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OFFICIAL RESPONSE OF THE DIRECTOR OF THE CALIFORNIA DEPARTMENT
OF FORESTRY AND FIRE PROTECTION
TO SIGNIFICANT ENVIRONMENTAL POINTS RAISED DURING THE
TIMBER HARVESTING PLAN EVALUATION PROCESS

THP NUMBER: 1-22-00126-HUM

SUBMITTER: Green Diamond Resource Company

COUNTY: Humboldt

END OF PUBLIC COMMENT PERIOD: October 31, 2022

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: December 2, 2022

The California Department of Forestry and Fire Protection has prepared the following response to significant environmental points raised during the evaluation of the above-referenced plan. Comments made on like topics were grouped together and addressed in a single response. Where a comment raised a unique topic, a separate response is made. Remarks concerning the validity of the review process for timber operations, questions of law, or topics or concerns so remote or speculative that they could not be reasonably assessed or related to the outcome of a timber operation, have not been addressed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris C. Curtis".

Chris C. Curtis
Forester III RPF 2541

cc: Unit Chief
RPF
Plan Submitter
Dept. of Fish & Wildlife, Reg. 1
Water Quality, Reg. 1
Public Comment Writers
To view harvesting documents, please visit: <https://caltreesplans.resources.ca.gov/caltrees/>

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Summary of Review Process

Common Forest Practice Abbreviations

AB 32	Assembly Bill 32	PCA	Pest Control Advisor
ARB	Air Resources Board	Pg	Petagram = 10^{15} grams
BOF	Board of Forestry	PHI	Pre-Harvest Inspection
CAA	Confidential Archaeological Addendum	PNW	Pacific NorthWest
CAL FIRE	Department of Forestry & Fire Protection	PRC	Public Resources Code
CAPCOA	Calif. Air Pollution Control Officers Assoc.	RPA	Resource Plan. and Assess.
CCR	Calif. Code of Regulations	RPF	Registered Professional Forester
CDFW/DFW	California Dept. of Fish & Wildlife	[SIC]	Word used verbatim as originally printed in another document
CEQA	California Environmental Quality Act	SPI	Sierra Pacific Industries
CESA	California Endangered Species Act	SYP	Sustained Yield Plan
CGS	California Geological Survey	tC	tonnes of carbon
CIA	Cumulative Impacts Assessment	Tg	Teragram = 10^{12} grams
CO ₂	Carbon Dioxide	THP	Timber Harvest Plan
CO _{2e}	Carbon Dioxide equivalent	TPZ	Timber Production Zone
CSO	California Spotted Owl	USFS	United States Forest Service
DBH/dbh	Diameter Breast Height	USFWS	U.S. Fish & Wildlife Service
DPR	Department of Pesticide Regulation	WAA	Watershed Assessment Area
EPA	Environmental Protection Agency	WLPZ	Watercourse. & Lake Prot. Zone
FPA	Forest Practice Act	WQ	California Regional Water Quality Control Board
FPR	Forest Practice Rules	yr ⁻¹	per year
GHG	Greenhouse Gas		
ha ⁻¹	per hectare		
LBM	Live Tree Biomass		
LTO	Licensed Timber Operator		
LTSY	Long Term Sustained Yield		
m ⁻²	per square meter		
MAI	Mean Annual Increment		
MMBF	Million Board Feet		
MMTCO ₂ E	Million Metric Tons CO ₂ equivalent		
NEP	Net Ecosystem Production		
NEPA	National Environ. Policy Act		
NMFS	National Marine Fisheries Service		
NPP	Net Primary Production		
NSO	Northern Spotted Owl		
NTMP	NonIndust. Timb. Manag. Plan		
OPR	Govm's Office of Plan. & Res.		

Notification Process

In order to notify the public of the proposed timber harvesting, and to ascertain whether there are any concerns with the plan, the following actions are automatically taken on each THP submitted to CAL FIRE:

- Notice of the timber operation is sent to all adjacent landowners if the boundary is within 300 feet of the proposed harvesting, (As per 14 CCR § 1032.7(e))
- Notice of the Plan is submitted to the county clerk for posting with the other environmental notices. (14 CCR § 1032.8(a))
- Notice of the plan is posted at the Department's local office and in Cascade Area office in Redding. (14 CCR § 1032))
- Notice is posted with the Secretary for Resources in Sacramento. (14 CCR § 1032.8(c))
- Notice of the THP is sent to those organizations and individuals on the Department's current list for notification of the plans in the county. (14 CCR § 1032.9(b))
- A notice of the proposed timber operation is posted at a conspicuous location on the public road nearest the plan site. (14 CCR § 1032.7(g))

Plan Review Process

The laws and regulations that govern the timber harvesting plan (THP) review process are found in Statute law in the form of the Forest Practice Act which is contained in the Public Resources Code (PRC), and Administrative law in the rules of the Board of Forestry (rules) which are contained in the California Code of Regulations (CCR).

The rules are lengthy in scope and detail and provide explicit instructions for permissible and prohibited actions that govern the conduct of timber operations in the field. The major categories covered by the rules include:

- *THP contents and the THP review process
- *Silvicultural methods
- *Harvesting practices and erosion control
- *Site preparation
- *Watercourse and Lake Protection
- *Hazard Reduction
- *Fire Protection
- *Forest insect and disease protection practices
- *Logging roads and landing

When a THP is submitted to the California Department of Forestry and Fire Protection (CAL FIRE) a multidisciplinary review team conducts the first review team meeting to assess the THP. The review team normally consists of, but is not necessarily limited to, representatives of CAL FIRE, the Department of Fish and Game (DFW), and the Regional Water Quality Control Board (WQ). The California Geological Survey (CGS) also reviews THP's for indications of potential slope instability. The purpose of the first review team meeting is to assess the logging plan and determine on a preliminary basis whether it conforms to the rules of the Board of Forestry.

Additionally, questions are formulated which are to be answered by a field inspection team.

Next, a preharvest inspection (PHI) is normally conducted to examine the THP area and the logging plan. All review team members may attend, as well as other experts and agency personnel whom CAL FIRE may request. As a result of the PHI, additional recommendations may be formulated to provide greater environmental protection.

After a PHI, a second review team meeting is conducted to examine the field inspection reports and to finalize any additional recommendations or changes in the THP. The review team transmits these recommendations to the RPF, who must respond to each one. The director's representative considers public comment, the adequacy of the registered professional forester's (RPF's) response, and the recommendations of the review team chair before reaching a decision to approve or deny a THP. If a THP is approved, logging may commence. The THP is valid for up to five years and may be extended under special circumstances for a maximum of 2 years more for a total of 7 years.

Before commencing operations, the plan submitter must notify CAL FIRE. During operations, CAL FIRE periodically inspects the logging area for THP and rule compliance. The number of the inspections will depend upon the plan size, duration, complexity, regeneration method, and the potential for impacts. The contents of the THP and the rules provide the criteria CAL FIRE inspectors use to determine compliance. While CAL FIRE cannot guarantee that a violation will not occur, it is CAL FIRE's policy to pursue vigorously the prompt and positive enforcement of the Forest Practice Act, the forest practice rules, related laws and regulations, and environmental protection measures applying to timber operations on the timberlands of the State. This enforcement policy is directed primarily at preventing and deterring forest practice violations, and secondarily at prompt and appropriate correction of violations when they occur.

