considerably higher than that found within the plan boundaries (http://www.calflora.org/cgi-bin/species_query.cgi?where-taxon=Allotropa+virgata) This species was not found on or near the THP (THP page 221.26).
- *Botrychium multifidum* (grape-fern) is not listed on the CNPS website (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). Those species of *Botrychium* that are listed are found at elevations much higher than found in the plan area. This species was not among the plants listed as being present in the plan area. Mesic habitat is not present and this species was not found on or near the THP (THP page 221.26)
- *Calamagrostis bolanderi* (Bolander's reed grass) is a CNPS watchlist plant, not a rare, threatened or endangered species. "Lack of habitat or mesic conditions required for presence" and it was not found on or near the THP (THP page 221.26).
- *Calamagrostis crassiglumis* (Thurber's reedgrass) is listed on the CNPS website but described as inhabiting coastal scrub, marshes and swamps – which are not found within the THP area. Also the elevational range is 10-45 meters, or slightly lower than the plan area. This species was not found in or near the plan area. "Lack of habitat or mesic conditions required for presence" (THP page 221.26).
- *Carex californica* (California sedge) is listed on the CNPS website but is identified as common outside of California and not very endangered in the state. The global ranking is "demonstrably secure to ineradicable." Wet areas where this species could be found have been protected in this THP; see other responses. "Lack of habitat. The nearest known location is Point Arena" and this species was not found on or near the THP (THP page 221.26).
- *Carex mendocinensis* (Olney Mendocino sedge) is not listed on the CNPS website (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). This species and was not found on or near the THP. "Lack of habitat or mesic conditions required for presence" (THP page 221.26).
- *Carex saliniformis* (deceiving sedge) is listed on the CNPS website, which identifies its habitat as coastal prairie/scrub, meadows and seeps, marshes and swamps (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). Requisite habitat and vegetation associates are absent from the plan area (THP page 221.21). This species was not found on or near the THP.
- *Chimaphila umbellata* (Prince's pine) is not listed on the CNPS website (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). This species is not rare in the state, there are over 2,000 observations on the Calflora website (http://www.calflora.org/cgi-bin/species_query.cgi?where-taxon=Chimaphila+umbellata) and it is

found in other states. Page 221.26 indicates that there is a “Lack of habitat” in the plan area and the species was not found on or near the THP during the botanical survey (THP page 221.26).

- *Corallorhiza striata* (striped coral-root) is not listed on the CNPS website (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>) and reported observations of the plant on the Calflora website appear to be associated with higher elevations than found in the plan area. This species was not found on or near the THP (THP page 221.26).
- *Corallorhiza mertensiana* (Mertens coral-root) is not listed on the CNPS website (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). This species is found outside of California. This species was not among the plants listed as being present in the plan area.
- *Hemitomes congestum* (gnome plant) was considered for the CNPS list (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>) but rejected as being “too common.” This species was not found on or near the THP (THP page 221.26).
- *Horkelia tenuiloba* is listed on the CNPS website but was not found on or near the plan area. There is an “Absence of typical habitat and vegetation associates” for this species (THP page 221.23).
- *Lilium maritimum* (coast lily) is listed on the CNPS website but, although known from parcels that adjoin the THP, the requisite habitat is absent from the project site (THP page 221.23). This species was not found on or near the THP (THP page 221.23).
- *Listera cordata* (twayblade) is listed on the CNPS website as a watch list plant. The global ranking is “demonstrably secure to ineradicable.” Wet areas where this species could be found have been protected in this THP; see other responses. There is a “Lack of habitat or mesic conditions required for presence” and this species was not found on or near the THP (THP page 221.26).
- *Monotropa hypopithys* (pinesap) was considered for the CNPS listing (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>) but rejected as being “too common.” Most of the plan area is above the elevational range for this species. This species was not found on or near the THP (THP page 221.26).
- *Piperia michaelii* is a CNPS watchlist plant and there are no recorded observations of this species in Mendocino County (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). This species was not found on or near the THP (THP page 221.26).
- *Piperia transversa* is not listed on the CNPS website (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). This species was not found on or near the THP (THP page 221.27).
- *Pityopus californicus* (California pinefoot), although known to occur in Gualala and the Iverson Road area, lacks typical habitat and vegetation associates here. (THP page 221.24). This species is a CNPS watchlist plant with a global ranking between “apparently secure” and “demonstrably secure to ineradicable.” (<http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>) This species was not found on or near the THP (THP page 221.24).
- *Pleuricospora fimbriolata* (fringed pinesap) is not listed on the CNPS website (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). The elevational range for this species is considerably higher than that found within the plan boundaries (http://www.calflora.org/cgi-bin/species_query.cgi?where-taxon=Pleuricospora+fimbriolata). This species was not found on or near the THP (THP page 221.27).
- *Spiranthes porrifolia* (western ladies-tresses) is not listed on the CNPS website (Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). Within the plan area there is a “Lack of habitat or mesic conditions required for presence” and this species was not found on or near the THP (THP page 221.27).
- *Veratrum fimbriatum* (corn-lily, false fringed hellebore) is a CNPS watchlist plant (not very endangered in California - Inventory of Rare and Endangered Plants, <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>). Wet areas where this species could be found

have been protected in this THP. See other responses. The plan states “Mesic habitat not present” and this species was not found on or near the THP (THP page 221.27).