The general means of enforcement of the Forest Practice Act, forest practice rules, and the other related regulations range from the use of violation notices which may require corrective actions, to criminal proceedings through the court system. Civil, administrative civil penalty, Timber operator licensing, and RPF licensing actions can also be taken.

THP review and assessment is based on the assumption that there will be no violations that will adversely affect water quality or watershed values significantly. Most forest practice violations are correctable and CAL FIRE's enforcement program seeks to assure correction. Where non-correctable violations occur, civil or criminal action may be taken against the offender. Depending on the outcome of the case and the court in which the case is heard, some sort of supplemental environmental corrective work may be required. This is intended to offset non-correctable adverse impacts. Once a THP is completed, a completion report must be submitted certifying that the area meets the requirements of the rules. CAL FIRE inspects the completed area to verify that all the rules have been followed including erosion control work.

Depending on the silvicultural system used, the stocking standards of the rules must be met immediately or in certain cases within five years. A stocking report must be filed to certify that the requirements have been met. If the stocking standards have not been met, the area must

be planted annually until it is restored. If the landowner fails to restock the land, CAL FIRE may hire a contractor to complete the work and seek recovery of the cost from the landowner.

General Discussion and Background

The following summary is provided for some of the over-arching concerns expressed in public comment. Specific issues raised within comments will be addressed in the next section.

CEQA Analysis

A CEQA analysis is not required to be perfect, but it must be accurate and adequately describe the proposed project in a manner that allows for informed decision-making. It must include an assessment of impacts based upon information that was “reasonably available before submission of the plan.” (Technical Rule Addendum #2)

CEQA clearly establishes that the Lead Agency has a duty to minimize harm to the environment while balancing Competing Public Objectives (14 CCR §15021)¹. These duties are further refined in the Z’berg-Nejedly Forest Practice Act (PRC §4512(c)²) and PRC §4513(b)³ for how the mandate to provide “maximum sustained production of high quality timber products” is to be balanced with other environmental considerations. The term “while giving consideration to” is further defined in 14 CCR §895.1 as follows:

¹ Duty to Minimize Environmental Damage and Balance Competing Public Objectives

CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.

- (1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.
- (2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.
- (b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.
- (c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.
- (d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Public Resources Code Sections 21000, 21001, 21002, 21002.1, and 21081; San Francisco Ecology Center v. City and County of San Francisco, (1975) 48 Cal. App. 3d 584; Laurel Hills Homeowners Association v. City Council, (1978) 83 Cal. App. 3d 515.

Discussion: Section 15021 brings together the many separate elements that apply to the duty to minimize environmental damage. These duties appear in the policy sections of CEQA, in the findings requirement in Section 21081, and in a number of court decisions that have built up a body of case law that is not immediately reflected in the statutory language. This section is also necessary to provide one place to explain how the ultimate balancing of the merits of the project relates to the search for feasible alternatives or mitigation measures to avoid or reduce the environmental damage.

The placement of this section early in the article on general responsibilities helps highlight this duty to prevent environmental damage. This section is an effort to provide a careful statement of the duty with its limitations and its relationship to other essential public goals.

² (c) The Legislature thus declares that it is the policy of this state to encourage prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities alike in this and future generations.

³ (b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to sequestration of carbon dioxide, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment.

***While Giving Consideration** means the selection of those feasible silvicultural systems, operating methods and procedures which substantially lessen significant adverse Impact on the environment and which best achieve long-term, maximum sustained production of forest products, while protecting soil, air, fish and wildlife, and water resources from unreasonable degradation, and which evaluate and make allowance for values relating to range and forage resources, recreation and aesthetics, and regional economic vitality and employment.*

What is missing from the Act, Rules or CEQA Guidelines is the weight that is to be applied to the evaluation of the other resources specified. Clearly, there are certain legal restrictions on the degradation of specific values (e.g. water quality standards) but many of the elements that must be considered have a qualitative, not quantitative mandate for evaluation. This allows the Plan Submitter and the Lead Agency to exercise “professional judgement⁴” when preparing and evaluating plans.

What is also evident from an examination of the entire record (i.e. information provided by the Plan Submitter, submitted as public comment and information supplemented to the record by CAL FIRE) is that there is disagreement amongst experts about what the appropriate course of action is or what the feasible alternatives to the project may be. Again, CEQA provides guidance on this topic, with respect to both the adequacy of the record, and on differences of opinion; even between recognized experts:

15151. Standards for Adequacy of an EIR

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

⁴ 14CCR §897(d) Due to the variety of individual circumstances of timber harvesting in California and the subsequent inability to adopt site-specific standards and regulations, these Rules use judgmental terms in describing the standards that will apply in certain situations. By necessity, the RPF shall exercise professional judgment in applying these judgmental terms and in determining which of a range of feasible (see definition 14 CCR 895.1) silvicultural systems, operating methods and procedures contained in the Rules shall be proposed in the plan to substantially lessen significant adverse Impacts in the environment from timber harvesting. The Director also shall exercise professional judgment in applying these judgmental terms in determining whether a particular plan complies with the Rules adopted by the Board and, accordingly, whether he or she should approve or disapprove a plan. The Director shall use these Rules to identify the nature he limits to the professional judgment to be exercised by him or her in administering these Rules.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21061 and 21100, Public Resources Code; San Francisco Ecology Center v. City and County of San Francisco, (1975) 48 Cal. App. 3d 584.

Discussion: This section is a codification of case law dealing with the standards for adequacy of an EIR. In Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Assoc. (1986) 42 Cal. 3d 929, the court held that "the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions." In Browning-Ferris Industries of California, Inc. v. San Jose (1986) 181 Cal. App. 3d 852, the court reasserted that an EIR is a disclosure document and as such an agency may choose among differing expert opinions when those arguments are correctly identified in a responsive manner. Further, the state Supreme Court in its 1988 Laurel Heights decision held that the purpose of CEQA is to compel government at all levels to make decisions with environmental consequences in mind. CEQA does not, indeed cannot, guarantee that these decisions will always be those which favor environmental considerations, nor does it require absolute perfection in an EIR.

CAL FIRE has an obligation to explain the rationale for approving a plan. This is often done in the presence of contradicting information and results in different parties being displeased with the results. A competent CEQA analysis is not required to make the "best" choice, but the choice made must be supported by information contained within the record. This is where Lead Agency discretion comes into play. CAL FIRE ultimately bears the responsibility for deciding and, when presented with public comments, is expected to provide an answer to significant questions raised.