10. Concern: The botanical report by Kjeldsen Biological Consulting that appears in the THP is not complete. In order for the public to be assured that all botanical resources were identified, and impacts to them fully considered and mitigated, additional information is needed: A complete list of plants found by the consultant; dates when on-site survey activity took place; description of the methodology used. A complete floristic (rather than species-targeted) survey, with visits at appropriate blooming times for all rare species with potential to occur on site is absolutely necessary to determine which species are present. Ms. Hubbard of the California Native Plant Society (CNPS) does not wish to question the botanical expertise of the consultants employed on this job, but does object to the absence of important botanical information. The avoidance of significant and cumulative impacts to statewide and locally rare plants depends on thorough botanical surveys. Further decline in populations of rare plants is hastened by inappropriate herbicide use and silvicultural methods like short-rotation, group selection and clearcutting. With increase in rarity, these plants become the focus of additional regulatory constraints. It is in the interests of timberland owners and resource agencies to avoid this.

Response: The “Botanical Resources Report” that has been made part of the plan is 66 pages in length (THP pages 221.6-221.71) and includes a complete list of plants found by the consultant (pages 221.43-221.57), dates when on-site survey activity took place (March 14, April 18, May 30, June 14 and August 9, 2007) and a description of the methodology used; see response above. It appears that a complete floristic survey, with visits at appropriate blooming times for all rare species with potential to occur on site, was conducted. Appropriate protection has been made part of the plan to minimize the impact on the rare plants that have been found within the plan area boundaries. This plan is not expected to lead to a decline in the local presence of populations of rare plants.

Several letters were received expressing concern that harvest would lead to erosion which may have an adverse impact on various aspects of the environment.

11. Concern: The Sandovals are residents of the town of Gualala and live across China Gulch from the proposed timber harvest plan. They oppose the proposal to clear cut that opens the hillside above town to erosion and may increase threats to the watershed and the Gualala River estuary, the area into which China Gulch flows. Leaving mature trees in place during selective cutting will help control erosion and other problems which gravity will send down into the town.

With development inevitably comes the potential for both chemical contamination and increased silt loading of the estuary.

Erosion and sedimentation, water quality impacts. The THP proposes to operate roads and timber harvest during winter months in soils described by the NRCS Soil Survey of western Mendocino County to have extremely high risk of erosion (“very severe” water erosion hazard due to surface runoff). CALFIRE should fully consider and not understate or trivialize the NRCS expertise and the warnings of the California Department of Geology regarding hazards of soil erosion above sensitive receptors in Gualala: residential water supplies, developed private property and public roads, and above all, the lower Gualala River Estuary. Conventional THP-required erosion controls for forested landscapes are not sufficient for this particular environmental setting. CALFIRE should fully consider the environmental setting and context of significant impacts related to soil erosion caused by

road and timber harvest actions. The Gualala River's lower reaches alternate between a tidal and choked tidal or non-tidal (lagoon) condition. The choked or non-tidal lagoon condition is particularly sensitive to turbidity pulses in fall and early winter because high-density turbidity plumes affect concentrations of steelhead juveniles and adults that undergo smoltification in brackish salinity conditions. China Gulch discharges directly into the lower estuary. Excessive short-term pulses of fine sediment into the lagoon prior to natural (high river discharge) lagoon breaching is a potential significant impact that is not mitigated by conventional erosion controls for upland or headwater forest conditions. Proposed clear-cuts are inappropriate and unacceptable risks for China Gulch in particular because of the risk of extreme fine sediment pulses. Estimation of erosion risk based on average monthly rainfall conditions is invalid and highly misleading. The probability of threshold rainfall events that trigger high risk of erosion and sediment transport must be analyzed, and impacts mitigated. CALFIRE should review pertinent scientific study of the aquatic habitat and fisheries resources of the lower Gualala River funded by the California Coastal Conservancy and implemented by the Sotoyome Resource Conservation District as part of its CEQA evaluation of sedimentation impacts.

The long-term effect of sediment run-off in our aquatic ecologies is alarming. China Gulch drains directly in the Gualala River Lagoon. Because the Lagoon is closed to tidal circulation by a barrier beach for most months of the year it is extremely sensitive to sediment as well as the foreseen contaminating loads generated by the THP itself. Loads of sediment can destroy ecology, snuffing out the healthy life force of the treasured lagoon.

The erosion generated by a THP is a foreseeable risk to residential water supplies, private property, public and private roads, and the estuary. Any income generated by this THP cannot equal the succeeding damage to the local resources, which are the true worth of the community.

Response: The concerns focused on the impacts to the Gualala River, Lagoon and Estuary via China Gulch. It should be noted that only a portion of the plan area drains to China Gulch and/or the Gualala River system. Most of the area to be clearcut and all of the steepest slopes in the plan area drain to the Robinson Gulch drainage. Robinson Gulch does not drain into the Gualala River/Lagoon/Estuary but empties directly into the Pacific Ocean. Because of physical barriers Robinson Gulch does not support steelhead or other anadromous fish species. However, both China Gulch and Robinson Gulch have been found to be adequately protected from delivery of sediment from the proposed harvest operations. For example, an enforceable provision of the plan, found on THP page 28 is "No substances or materials will be placed, discharged, or disposed of or deposited in such a manner as to permit to pass into waters of the State in quantities deleterious to fish, wildlife, beneficial functions of riparian zones, or the quality and beneficial uses of water."

The Hillslope Monitoring Program of CAL FIRE reviewed completed timber harvesting plans to determine implementation rates of the Forest Practice Rules related to water quality. Cafferata and Munn (Hillslope Monitoring Program: Monitoring Results from 1996 through 2001, 2002) found residual surface cover in protection zones for Class I, II and III watercourses after harvesting typically exceed the rule requirements. It was also reported that "In the Coast Forest Practice District, high precipitation and summer fog near the ocean promote an environment that is quickly covered with surface vegetation." The monitoring report concluded: "Watercourse protection zones provide for adequate retention of post-harvest canopy and surface cover, and for prevention of harvesting related erosion."