Another expressed concern is over the extent to which the plan, and by extension CAL FIRE, discusses effects that are not deemed to be significant. CEQA provides guidance on how to address impacts within 14 CCR §15130:

15130. DISCUSSION OF CUMULATIVE IMPACTS

- (a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065 (a)(3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.*

- (1) As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.
 - (2) When the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant.
 - (3) An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.
- (b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. The following elements are necessary to an adequate discussion of significant cumulative impacts:
- (1) Either:
 - (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or

- (B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.
 - (2) When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.
 - (3) Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.
 - (4) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available; and
 - (5) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.
- (c) With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

- (d) *Previously approved land use documents, including, but not limited to, general plans, specific plans, regional transportation plans, plans for the reduction of greenhouse gas emissions, and local coastal plans may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the lead agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed, as defined in section 15152(f), in a certified EIR for that plan.*
- (e) *If a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact, as provided in Section 15183(j).*

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Sections 21003(d), 21083(b), 21093, 21094 and 21100, Public Resources Code; Whitman v. Board of Supervisors, (1979) 88 Cal. App. 3d 397; San Franciscans for Reasonable Growth v. City and County of San Francisco (1984) 151 Cal.App.3d 61; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692; Laurel Heights Homeowners Association v. Regents of the University of California (1988) 47 Cal.3d 376; Sierra Club v. Gilroy (1990) 220 Cal.App.3d 30; Citizens to Preserve the Ojai v. County of Ventura (1985) 176 Cal.App.3d 421; Concerned Citizens of South Cent. Los Angeles v. Los Angeles Unified Sch. Dist. (1994) 24 Cal.App.4th 826; Las Virgenes Homeowners Fed'n v. County of Los Angeles (1986) 177 Cal.App.3d 300; San Joaquin Raptor/Wildlife Rescue Ctr v. County of Stanislaus (1994) 27 Cal.App.4th 713; Fort Mojave Indian Tribe v. Cal. Dept. Of Health Services (1995) 38 Cal.App.4th 1574; Santa Monica Chamber of Commerce v. City of Santa Monica (2002) 101

Cal.App.4th 786; Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98; and Ass'n of Irrigated Residents v. County of Madera (2003) 107 Cal.App.4th 1383.

When an analysis has determined that the impacts are less than significant, a detailed discussion is not required, and an abbreviated explanation is acceptable.

About Agency “Activism” (Agency Prohibited from creating “underground regulations”)

Another theme is that CAL FIRE should take an activist role in steering plan submitters towards, or in this case away from, certain actions that the comment writer deems deleterious to the natural environment. To do so would be contrary to our purpose and entirely outside of our jurisdictional authority. The plan submitter is responsible for proposing plans consistent with their objectives and CAL FIRE is responsible for determining whether or not the operations as proposed would cause a significant adverse effect on the environment. How an individual THP may or may not align with state goals or other non-regulatory targets is not a factor we can consider when making such a determination.

In fact, if CAL FIRE was to impose a standard not required by regulation, we would likely be found to have created an “underground regulation⁵” and would be open to legal challenge.

Requirement to augment the record

In addition to information provided by the Plan Submitter and Public Commenters, CAL FIRE is also responsible for considering additional information and adding it to the plan record. This requirement is specified in 14 CCR §898 *“The Director shall supplement the information provided by the RPF and the plan submitter when necessary to ensure that all relevant information is considered.”* Sometimes this information is discovered while reviewing submitted literature and other information is added when the reviewer believes it is relevant to the discussion.

All Concerns Are Treated Equal

From CAL FIRE’s perspective, one concern expressed is as good as a thousand. Every concern, no matter who it comes from, is given careful consideration. It is our responsibility to the public and to those we regulate to provide a fair and unbiased review. This Official Response is written with that in mind.

⁵ https://oal.ca.gov/underground_regulations/

Greenhouse Gas Sequestration

Forest Practice Regulatory Background

The Z'Berg-Nejedly Forest Practice Act (Division 4, Chapter 8, PRC) establishes the necessity for Timber Harvesting Plans to conduct commercial timber operations and establishes the Board of Forestry and Fire Protection as the regulatory authority for promulgation of regulations to, among other things:

...encourage prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities alike in this and future generations.

The FPA was initially adopted in 1973. Since that time, the BOF has enacted numerous regulations to support the Act's intent related to sustained yield and has adopted conservation standards for post-harvest stocking that meet or exceed the minimum resource conservation standards specified in PRC §4561 of the Act. The Board has established rules related to demonstration of Timberland Productivity, Sustained Forestry Planning (14 CCR §933.10), demonstration of Maximum Sustained Productivity (14 CCR §933.11) and has defined sustained yield and Long Term Sustained Yield (14 CCR §895.1). Under these various rule provisions, landowners with more than 50,000 acres of timberland are required to demonstrate long-term sustained yield under the management regime they have selected for the ownership. Under this provision, the Department has received and approved long term sustained yield documents covering approximately 3.2 million acres of timberland. For smaller industrial and nonindustrial landowners, they must comply with minimum retention standards specified in the Rules as established by the Board, although they may choose a higher standard.

More recently, amendments were made to the FPA to clarify and refine other mandates related to the assessment of Greenhouse Gas (GHG) impacts:

4512.5. Sequestration of carbon dioxide; legislative findings and declarations.

The Legislature finds and declares all of the following:

- (a) State forests play a critical and unique role in the state's carbon balance by sequestering carbon dioxide from the atmosphere and storing it long term as carbon.
- (b) According to the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), the state's forests currently are an annual net sequesterer of five million metric tons of carbon dioxide (5MMTCO₂). In fact, the forest sector is the only sector included in the scoping plan that provides a net sequestration of Greenhouse Gas emissions.

- (c) The scoping plan proposes to maintain the current 5MMTCO2 annual sequestration rate through 2020 by implementing "sustainable management practices," which include potential changes to existing forest practices and land use regulations.
- (d) There is increasing evidence that climate change has and will continue to stress forest ecosystems, which underscores the importance of proactively managing forests so that they can adapt to these stressors and remain a net sequesterer of carbon dioxide.
- (e) The Board, the Department, and the State Air Resources Board should strive to go beyond the status quo sequestration rate and ensure that their policies and regulations reflect the unique role forests play in combating climate change.

4551. Adoption of district forest practice Rules and regulations; factors considered in Rules and regulations governing harvesting of commercial tree species; funding.

(a) ...

(b) (1) The Board shall ensure that its Rules and regulations that govern the harvesting of commercial tree species, where applicable, consider the capacity of forest resources, including above ground and below ground biomass and soil, to sequester carbon dioxide emissions sufficient to meet or exceed the state's Greenhouse Gas reduction requirements for the forestry sector, consistent with the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(2) ...

Technical Rule Addendum #2, Item G:

G. GREENHOUSE GAS (GHG) IMPACTS

Forest management activities may affect GHG sequestration and emission rates of forests through changes to forest inventory, growth, yield, and mortality. Timber Operations and subsequent production of wood products, and in some instances energy, can result in the emission, storage, and offset of GHGs. One or more of the following options can be used to assess the potential for significant adverse cumulative GHG Effects:

1. Incorporation by reference, or tiering from, a programmatic assessment that was certified by the Board, CAL FIRE, or other State Agency, which analyzes the net Effects of GHG associated with forest management activities.