Erosion control measures associated with timber harvesting, road construction and road drainage required by the California Forest Practice Rules have also been found to be effective in preventing delivery of sediment to watercourses. In the case of this harvesting plan there is little road construction proposed and few watercourse crossings. No crossings of China or Robinson Gulches are proposed. Over half of the

plan area will be partially harvested with fully stocked forest stands in place immediately upon completion of harvesting operations. Clearcutting is confined to gentle slopes, well away from any Class I (fish bearing) or Class II (containing aquatic life but no fish) watercourses.

The concern for protection of residential water supplies was evaluated by the Department during the preharvest inspection in response to a letter from a nearby landowner that is included in Section V of the plan:

“The RPF has included adequate protection measures for domestic water supplies during timber operations. The RPF will not be required to provide any additional protection measures beyond standard WLPZ rules. During the PHI, I determined that few trees are being marked for harvest within the WLPZ’s above China Gulch and Robinson Gulch. The slopes above Robinson Gulch will be cable yarded or long-lined with tractors from skid trails outside of the WLPZ’s. The slopes above China Gulch will be long-lined with tractors from skid trails outside of the WLPZ’s.” (CDF Forest Practice Inspector Ken Margiott, CDF PHI Report June 19, 2007, page 16).

All of the harvesting adjacent to private landowners will be partial harvest. Where clearcutting extends to the property line the adjacent landowner is Gualala Redwoods, Inc., a commercial timberland owner who has recently harvested adjacent lands and included clearcutting as one of their silvicultural treatments (THP 1-05-023 MEN).

The plan does not propose to use the roads or yard logs throughout the entire winter period as is implied in one of the concern letters. Page 21 of the plan clearly states that no winter timber operations are proposed in the THP during the period between December 16 and April 1, except emergency road reconstruction and maintenance of erosion control facilities. Page 22 states, “The use of heavy equipment, including log and rock trucks, on seasonal roads shall cease during periods of measurable rainfall (defined as 0.24” of rainfall or greater in a 24 hour period) and prior to the development of saturated soil conditions on the road surface. Hauling of logs shall not be conducted when water is running across the road or when turbid water is running in the inside ditch with access to a Class I, II, or III watercourse.” Winter operations and the yarding practices proposed were evaluated by the Department during the preharvest inspection:

“The RPF is proposing timber operations between November 15 and December 15. The plan allows for tractor and cable yarding operations when saturated soil conditions do not occur between October 15 and December 15 and April 1 and May 1. The plan allows for heavy equipment and log truck operations to occur when road and landing surfaces are firm and stable. The plan prohibits timber operations in Class I and Class II WLPZ’s during the winter period. The RPF includes a statement that temporary watercourse crossings will be removed and stabilized prior to end of the day if the National Weather Service predicts a 30 percent chance of rain or more. During the PHI, the inspection team members did not have any concerns about the proposed winter operating plan for this THP.”

“The RPF is not proposing any exceptions to the standard rules. The steep slopes above Robinson Gulch will be cable yarded. The majority of the slopes in the clearcut harvest units are less than 30 percent. The slopes that are over 30 percent that are designated for ground based yarding can be logged using existing skid trails. During the PHI, I determined that these skid trails can be reconstructed with minimal ground disturbance.

New skid trails will have to be constructed to harvest timber in the majority of the areas designated for ground based yarding equipment. During the PHI, I determined that these skid trails can be constructed on gentle and moderate slopes. Furthermore, these new skid trails can be constructed

without an extensive amount of excavation. During the PHI, I determined that in most cases tractors will endline from skid trails located on gentle to moderate slopes. The gentle slopes in the plan area can be yarded with grapple skidders so that there will be minimal damage to the residual timber stands. Ground disturbance during tractor yarding operations is expected to be minimal to moderate.”

The Department is aware of the Natural Resources Conservation Service *Soil Survey of Mendocino County-Western Portion* soil descriptions (<http://www.ca.nrcs.usda.gov/mlra02/wmendo/>). The concern is in error when it implies that all of the soils beneath the plan area “have extremely high risk of erosion (‘very severe’ water erosion hazard due to surface runoff).” The soils that make up the Bruhel-Shinglemill Complex, 2 to 15 percent slopes (Series 116) and the Quinliven-Ferncreek Complex, 2 to 15 percent slopes (Series 196) are described as follows: “... the hazard of water erosion is slight or moderate if the surface is left bare.” These soil complexes account for approximately 80% of the plan area. Only the soils that make up the Irmulco-Tramway Complex, 50 to 75 percent slopes (Series 174) are described as “... the hazard of water erosion is very severe if the surface is left bare.” The plan does not propose leaving soils bare. The area where Irmulco-Tramway Complex is found will have the fewest trees removed and the least soil disturbance as they are located within the WLPZ of Class II watercourses, areas where heavy equipment use is not proposed and canopy retention requirements are high. There are no existing or proposed roads, skid trails or landings associated with this soil complex. The Irmulco-Tramway Complex is found on only a small percentage of the plan area and does not underlie any of the areas proposed to be clearcut.

To reflect protective vegetative cover to be retained, as well as a narrower range of slopes actually found within the plan area, the Forest Practice Rules require the calculation of an Erosion Hazard Rating (EHR) for those soil conditions specific to the plan area. These calculations are found on pages 103-104.1 and the areas to which the calculations apply are mapped on page 43 of the plan. Protective vegetative cover remaining after disturbance; i.e., tree falling and tractor yarding, will average over 50% for the soils found in the plan area, and over 60% for the Irmulco-Tramway complex areas. Where clearcutting is proposed the slopes average 10%, minimizing the erosion potential. The EHRs for this plan area have been calculated to range from low to extreme. The areas with an extreme rating are associated with the Irmulco-Tramway complex soils, are quite small and restricted to steep slopes within the WLPZ of Robinson Gulch where there will be no heavy equipment operations and very few, if any, trees removed. No clearcutting is proposed where the EHR is “high” or “extreme”.

The Department evaluated the Erosion Hazard Rating during the preharvest inspection: “The RPF has properly calculated the Erosion Hazard Rating for this plan in Section Five of the THP. During the PHI, I determined that the EHR calculations are consistent with field conditions.” The report of the inspection also stated, “The soil stabilization measures listed by the RPF under THP Item #18 appear adequate.” The Department also evaluated protection of anadromous fish habitat: “the proposed watercourse protection measures and soil stabilization measures should be adequate to protect Coho salmon and steelhead habitat in China Gulch. These measures should be adequate to protect non fish wildlife habitat in China Gulch and Robinson Gulch.”

Note that the EHR calculations do not use an estimation of erosion risk based on average monthly rainfall conditions, as is implied in the concern. The factor used is a two-year, one-hour rainfall intensity. This is more precise than average monthly values. Also, page 73 of the plan indicates that rainfall events that trigger high risk of erosion and sediment transport have been analyzed, and potential impacts mitigated:

“Localized Rainfall: The area is known to receive high-localized rainfalls. ... The proposed activities are designed to mitigate potential significant adverse impacts from high-localized rainfall by:

- Utilizing the cable yarding and long-lining methods in the steeper sections of Class I and Class II WLPZs
- Providing waterbreak spacing at the high interval for ground based yarding areas
- Restricting operations during the winter period
- Upgrading road drainage
- Watercourse buffers”

In a letter received by the Department on August 6, 2007 the RPF also addressed the concern of harvest impacts on the Gualala River:

“The 7-acre clearcut in the China Gulch watershed will have very little impact on sediment discharge to the Gualala River estuary individually or cumulatively with other existing or known planned projects. The east boundary of this clearcut unit is also the property line. The property line runs due north and China Gulch at this point runs northeast away from the property line. No portion of the clearcut unit enters the WLPZ of China Gulch and as the unit extends north the distance between the clearcut boundary and China Gulch increases. This buffer of un-harvested timber will serve as a filtration buffer for sediment generated from the clearcut unit.”

Also see other responses. The plan has been thoroughly mitigated and reviewed. Development is not proposed. The harvest that is proposed will not lead to chemical contamination; heavy equipment will operate and be serviced well away from watercourses. Application of herbicides, if any are used in the future, is restricted to prevent possible delivery to watercourses. The Department has not found that the proposed activities will have an adverse impact on residential water supplies, private property, public or private roads, or the estuary. Also see other responses.

Several letters were received expressing concern that there will be an increase in runoff from the plan area and this could lead to erosion issues.

12. Concern: Mr. Chung, owner of the Gualala Mobile Court, was concerned for possible added erosion with harvesting adjacent to his property. He would like some assurance that he will not experience any run off in excess of current conditions after the trees have been harvested. An attorney representing Mr. Chung stated that there are more than fifty families living in the Court, which is located directly downhill from the Robinson Terrace THP. The letter warned of potential liability if the harvesting operations and/or aftermath of clearcutting cause any flooding, land subsidence or mudslides which impact the mobile home court.

The plan area neighbors Redwood Coast Medical Services. Ms. Agee is concerned about water mitigation issues and the fact that there appears to be a road passing along the property line. They have just spent (work is currently underway) about \$100,000 on water mitigation and re-paved their parking lot. They did not know they might be dealing with a hill draining additional water (if the property above is clear cut). These concerns were reiterated in a second email. Ms. Agee does not believe this plan adequately addresses water mitigation and soil erosion issues. There may also be other potential problems related to the road which is planned.

THP 1-07-067 MEN is on land which abuts the Coast Life Support District Ambulance Station and the Bill Platt Training Center at the top of Ocean Drive in Gualala. Mr. Parsons has concerns about water run-off and erosion being exacerbated by the timber harvesting program and road building. He

does not see how this plan adequately addresses the heavy ground water that already saturates this area.

Response: The slope stability above the Gualala Mobile Court was evaluated by a Certified Engineering Geologist with the California Geological Survey during the preharvest inspection (PHI):

“...During the PHI, only a few second growth redwood stems were observed marked for harvest in this area. Additionally, the proposed northern, over-sized clearcut unit is on a marine terrace that is inclined from 5% to 15% and separated by about 500 feet upslope from a residential mobile home development. The slopes between the mobile homes and the proposed clearcut unit are inclined between about 15% and 40%, and are proposed to be tractor yarded under a Group Selection prescription. As observed during the PHI few trees, mostly one or two second growth redwood stems on multi-stemmed clumps, are sample marked for harvest. The RPF stated during the PHI that no group openings were planned immediately upslope of the mobile home park and on the steep inner gorge slopes of Robinson Gulch The lightly marked selection silviculture in the cable area WLPZ of Robinson Gulch and the tractor area upslope of the mobile home residential development are unlikely to result in a significant change in subsurface material strength properties or on-site hydrology that would increase the potential for triggering debris slides in the THP area....”

The harvesting plan was changed on July 2, 2007 to show single tree selection as the silviculture immediately above the mobile home park and above Robinson Gulch.