2. Application of a model or methodology quantifying an estimate of GHG emissions resulting from the Project. The model or methodology should at a minimum consider the following:
 - a. Inventory, growth, and harvest over a specified planning horizon
 - b. Projected forest carbon sequestration over the planning horizon
 - c. Timber Operation related emissions originating from logging equipment and transportation of logs to manufacturing facility
 - d. GHG emissions and storage associated with the production and life cycle of manufactured wood products.
3. A qualitative assessment describing the extent to which the Project in combination with Past Projects and Reasonably Foreseeable Probable Future Projects may increase or reduce GHG emissions compared to the existing environmental setting. Such assessment should disclose if a known 'threshold of significance' (14 CCR § 15064.7) for the Project type has been identified by the Board, CAL FIRE or other State Agency and if so whether or not the Project's emissions in combination with other forestry Projects are anticipated to exceed this threshold.

California Legislative and Administrative Background

Over the years, various efforts by the California Legislature and the Governor to quantify greenhouse gas emissions and develop strategies for avoiding potential negative impacts have occurred. A summary relevant to this THP is provided below:

1. Assembly Bill 32 (AB32), the Global Warming Solutions Act of 2006, was signed into law by Governor Schwarzenegger and represents a comprehensive approach to address climate change. AB32 establishes a statewide goal to reduce greenhouse gas emissions to 1990 levels by 2020. The California Resources Air Board (ARB) is the lead agency for implementing AB32.

The scoping plan adopted by the ARB in December of 2008 (CARB, 2008) establishes a general roadmap that California will take to achieve the 2020 goals. Targets for the Forestry Sector were established under the "Sustainable Forests" section of the Scoping Plan. The "Sustainable Forest" element was recognized as a carbon sink based on the current carbon inventory for the Forest Sector and sequestration benefits attributable to forests. Specific recommendations for the sector included:

- Maintaining the current 5 MMTCO₂E reduction target through 2020 by ensuring that current carbon stock is not diminished over time.
- Monitoring of carbon sequestered
- Improving greenhouse gas inventories.
- Determining actions needed to meet the 2020 targets.
- Adaptation
- Focusing on sustainable land-use activities.

Wildfire threat and loss to conversions were recognized as potential threats to the Forest Sector in relation to achieving sector goals.

2. AB 1504 (Chapter 534, Statutes of 2010, Skinner): Requires the Board of Forestry and Fire Protection to ensure that its rules and regulations that govern timber harvesting consider the capacity of forest resources to sequester carbon dioxide emissions sufficient to meet or exceed the state's GHG reduction target for the forestry sector, consistent with the AB 32 Climate Change Scoping Plan goal of 5 million metric tons CO₂ equivalent sequestered per year. Currently, these reports are principally prepared by Glenn A. Christensen.
3. SB 1122 (Chapter 612, Statutes of 2012, Rubio): This bill requires production of 50 megawatts of biomass energy using byproducts of sustainable forest management from fire threat treatment areas as determined by CAL FIRE.
4. AB 417 (Chapter 182, Statutes of 2015, Dahle): This bill provides the Board of Forestry and Fire Protection with additional flexibility in setting post timber harvest tree stocking standards in order to, in part, contribute to specific forest health and ecological goals as defined by the Board. The 2020 Forest Practice Rules include the Board's revisions to the "Resource Conservation Standards" under 14 CCR §932.7.
5. In 2015, the Governor issued Executive Order B-30-15 establishing a GHG reduction target for California of 40 percent below 1990 levels by 2030 and 80 percent by 2050 to help limit global warming to 2 degrees Celsius or less as identified by the IPCC to avoid potentially catastrophic climate change impacts. In 2016, the California Legislature passed Senate Bill 32 (Chapter 249, Statutes of 2016), which codifies the Governor's Executive Order. CARB updated the AB 32 Scoping Plan in 2017 to reflect the 2030 target.
6. SB 859 (Chapter 368, Statutes of 2016, Committee on Budget and Fiscal Review): Among other things, calls for CARB, in consultation with CNRA and CAL FIRE, to complete a standardized GHG emissions inventory for natural and working lands, including forests by December 31, 2018 (CARB, 2018).
7. SB 1386 (Chapter 545 Statutes of 2016, Wolk): Declares the policy of the state that the protection and management of natural and working lands, including forests, is an important strategy in meeting the state's greenhouse gas reduction goals, and requires

all state agencies, departments, boards, and commissions to consider this policy when revising, adopting, or establishing policies, regulations, expenditures, or grant criteria relating to the protection and management of natural and working lands.

8. (2018) Accompanying release of the Forest Carbon Plan, Governor Brown's Executive Order B-52-18 on forest management emphasizes the importance of implementing the Forest Carbon Plan. Executive Order B-55-18 also calls for California to achieve carbon neutrality no later than 2045, with carbon sequestration targets to be set in the Natural and Working Lands to help achieve this goal.

These Laws, Regulations and Executive Orders form the background under which CAL FIRE reviews plans for impacts to GHG emissions and sequestration.

National and State-Level GHG Assessments

A variety of assessments have been conducted to calculate the GHG emissions and rates of sequestration related to management of natural and working lands. Due to the rapidly evolving science, accounting methods and policy directions from the executive and legislative branches, specific accounting that conforms from study to study has yet to be achieved. The overall trends, however, do provide meaningful insight within which to make assumptions about how an individual THP fits into the overall objectives of assessing and mitigating potential negative impacts from GHG emissions.

USEPA Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2018 (EPA, 2020):

Summary: Forest management falls under the "Land Use, Land Use Change, and Forestry" (abbreviated LULUCF) for consistent reporting with other international efforts. Sequestrations at the national level offset approximately 12% of total US GHG Emissions annually and this carbon pool remains relatively stable over time.

- In 2018, total gross U.S. greenhouse gas emissions were 6,676.6 million metric tons of carbon dioxide equivalent (MMT CO₂ Eq). Total U.S. emissions have increased by 3.7 percent from 1990 to 2018, down from a high of 15.2 percent above 1990 levels in 2007. Emissions increased from 2017 to 2018 by 2.9 percent (188.4 MMT CO₂ Eq.). Net emissions (including sinks) were 5,903 MMT CO₂ Eq. Overall, net emissions increased 3.1 percent from 2017 to 2018 and decreased 10.2 percent from 2005 levels as shown in Table ES-2. The decline reflects many long-term trends, including population, economic growth, energy market trends, technological changes including energy efficiency, and energy fuel choices. Between 2017 and 2018, the increase in total greenhouse gas emissions was largely driven by an increase in CO₂ emissions from fossil fuel combustion. The increase in CO₂ emissions from fossil fuel combustion was a result of multiple factors, including increased energy use from greater heating and cooling needs due to a colder winter and

hotter summer in 2018 compared to 2017.