No street address was given for Redwood Coast Medical Services but they share a P.O. Box with Coast Life Support District so it is assumed that both are located on Ocean Drive. The aerial photograph on page 37 of the plan shows the structures at the top of Ocean Drive to be approximately 250 feet from the property boundary. The harvest proposed near this boundary is group selection. A seasonal road is proposed at the base of the group selection harvest area, approximately 1000 feet in length. Actually this new road will parallel an existing road prism that cannot be used “... due [to] a North Gualala Water Co. water main buried below the existing grade. Water company personnel advised us that the water main is not buried deep enough below the road surface to withstand grading and hauling operations without breaking.” The new road will be constructed parallel to and 20 feet uphill of the existing grade on slopes that are moderate to flat (THP page 50). The road will be outsloped to prevent concentration of water and to preserve the existing drainage patterns. Where clearcutting is proposed further upslope (the seven acre harvest unit) the drainage will be more toward China Gulch than toward Ocean Drive. The proposed seasonal road construction associated with this unit is approximately 500 feet in length and is located 700-1000 feet from the top of Ocean Drive. It will also be constructed across the slope and will be outsloped so it will not concentrate water flow or alter the existing drainage patterns. No watercourses are crossed by this proposed road. The record for this plan contains a copy of an e-mail dated July 10, 2007 from the RPF who prepared the plan to Ms. Agee of Redwood Coast Medical Services (RCMS) stating, “The CDF has forwarded to me a copy of your July 5, 2007 letter in which you express concerns regarding potential water drainage impacts from this timber harvesting plan to RCMS property. I believe that the plan as designed contains adequate runoff mitigation, but I will be happy to meet with representatives of RCMS to review your concerns on the ground if you wish. ...” This was followed by another e-mail from the RPF, dated July 18, 2007, with a letter from the plan submitter attached:

“On July 11, 2007 Diane Agee submitted a letter from Redwood Coast Medial Services (RCMS) expressing concern that this THP may not adequately address water mitigation and soil erosion issues. The land on which RCMS is located was donated to the clinic approximately 10 years ago. The attached letter from John H. Bower dated July 16, 2007 explains that erosion control structures were installed on the RCMS parcel before title was transferred. According to Mr. Bower potential drainage impacts from activities on the lands covered by this THP are mitigated by these drainage structures.”

“While Bower owned the property, currently occupied by Redwood Coast Medical Services (RCMS), ‘V’ ditches were placed above the main RCMS clinic building, Helipad, and expanded parking lot in order to control natural drainage across the surface of the subject properties. No apparent maintenance has been done on these ‘V’ ditches since Bower (now Bower Limited Property) donated the subject properties approximately 10 years ago.

A portion of the ‘V’ ditch area, which need[s] work, was pointed out to one of RCMS’ project coordinators about a month [ago]. To my knowledge, no other drainage maintenance or mitigation measures have been made until this spring, when RCMS began an extensive parking lot, and road maintenance project.”

The 27 acre clearcut unit drains to Robinson Gulch and two small Class III watercourses, one of which flows west of the mobile home park and the other flows between the mobile home park and Ocean Drive. Neither watercourse impacts Ocean Drive or connecting streets. These watercourses are also outside of the mobile home park and do not impact the roads to or within that development.

It is not expected that the canopy removal and impacts associated with that removal will increase runoff or erosion from the plan area. The Department has found that winter peak flows are unlikely to be affected by the proposed logging. This is supported by the research of Evans and Patric (1983), Hess (1984), Hicks and others (1991), Rice and others (1979), Rothacher (1973), Sendek and others (1988), Wright and others (1990), and Ziemer (1981) who have shown that in rain-dominated hydrologic environments, logging or forest road construction is unlikely to adversely change the flow regime of a stream. Stormflow is unaffected by logging, even clearcutting (Evans and Patric, 1983). On the South Fork of Caspar Creek, where selective tractor logging removed 65 percent of the stand volume, researchers found that only the very small storm volumes or storm peaks were increased after road building and logging. Storm volumes and peaks of large storms; i.e., those occurring less frequently than eight times a year, were not significantly increased by either roads or logging, even though over 15 percent of the watershed was compacted in roads, skid trails, and landings (Wright et al., 1990). Published research (Ice, 1987; Rothacher, 1973; Sendek and others, 1988; Wright and others, 1990; Ziemer, 1981) indicates that selective logging of a watershed has no measurable effect on peak flows for large storms that impact watercourse hydrology. Properties located downslope from the plan area should not be adversely impacted by changes in runoff from the plan area, and an increase in erosion is not expected. Also see other responses.

Two letters raised concerns about use of roads on specific properties. These two concerns are addressed separately.

13. Concern: Mr. Chung, owner of the Gualala Mobile Court, was concerned about the access to Mr. Bower’s property. He would like assurances that no vehicles or equipment will be accessing that property via his property.

Response: The concern for heavy equipment and vehicle access to the plan area was evaluated by the Department during the preharvest inspection in response to a letter from a nearby landowner that is included in Section V of the plan: “The plan limits heavy equipment within the plan area boundaries and vehicles will be restricted to appurtenant roads and non-appurtenant roads on GRI [Gualala Redwoods, Inc.] property.” (cdf phi Report page 17). Appurtenant roads are private roads over which the plan submitter has more than a right to pass. The road through the Gualala Mobile Court does not appear to provide access; i.e., it does not cross the property line, or to be appurtenant to the plan. There is adequate

access elsewhere, making consideration of the use of roads in the Court unnecessary. This concern was also addressed in a letter from the RPF received on August 6, 2007:

“All roads that provide access to the THP area must be disclosed on maps submitted with the THP (see pages 36-45.2). Sole access to the THP area shown on these maps is from existing paved roads from State Highway 1 into the THP area. Access from the Gualala Mobile Home Park (Roger Chung property) is not provided for in the THP. To specifically address this issue language has been added to Section II, Item 38 (page 34) as follows: ‘Access to the plan operating area shall exclusively be via public roads and private roads of the timberland owners shown on the THP maps.’”