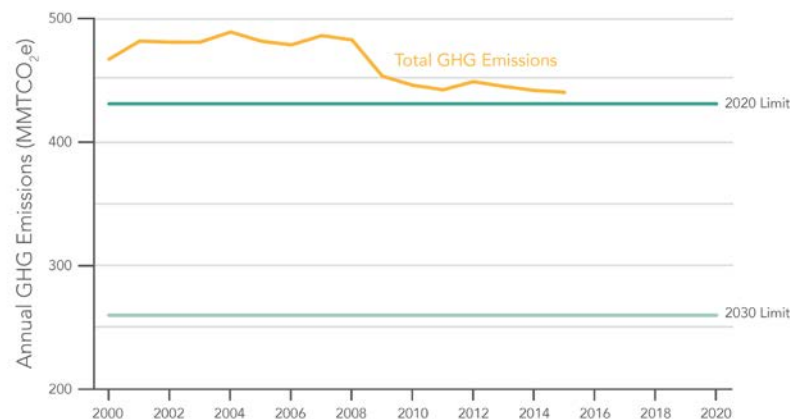
- Conversely, U.S. greenhouse gas emissions were partly offset by carbon (C) sequestration in forests, trees in urban areas, agricultural soils, landfilled yard trimmings and food scraps, and coastal wetlands, which, in aggregate, offset 12.0 percent of total emissions in 2018.
- Within the United States, fossil fuel combustion accounted for 92.8 percent of CO₂ emissions in 2018. There are 25 additional sources of CO₂ emissions included in the Inventory (see Figure ES-5). Although not illustrated in the Figure ES-5, changes in land use and forestry practices can also lead to net CO₂ emissions (e.g., through conversion of forest land to agricultural or urban use) or to a net sink for CO₂ (e.g., through net additions to forest biomass).
- Land Use, Land-Use Change, and Forestry (LULUCF)
 - Overall, the Inventory results show that managed land is a net sink for CO₂ (C sequestration) in the United States. The primary drivers of fluxes on managed lands include forest management practices, tree planting in urban areas, the management of agricultural soils, landfilling of yard trimmings and food scraps, and activities that cause changes in C stocks in coastal wetlands. The main drivers for forest C sequestration include forest growth and increasing forest area, as well as a net accumulation of C stocks in harvested wood pools.
 - The LULUCF sector in 2018 resulted in a net increase in C stocks (i.e., net CO₂ removals) of 799.6 MMT CO₂ Eq. (Table ES-5). This represents an offset of 12.0 percent of total (i.e., gross) greenhouse gas emissions in 2018... Between 1990 and 2018, total C sequestration in the LULUCF sector decreased by 7.1 percent, primarily due to a decrease in the rate of net C accumulation in forests and Cropland Remaining Cropland, as well as an increase in CO₂ emissions from Land Converted to Settlements.
 - Forest fires were the largest source of CH₄ emissions from LULUCF in 2018, totaling 11.3 MMT CO₂ Eq. (452 kt of CH₄).
 - Forest fires were also the largest source of N₂O emissions from LULUCF in 2018, totaling 7.5 MMT CO₂ Eq. (25 kt of N₂O). Nitrous oxide emissions from fertilizer application to settlement soils in 2018 totaled to 2.4 MMT CO₂ Eq. (8 kt of N₂O).

CARB AB32 Scoping Plan (CARB, 2017) :

Summary: At the state level, all sectors are cumulatively on track to meet the 2020 targets for GHG reductions and sequestration. The Natural and Working Lands in the state represent a key sector for the long-term storage of carbon in vegetation and soils. During the period of 2001-2010, disturbances (primarily in the form of wildfire) caused significant losses to the total stored carbon. Meeting state goals will require multi-owner and jurisdictional cooperation as well as trade-offs between competing interests.

- California's natural and working landscapes, like forests and farms, are home to the most diverse sources of food, fiber, and renewable energy in the country. They underpin the state's water supply and support clean air, wildlife habitat, and local and regional economies. They are also the frontiers of climate change. They are often the first to experience the impacts of climate change, and they hold the ultimate solution to addressing climate change and its impacts. In order to stabilize the climate, natural and working lands must play a key role.
- Work to better quantify the carbon stored in natural and working lands is continuing, but given the long timelines to change landscapes, action must begin now to restore and conserve these lands. We should aim to manage our natural and working lands in California to reduce GHG emissions from business-as-usual by at least 15-20 million metric tons in 2030, to compliment the measures described in this Plan.
- California's forests should be healthy carbon sinks that minimize black carbon emissions where appropriate, supply new markets for woody waste and non-merchantable timber, and provide multiple ecosystem benefits.
- AB 32 directs CARB to develop and track GHG emissions and progress toward the 2020 statewide GHG target. California is on track to achieve the target while also reducing criteria pollutants and toxic air contaminants and supporting economic growth. As shown in Figure 1, in 2015, total GHG emissions decreased by 1.5 MMTCO₂e compared to 2014, representing an overall decrease of 10 percent since peak levels in 2004. The 2015 GHG Emission Inventory and a description of the methodology updates can be accessed at: www.arb.ca.gov/cc/inventory/inventory .

FIGURE 1: CALIFORNIA GHG INVENTORY TREND



- Carbon dioxide is the primary GHG emitted in California, accounting for 84 percent of total GHG emissions in 2015, as shown in Figure 2 below. Figure 3 illustrates that transportation, primarily on-road travel, is the single largest source of CO₂ emissions in the State. When these emissions sources are attributed to the transportation sector, the emissions from that sector amount to approximately half of statewide GHG emissions. In addition to transportation, electricity production, and industrial and residential sources also are important contributors to CO₂
- Increasing Carbon Sequestration in Natural and Working Lands
 - California's natural and working lands make the State a global leader in agriculture, a U.S. leader in forest products, and a global biodiversity hotspot. These lands support clean air, wildlife and pollinator habitat, rural economies, and are critical components of California's water infrastructure. Keeping these lands and waters intact and at high levels of ecological function (including resilient carbon sequestration) is necessary for the well-being and security of Californians in 2030, 2050, and beyond. Forests, rangelands, farms, wetlands, riparian areas, deserts, coastal areas, and the ocean store substantial carbon in biomass and soils.
 - Natural and working lands are a key sector in the State's climate change strategy. Storing carbon in trees, other vegetation, soils, and aquatic sediment is an effective way to remove carbon dioxide from the atmosphere. ...We must consider important trade-offs in developing the State's climate strategy by understanding the near and long-term

- impacts of various policy scenarios and actions on our State and local communities.
- o Recent trends indicate that significant pools of carbon from these landscapes risk reversal: over the period 2001–2010 disturbance caused an estimated 150 MMT C loss, with the majority– approximately 120 MMT C– lost through wildland fire.
 - o California’s climate objective for natural and working lands is to maintain them as a carbon sink (i.e., net zero or negative GHG emissions) and, where appropriate, minimize the net GHG and black carbon emissions associated with management, biomass utilization, and wildfire events.
 - o Decades of fire exclusion, coupled with an extended drought and the impacts of climate change, have increased the size and intensity of wildfires and bark beetle infestations; exposed millions of urban and rural residents to unhealthy smoke-laden air from wildfires; and threatened progress toward meeting the state’s long-term climate goals. Managing forests in California to be healthy, resilient net sinks of carbon is a vital part of California’s climate change policy.
 - o Federally managed lands play an important role in the achievement of the California climate goals established in AB 32 and subsequent related legislation and plans. Over half of the forestland in California is managed by the federal government, primarily by the USDA Forest Service Pacific Southwest Region, and these lands comprise the largest potential forest carbon sink under one ownership in the state... The State of California must continue to work closely and in parallel to the federal government’s efforts to resolve these obstacles and achieve forest health and resilience on the lands that federal agencies manage.

California Forest Carbon Plan (Forest Climate Action Team, 2018)

Summary: Current estimated sequestration for the entire forest sector is 32.8 MMT CO₂e/year, which is 6.56 times more than the current target of 5 MMT per year. Regional, landscape or watershed level assessments are appropriate scales for examining rates of GHG emissions and sequestration. Wildfire remains the single largest source of carbon loss and remains the largest source of black carbon emissions. Although there are trade-offs with in-forest carbon stores, sustainably managed working forests can further provide climate mitigation benefits.

- When all forest pools are considered, California's forests are sequestering 34.4 MMT CO₂e/year, and when land-use changes and non-CO₂ emissions from wildfires are accounted for, the total net sequestration is 32.8 MMT CO₂e/year.

Table 16. Statewide Average Annual Growth, Removals, Mortality, and Net Change for the Above Ground Live Tree Pool by Disturbance, Owner, and Land Status on Plots Initially Measured between 2001-2005 and Re-Measured between 2011-2015 (thousand metric tons carbon dioxide equivalent per year).

	UNRESERVED FORESTLAND			RESERVED FORESTLAND	ALL FORESTLAND ²
	Private, Corporate	Private, Non-Corporate	USDA Forest Service	USDA Forest Service	Total
	thousand metric tons CO2 equivalent per year				
Gross tree growth	18,554	13,772	25,983	7,188	73,253
Removal - harvest	-10,664	-1,476	-1,467	-22	-13,645
Mortality – fire killed	-278	-449	-6,077	-4,689	-12,566
Mortality – cut and fire ¹	-466	-49	-326	0	-842
Mortality – insects and disease	-488	-435	-3,162	-1,039	-5,728
Mortality – natural/other	-2,525	-2,988	-6,743	-2,203	-16,543
Net live tree	4,133	8,375	8,208	-765	23,929
95% confidence interval					4,575

¹ Mortality – Cut and fire: plots where tree mortality has occurred due to both harvest and fire.

² Includes other public forestland.

Source: USDA Forest Service FIA.²⁶⁷

- The key findings of the [Forest Carbon Plan] include:
 - California's forested landscapes provide a broad range of public and private benefits, including carbon sequestration.
 - The long-term impacts of excluding fire in fire-adapted forest ecosystems are being manifested in rapidly deteriorating forest health, including loss of forest cover in some cases.
 - Extreme fires and fire suppression costs are increasing significantly, and these fires are a growing threat to public health and safety, to homes, to water supply and water quality, and to a wide range of other forest benefits, including ecosystem services.
 - Reducing carbon losses from forests, particularly the extensive carbon losses that occur during and after extreme wildfires in forests and through uncharacteristic tree mortality, is essential to meeting the state's long-term climate goals.
 - Fuel reduction in forests, whether through mechanical thinning, use of ecologically beneficial fire, or sustainable commercial timber harvest to achieve forest

- health goals, involves some immediate loss of forest carbon, but these treatments can increase the stability of the remaining and future stored carbon.
- o Current rates of fuel reduction, thinning of overly dense forests, and use of prescribed and managed fire are far below levels needed to restore forest health, prevent extreme fires, and meet the state's long-term climate goals.
 - o Where forest stands are excessively dense, forest managers may have to conduct a heavy thinning to restore resilient, healthy conditions, which, among other benefits, will subsequently facilitate the reintroduction of prescribed fire as an ecological management tool.
 - o Sustainable timber harvesting on working forests can substantially improve the economic feasibility of these treatments to achieve forest health goals at the scale necessary to make an ecologically meaningful difference.
 - o Where forestlands have been diminished due to fires, drought, insects, or disease, they should be reforested with ecologically appropriate tree species from appropriate seed sources.
 - o The scale and combination of needed treatments and their arrangement across the landscape is likely to be highly variable and dependent on the local setting.
 - o The state must work closely with Federal and private landowners to manage forests for forest health, multiple benefits, and resiliency efficiently at a meaningful scale.
- The watershed level has proven to be an appropriate organizing unit for analysis and for the coordination and integrated management of the numerous physical, chemical, and biological processes that make up a watershed ecosystem. Similarly, a watershed can serve as an appropriate reference unit for the policies, actions, and processes that affect the biophysical system, and providing a basis for greater integration and collaboration. Forests and related climate mitigation and adaptation issues operate across these same biophysical, institutional, and social gradients.

Because of these factors, the Forest Carbon Plan proposes working regionally at the landscape or watershed scale. The appropriate scale of a landscape or watershed to work at will vary greatly depending upon the specific biophysical conditions, land ownership or management patterns, and other social or institutional conditions.

- Forests are shaped by disturbance and background levels of tree mortality. However, elevated tree mortality from overly dense stand conditions, fire exclusion, lack of or poor forest management practices, and impacts related to drought and climate change can have a substantial effect on the forest carbon balance. Wildfire is the single largest source of carbon storage loss and GHG emissions from forested lands: of the estimated 150 million metric tons of carbon lost from forests from 2001-2010, approximately 120 million metric tons of carbon was lost through wildland fire. Wildfire also is the single biggest source of black carbon emissions. Reducing the intensity and extent of wildland fires through tools such as fuels reduction, prescribed or managed fire, thinning, and sustainable timber management practices is therefore a top priority.
- In addition to fuels reduction and prescribed and managed fire treatments, sustainable commercial timber harvesting on private and public lands, where consistent with the goals of owners or with management designations and done to maximize forest health goals, can play a beneficial role, both in thinning dense forests and financing additional treatments. Although there are trade-offs with in-forest carbon stores, sustainably managed working forests can further provide climate mitigation benefits. Commercial timber harvest within a sustainable management regime to maximizing forest health goals also creates revenue opportunities to fund additional forest treatments and should be seen as a tool in the maintenance of our forests as healthy, resilient net sinks of carbon.
- In order to support the goals of this Forest Carbon Plan, wood and biomass material generated by timber harvesting, forest health, restoration and hazardous fuels treatments must be either utilized productively or disposed of in a manner that minimizes net GHG and black carbon emissions. Timber and other biomass harvest volumes are expected to increase as a result of the forest management activities outlined above. These volumes will include green and dead trees suitable for timber production, smaller-diameter green and dead trees with little traditional timber value, and tops and limbs.
- Specific Rates of Sequestration/Emission by landowner category:
 - Private Corporate Forestland: Private corporate forestland includes both timberland and other forestland. On private corporate forestland growth is high and exceeds removal and mortality, reflecting the practice of sustained yield as

required by California's Forest Practice Act and Rules. These forests are managed to create relatively little annual mortality and the harvested volume is less than forest growth. Rates of removals from harvest and thinning are highest on these lands, but the rate of fire-related mortality is lowest. These forests experience a net gain in carbon at a rate of 0.75 metric tons of CO₂e per acre per year, or 4.1 MMT of CO₂e per year. In 2012, these lands contributed 70 percent of the total harvest (Figure 16) and are therefore an important contributor to the carbon stored long-term in harvested wood products and reduced emissions from burning wood instead of fossil fuels for energy.