Note that use of private, non-appurtenant roads where permission to pass is not required is a civil issue. In approving timber harvesting plans, the Department is guided by enabling legislation which deals with the enhancement of timberland productivity and the prevention of environmental degradation. THPs which are found to be in compliance with applicable legislation, rules, and regulations are approved. Approval of the plan does not, in any way, ratify, indicate official approval of, or otherwise give credibility to civil agreements such as rights-of-way or easements. It only authorizes the submitter to harvest trees for commercial purposes on his or her property. An approved plan does not authorize the use of another’s land or roads. Persons with an approved plan that so trespass do so at their own risk. Issues which deal with resolution of road use disputes or involve damage to a neighboring property are beyond the scope of the THP review process. Resolving disputes of this nature is the responsibility of the judicial system which specifically exists to resolve matters such as this. While it may seem harsh when a state agency advises that one’s only recourse in a civil dispute is a court action, please understand it is not out of lack of concern that such statements are made. Departments such as Forestry and Fire Protection must operate within their authorities and cannot adjudicate disputes outside such limits.

14. Concern: Mr. Parsons of Coast Life Support District (at the top of Ocean Drive) would like to make sure that egress for the emergency vehicles is not hampered during this construction project.

Response: In a letter received by the Department on August 6, 2007 the RPF addressed this concern:

“Operations proposed under this THP are exclusively limited to private property owned by the timberland owners. Normal use of the existing paved public roads tributary to State Highway 1 for ingress and egress by logging crews and log trucks should not affect operations of emergency vehicles. On August 1 I discussed this concern with Mr. Parsons. He had interpreted the language discussing the need to maintain a flagman in Section II, Item 38 regarding ‘Timber Operations Adjacent to Populated Areas’ to mean that ingress or egress of the public road would be blocked. I explained to him that the intent is to prevent unauthorized persons from entering active logging areas for public safety and that roads would not be blocked except as necessary for public safety such as felling of a tree near a public road. Language has been added to this section clarifying that egress for emergency vehicles will not be unreasonable blocked, and that such blockage would be for the minimum time consistent with maintenance of safe operations.”

The language, in the form of an enforceable provision, added to the plan on August 10, 2007 (THP page 34) is:

“During timber falling and times of heavy equipment operation, maintain a flagman on Church Street or near populated areas to warn individuals of danger, to watch for unauthorized persons in the area of operations, and to communicate with falling and yarding equipment supervisors. Egress for emergency vehicles will not be unreasonably blocked; any unavoidable blockage will be for the minimum time possible consistent with maintenance of safe operations. While any falling operations

are in effect where the possibility exists that a felled tree could block a public road, equipment shall be present to immediately remove the tree and open the road to traffic.”

Other concerns.

15. Concern: The Sandovals are residents of the town of Gualala and live across China Gulch from the proposed timber harvest plan. Because of prevailing winds they will be affected by the logging operations. They are concerned about the approval granted for clear cutting, especially the clear cutting approved for the ~10 acres of the plan in an area that overlaps with the Gualala Town Plan, approved by the Mendocino Board of Supervisors.

Response: As indicated in other responses the size of the clearcut nearest to China Gulch was reduced during the course of plan review from 10 acres to 7 acres. The intent of the harvesting there is to remove those trees that would not be windfirm if a partial harvest were undertaken. For the present time the area that overlaps with the Gualala Town Plan is to be managed for timber production. It may be decades before the plan submitter feels that a change in the management (development as per the town plan) is feasible economically or desirable. Properties on the opposite side of China Gulch should not be adversely impacted by the proposed harvest. There is a substantial buffer from the property line, where it is adjacent to the clearcut area, to China Gulch. This should provide visual screening and a buffer from the wind. Also see Response 8 regarding the buffer between the plan area and homes across China Gulch and Responses 2 and 16 regarding the potential effects of winds within the plan area.

16. Concern: In a public meeting, the forester for this THP, John Williams, stated that the older, taller trees, if retained, would be too susceptible to blowing over when the forest is opened up by harvesting. Ms. Hubbard of the California Native Plant Society (CNPS) believes that local THPs should retain sufficient trees to prevent post-harvest tree blowdown – something to which the windy coast is vulnerable. Mr. Williams also claimed that having a “younger and healthier forest” is better for these parcels. It is not clear how it would be better. Certainly older trees are far less prone to future damage, and a mixed age stand promotes a healthier ecosystem, as well as being more appropriate for long-term rotational timber operations. CNPS would like detail on the rationale for these statements.

Response: The statement attributed to Mr. Williams regarding trees blowing over is consistent with the Department’s observations as recorded in the preharvest inspection report:

“The RPF is proposing the clearcut silviculture system in two separate units in the plan area. These two units are located on ridgetops and windswept slopes. Many of the redwood trees in the clearcut harvest units have broken tops and salt burn. There are minimal amounts of conifer regeneration in the understory of these clearcut harvest units. Using a partial silvicultural system would result in windthrow in the residual timberstands. Furthermore, using a partial system would not open up the timberstand enough to provide enough sunlight to establish a new age class of conifer trees.”

It should also be noted that less than half of the project area is proposed to be clearcut; on 40 acres there will be mixed aged stands in place immediately upon completion of harvesting operations and many of the older, taller trees will be retained. Also see Response 2 and other responses.

17. Concern: There is an osprey nest on GRI property. A local resident is concerned that the proposed THP may impact this osprey nest.

Response: The concern for protection of the osprey nest was evaluated by the Department during the preharvest inspection in response to a letter from a nearby landowner that is included in Section V of the plan:

“This osprey nest is located approximately 1000 feet from the plan area. Furthermore, the plan includes the required protection measures listed by 14 CCR 919.2(5) for osprey nests.” (CDF PHI Report, page 16).

Pages 31.2 and 32 of the plan include the following provisions for protection of osprey:

“The plan area does not have any known Osprey activity centers within its boundary. There is a nest tree that is known and located to the northeast of the plan approximately 1000 feet away on Gualala Redwoods Inc. property.

Timber operations shall be planned and conducted to maintain suitable habitat as specified below:

1. Timber operations shall be planned and operated to commence as far as possible from the occupied nest trees.
2. If additional occupied nest sites are discovered during timber operations, all of these protection measures shall apply, and the RPF shall immediately notify the DFG and CDF. Any amendments specifying additional protection measures, as agreed upon by the responsible agencies, shall be considered minor amendments.
3. The buffer zone shall be up to five (5) acres in size. The size of the buffer zone may be increased at any time at the discretion of the RPF. The buffer zone may be increased by the Director to a maximum of 18 acres to protect nesting birds when explained and justified in writing.
4. Within the buffer zone, all [designated] nest trees, perch trees, screening trees, and replacement trees shall be left standing and unharmed. If the RPF believes that retention is not feasible, the RPF may propose construction of an artificial nest structure as an alternative.
5. The critical period is March 1 to April 15 for active nests. This period is extended from April 15 to August 1 for occupied nests. During the critical period, at nest sites where osprey have shown historical tolerance to disturbance, timber operations are permitted using a gradual approach to the nest, except that no cutting is permitted. Where Osprey are determined by the Director to be intolerant to timber operations, no timber operations are permitted within the buffer zone unless the Director determines there are no feasible alternatives.
6. Helicopter yarding within ¼-mile radius of the nest is prohibited between April 15 and June 15.”

“If an occupation by a listed, sensitive, or species of concern wildlife species identified and discussed but not currently known to be present is discovered during timber operations, the LTO shall cease operations in the vicinity of the occupied area and shall notify the RPF as soon as possible. The RPF shall notify the Department of Forestry, Department of Fish and Game, and the U.S. Fish & Wildlife Service as soon as possible.”

The location of the known osprey nest is shown on the map on page 45.1 of the plan.

18. Concern: Cumulative impacts - The THP underevaluates cumulative impacts to biological resources (wetlands, sensitive plants, and aquatic resources, including steelhead and water quality of the Gualala River lagoon). The unsubstantiated cumulative impact checklist (a substitute for an actual

assessment) is grossly deficient in view of the sensitivity and magnitude of existing natural resources and probable impacts in the THP setting. CALFIRE should prepare a narrative, site-specific and area-specific cumulative impact analysis sufficient for CEQA standards.

Response: Cumulative impacts are addressed, in site-specific narrative form, on pages 54-90 of the plan. The Department found the assessment to provide adequate evaluation of cumulative impacts to biological resources. The issues of sensitive plants, wetlands, and aquatic resources (steelhead and water quality of the Gualala River lagoon) have been raised as individual concerns and addressed in detail elsewhere in this document. As indicated in other responses, the Department has not found that there will be probable significant adverse impacts to sensitive plants, wetlands or aquatic resources (steelhead and water quality of the Gualala River lagoon). The Department has found the cumulative impacts analysis included in this harvesting plan to be in conformance with the California Environmental Quality Act and the Forest Practice Rules. See other responses.

19. Concern: Alternatives – The THP fails to consider feasible environmentally superior alternative silvicultural prescriptions and phasing of timber harvest to minimize and avoid significant impacts to the lower Gualala River estuary/lagoon and its aquatic resources, sensitive plant populations, and domestic water supplies and public roads. CALFIRE should prepare an alternatives analysis sufficient for CEQA standards.

Response: In a letter received by the Department on August 6, 2007 the RPF addressed this concern:

“Alternative silvicultural prescriptions were considered relative to stand health and condition, the aspect and exposure of the stand to wind, sun and salt burn, and public health and safety. Additional discussion of the rational[e] for selecting clearcut silviculture has been added to THP Section III, Item 14.”

Alternative silvicultural prescriptions are discussed on page 97 and 98 of the plan. Several silvicultural systems were eliminated from consideration because current stand conditions would not allow them to be used (insufficient understory stocking for seed tree or shelterwood removal steps, for example). Other methods were not chosen due to the potential for wind damage to the residual stand, as described in other responses. More than half of the plan area is proposed to be harvested using selection and group selection methods, where fully stocked stands will remain in place immediately upon completion of harvest operations. Clearcutting is proposed where the potential for blowdown is greatest.

Phasing of the project, completing it at some later date, was addressed on page 100. Due to the relatively small size of the plan area repeated entries to harvest portions of the property would be more likely to incur greater impacts as road systems would be closed following one harvest and then reopened for the subsequent entry[ies].

The concern focuses on avoiding “significant impacts to the lower Gualala River estuary/lagoon and its aquatic resources.” It should be noted that at least half of the plan area drains to Robinson Gulch which has no connection with the Gualala River, the lower Gualala River estuary/lagoon, or their resources. Less than 10 acres that are within the Gualala River watershed are proposed for clearcutting. As indicated in other responses, the erosion control and soil stabilization measures associated with the proposed harvest (in both the Robinson Gulch and the Gualala River drainages) have been found to be appropriate for field conditions and adequate to protect downstream waters and resources from significant adverse impacts. Sensitive plant populations, domestic water supplies, and public roads are also addressed in other responses. Significant adverse impacts have not been found to be likely as a result of the operations as proposed. The Department found the alternatives analysis to be adequate.

The California Environmental Quality Act (CEQA) does not require additional alternatives when adverse impacts are not likely. It is not necessary to consider every conceivable alternative. The plan has been found to be in conformance with CEQA, in particular code section 14 CCR 15126.6(a):

“Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. ... There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. ...”