- o Private Non-Corporate Forestland: This category represents private ownerships for which timber production may or may not be a primary management objective. The rate of gross growth is high on these lands, while the rate of natural, non-fire related mortality is low. The rate of fire-related mortality is also quite low, although it is higher than on private corporate forestland. As these lands exhibit high growth rates, lower harvest per acre than corporate forestland, and have relatively low levels of mortality, these forest lands see the highest net sequestration rates on the order of 1.33 metric tons of CO₂e per acre per year, or 8.4 million metric tons of CO₂e per year.

Private non-corporate forestland has the highest rate of sequestration per acre (Figure 17), and despite making up 10 percent less of the forestland base than USDA Forest Service unreserved forestland, these forests sequester the greatest total amount (Table 16). A net 33 percent increase in carbon stock from private non-corporate forestland came from only 24 percent of the California forestland base (Figure 18, Figure 9). A net 13 percent increase in carbon stock from private corporate forestland came from 15 percent of the forestland base. ... Private non-corporate forestlands provided slightly less of a net increase in carbon stocks than all USDA FS forestlands, despite being just half the size.

- Forest carbon is stored in both forest ecosystems and, to a lesser extent, in harvested wood products. The degree to which California forests operate as a sink or source is influenced by land management, weather, and a range of forest health issues (e.g., growth, tree mortality from drought, pest and disease outbreaks, wildfire severity). In recent years, prolonged drought conditions have resulted in elevated tree mortality that

is widespread across the southern Sierra. The combination of drought impacts and extensive wildfires has made forests lose significant capacity for storing carbon. For all forestlands, improving forest health and managing to reduce losses from mortality can greatly increase the carbon balance on forestlands. On commercial and other actively managed forestlands in California, efficient uses of long lasting wood products and residues for energy can yield GHG benefits. Key inventory findings include:

- o Based on FIA Program data from 2006-2015, all California forests combined on all ownerships were performing as a net sink and are sequestering carbon at an average rate of 0.79 metric tons of CO₂e per acre per year, or 0.22 metric tons of carbon per acre per year.
- o Based on FIA Program data from 2006 - 2015, California forests have substantial carbon storage; 1,303 MMT above ground and 734 MMT below ground, for a total of 2,037 MMT.
- o Based on remeasurements taken between 2011 and 2015, carbon sequestration in the live tree pool (in-forest) was estimated at 7.4 MMT of CO₂e per year on National Forest System unreserved and reserved forestlands, 4.1 MMT on private corporate forestland, 8.4 MMT on private noncorporate timberlands, and 4.0 MMT on other public lands. The net change in the live tree pool across all forestlands is estimated at 23.9 MMT of CO₂e per year.
- o When other forest pools, soils, non-GHG emissions from wildfire, and changes from land-use are accounted for, the net change is 32.8 MMT CO₂e per year, meeting the AB 1504 goal of sequestering 5 MMT CO₂e per year, assuming the contribution of flux associated with wood products does not drastically lower rates.
- o On a per-acre basis, conifer forest types have enormous carbon capture and storage potential.
- o FIA Program data suggest that on private forestland growth is outpacing losses from harvest and mortality (excluding wood product storage) and exceeds that of National Forest System lands.
- o FIA Program data show that non-corporate forestland has the greatest net growth (i.e., growth minus mortality and harvest excluding wood product storage).

- o Based on FIA Program data, tree mortality from forest health-related causes results in substantial declines in forest carbon. These data indicate that tree mortality rates are highest on federal forest lands in reserve (e.g., wilderness), where mortality is slightly outpacing growth.

CARB California Greenhouse Gas Emissions for 2000 to 2018 (CARB, 2020)

Summary: This inventory is specific to anthropogenic sources so most of the agriculture category relates to commercial agriculture. Emissions related to logging from trucks and equipment would fall under the transportation sector. The Natural and Working Lands Emission Inventory contains more specific emission and sequestration numbers for Forestry.

- California statewide GHG emissions dropped below the 2020 GHG Limit in 2016 and have remained below the 2020 GHG Limit since then.
- Transportation emissions decreased in 2018 compared to the previous year, which is the first year over year decrease since 2013.
- Since 2008, California's electricity sector has followed an overall downward trend in emissions. In 2018, solar power generation has continued its rapid growth since 2013.
- Emissions from high-GWP gases increased 2.3 percent in 2018 (2000-2018 average year-over-year increase is 6.8 percent), continuing the increasing trend as they replace Ozone Depleting Substances (ODS) being phased out under the 1987 Montreal Protocol.

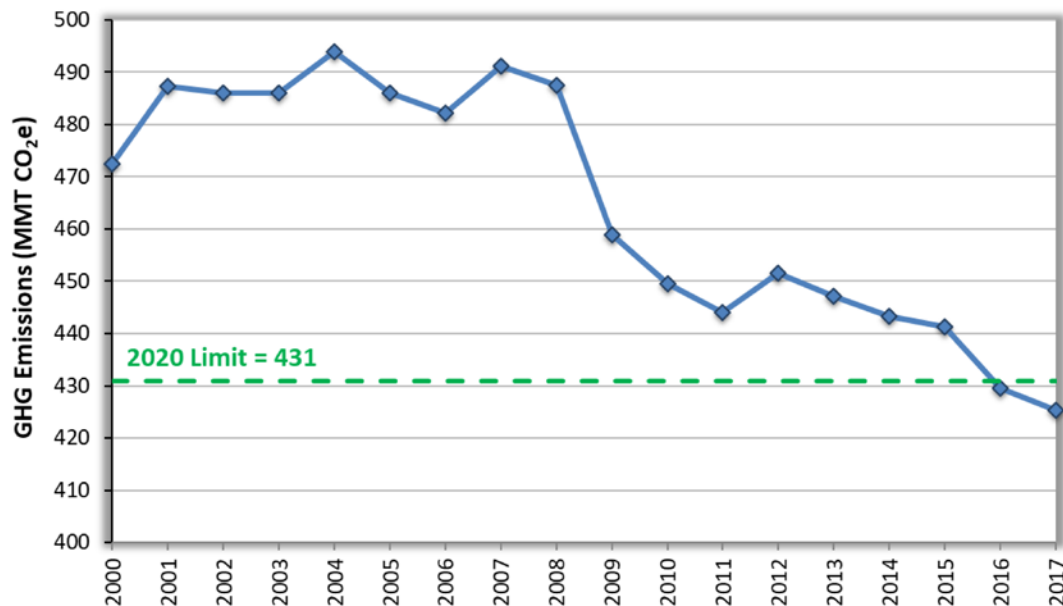


Figure 1. California GHG Emissions Trends. This figure shows the emission trends between 2000 and 2017 as compared to the 2020 statewide GHG limit of 431 MMTCO₂e.