20. Concern: The second review team chairman said that close of public comment usually would be 10 days after the RPF’s response was received. Since his response was received on July 2, that would mean July 12. In response to requests to reschedule the second review team meeting in order to give the public time to comment, the second review chairman decided not to reschedule second review, but to extend the deadline for public comment for an extra five days, until July 17. However, according to the second review office, close of public comment “will in no case ever be less than 10 days after second review” (note: not 10 days after all required materials are filed). Since the second review team chairman decided to hold the second review team meeting on July 5, 2007, 10 days after second review would be Sunday July 15. CDF’s practice when a deadline falls on a weekend is to extend the deadline until the next business day, which is Monday July 16. By extending the deadline to Tuesday, July 17, you are effectively giving the public only one extra day to submit comments, not five extra days, as I believe you intended. This THP is generating public interest, since it is adjacent to the town of Gualala, on a parcel designated Gualala Planned Development in the Mendocino County General Plan. The Gualala Municipal Advisory Council (GMAC) added consideration of this THP to their agenda for their next meeting, on July 12. GMAC usually meets on the first Thursday of each month. Their June meeting was June 7, prior to the PHI for this THP. Their July meeting would have been held on July 5th, but since this was the day after a holiday, GMAC rescheduled their meeting to July 12, in part to ensure adequate public notice. In contrast, CDF added THP 1-07-067 to the second review team schedule on the afternoon of July 3, knowing that July 4 was a holiday and that second review team meeting would be on the morning of July 5. In other words, CDF provided no meaningful notice – no practical opportunity for the public to find out that the THP would be on the second review team agenda on July 5. I object that the public was not given adequate notice of the second review team meeting. I request that the deadline for submission of public comment be extended for at least five days. Since 10 days after second review is July 15, extending the deadline for five days would make the deadline Friday, July 20. If GMAC were to decide to submit comments on the THP at their meeting on the evening of July 12, it might take them several days to review all the relevant materials – the THP documents, the Gualala Town Plan section of the Mendocino County General Plan and the relevant zoning ordinances – and then prepare their comments. For volunteers who must attend to their own businesses and are not professional foresters or planners, that could take some time. Extending the deadline would allow them more adequate time to submit comments on the plan. Please extend the deadline for public comment until Friday, July 20 at 5:00 p.m.

Response: The close of the comment period was in conformance with the Forest Practice Rules (code section 14 CCR 1037.4):

“The Director shall have 30 days from the date the initial inspection is completed (ten of these days shall be after the final interagency review), ... or such longer period as may be mutually agreed upon by the Director and the person submitting the plan, to review the plan and take public comment. ...”

The initial inspection (preharvest inspection) was completed on June 12, 2007. According to the rules the comment period could have closed on July 12, if the second review team meeting had been held on July 2. As the final interagency review was held on July 5, the close of comment was extended to July 16 because, as noted in the concern, the 15th was a Sunday and not a normal business day. The RPF, in a letter dated July 5, 2007, agreed to allow comment to remain open until the 17th. The 17th is five days longer than required by the rules. However, the entire close of comment argument was made moot by a subsequent review of new information added to the plan that prompted the Department to reopen the comment period for 30 days, from August 13 to September 12, 2007. Notice of this reopening of the comment period was mailed to the review team agencies, adjacent landowners and those members of the public that provided comment during the initial comment period.

Second review team meetings are not public hearings. Public notification of these meetings is not required by the Forest Practice Rules. Public participation in these meetings is limited as described in the Forest Practice Rule 14 CCR 1037.5(d):

“Review Team Meetings. The Director or his designee is responsible for establishing and scheduling the meeting of a review team to perform the necessary review of plans for the Department. Review team meetings shall be open to the RPF, supervised designee, the landowner, and the timber owner and, insofar as possible without disrupting the work of the team, to the public. The chairperson may impose limitations on the scope of any public participation at the meetings. All interested persons will normally be allowed to attend team meetings. On occasions when space or other considerations will require some limitation on attendance the review team chairperson shall endeavor to allow for attendance of at least one representative from each of the various agencies, organizations or special interest groups.”

Second review is held once a week (generally on Thursdays), or very rarely twice a week, if there are many plans being reviewed. The public is free to call and ask if a given plan is scheduled for second review at the next meeting. If the public does attend the meeting, any input they may wish to add to the record is still required to be submitted to the office in Santa Rosa (for Mendocino County plans) in writing as per code section 14 CCR 1037.3 of the Forest Practice Rules:

“The Director shall invite written comments, and will consider these comments. All comments regarding plans shall be in writing and shall be addressed to the Director at the regional office where the plan is filed. ...”

21. Concern: At a July 12 public meeting of GMAC, the public discussion assumed development. Handwritten notes from the public discussion include: “...when you decide to convert the property to something more developable ...”, “...all this is going to blend in when it is developed...”, “...when the town comes to me for housing I see (the THP) as a smooth equitable means to jump in ...” We request that CDF delay approval of this THP until the approved minutes of the July 12 GMAC meeting can be submitted and be made part of the review process. To approve the THP in isolation of its relation to urban development would be a serious error.

Response: No approved minutes of the July 12, 2007 Gualala Municipal Advisory Board (GMAC) were submitted to the record of this plan. However, all letters of concern that were received, many of which referenced similar issues, have been addressed. The plan has disclosed the potential for future

development in the THP area but such development is not likely in the near future and is not proposed as part of this harvesting plan. Nothing in the zoning precludes timber harvest and the harvest of timber does not preclude future development. As indicated in other responses, the regeneration of the more exposed slopes will allow for retention of more conifers in developed areas in the future as a young stand will be more wind firm reducing the number of trees that would have to be removed for safety reasons. See other responses.

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