- In 2017, emissions from statewide emitting activities were 424 million metric tons of CO₂ equivalent (MMTCO₂e), which is 5 MMTCO₂e lower than 2016 levels. 2017 emissions have decreased by 14 percent since peak levels in 2004 and are 7 MMTCO₂e below the 1990 emissions level and the State's 2020 GHG limit. Per capita GHG emissions in California have dropped from a 2001 peak of 14.1 tonnes per person to 10.7 tonnes per person in 2017, a 24 percent decrease.^{4,19} Overall trends in the inventory also demonstrate that the carbon intensity of California's economy (the amount of carbon pollution per million dollars of gross domestic product (GDP)) is declining. From 2000 to 2017, the carbon intensity of California's economy has decreased by 41 percent from 2001 peak emissions while simultaneously increasing GDP by 52 percent. In 2017, GDP grew 3.6 percent while the emissions per GDP declined by 4.5 percent compared to 2016.²² Figures 2(a)-(c) on the next page show California's growth alongside GHG reductions.
- California's agricultural sector contributed approximately 8 percent of statewide GHG emissions in 2017, mainly from methane (CH₄) and nitrous oxide (N₂O) sources.

An Inventory of Ecosystem Carbon in California's Natural & Working Lands (NWL) (CARB, 2020)

This inventory tracks carbon within California ecosystems and how it moves between various "pools". This is a snapshot view that provides for valuable long-term comparisons. These inventories are constantly being improved and some tracking categories have higher levels of certainty than others. Soil is the largest estimated pool of carbon and also has the highest error associated with those estimates. The assessment estimates that a majority of soil carbon loss is associated with the Sacramento-San Joaquin Delta region. Forest and shrublands show a 6% decrease, due to loss from wildfire. During the early iterations of these inventories, it appears prudent to only focus on gross trends.

- The Earth's carbon cycle involves the exchange of carbon between the atmosphere, biosphere (plants, animals, and other life forms), hydrosphere (water bodies), pedosphere (soils), and lithosphere (Earth's crust and mantles, including rocks and fossil fuels). Carbon moves between land types (e.g., forests and grasslands) and carbon pools¹ (e.g., wood, roots, and soils) due to natural processes (growth, decay, and succession) and disturbances (e.g., wildfire) or anthropogenic forces such as land use change. The NWL Inventory tracks how much carbon exists in California's ecosystems, where that carbon is located, and estimates how much carbon is moving in and out of the various land types and carbon pools. It provides stored carbon "snapshots" and gives insight into the location and magnitude of NWL carbon stocks at discrete moments in time.
- The NWL inventory includes:
 - Forest and other natural lands (woodland, shrubland, grassland, and other lands with sparse vegetation): live and dead plant materials and their roots
 - Urban land: trees in urban area
 - Cropland: woody biomass in orchards and vineyards
 - Soil Carbon: organic carbon in soils for all land types
 - Wetlands: CO₂ and CH₄ emissions from wetland ecosystem
- Current NWL Inventory
 - There are approximately 5,340 million metric tons (MMT)² of ecosystem carbon in the carbon pools that CARB has quantified.³ (To put it into context, 5,340 MMT of carbon in land is equivalent to 19,600 MMT of atmospheric CO₂ currently existing as carbon in the biosphere and pedosphere as carbon cycles through the Earth's carbon cycle.) Forest and shrubland contain the vast majority of California's carbon stock because they cover the majority of California's landscape and have the highest carbon

density of any land cover type. All other land categories combined comprise over 35% of California's total acreage, but only 15% of carbon stocks. Roughly half of the 5,340 MMT of carbon resides in soils and half resides in plant biomass.

- o Soil is the largest carbon reservoir. Using the IPCC default assumptions, most of the estimated net change in soil carbon was due to microbial oxidation of organic soil on the Sacramento-San Joaquin Delta. Disturbance caused by tillage and other agricultural management practices, land conversion, and land degradation also contributed to the soil carbon loss. Forest and shrubland carbon stocks in 2010 was 6% lower than in 2001 due to a number of large wildfires that occurred during the 2001-2010 period. (Future inventory editions will capture the impacts of large fire events seen in recent years.) Woody crops and urban forest both gained carbon, as these trees are generally well maintained due to their economic and aesthetic values. Part of the carbon gain seen in urban forests came from expansion of the urban footprint over this period of time. Movement of carbon among land types and carbon pools is a dynamic process. Carbon gain in one land type may be a result of carbon loss in another land type, and vice versa.
- o Although carbon that leaves the land base is counted as a carbon stock loss in the NWL Inventory, not all carbon stock loss becomes emissions released into the atmosphere. Some of the carbon leaving the land base continue to retain carbon as durable wood products (e.g., furniture and building materials).
- Disturbances in Forest and Other Natural Lands
Geospatially explicit carbon stock change information can be related to the different types of disturbance on land. During the 2001-2014 period, wildfire accounted for 74% and prescribed fire accounted for 3% of the areas that experienced disturbance. The impact of wildfire can be seen throughout the State, in both rural areas and urbanized areas near shrublands and forest. Harvest and clearcut accounted for 11%, and fuel reduction activities (thinning, mechanical, and mastication) accounted for 14% of the disturbed area.
- Uncertainty of the Inventory Estimates
The science, method, and technique for accounting of ecosystem carbon are relatively new and still rapidly advancing. Although significant progress has

been made in the inventory development, more work still needs to be done. The parts of the NWL Inventory that have been in development for more years generally have a reasonably constrained uncertainty (between 15% and 40%), but other parts of the inventory that CARB started to develop more recently contain significant uncertainties.

AB 1504 California Forest Ecosystem and Harvested Wood Product Carbon Inventory (Christensen, Gray, Kuegler, Tase, & M, 2021)

Summary: California forests vastly exceed the 5MMT CO₂e target, by a factor of over 5 times, even when taking into account losses from fire, drought and timberland conversion. Forests remain a net sink of carbon, even accounting for losses from wildfire and drought.

- Overall California forests are exceeding the 5 MMT CO₂e target rate of annual sequestration established by AB 1504, sequestering 26.8 ± 4.2 MMT CO₂e per year (excludes confidence interval for HWP C net change; Table 7.1). This value includes changes in forest ecosystem pools (26.0 MMT CO₂e per year), harvested wood product pools (0.8 MMT CO₂e per year), non-CO₂ emissions from wildfires (-0.6 MMT CO₂e per year), and forest land conversions (-1.0 MMT CO₂e per year).
- Based on plots initially measured between 2001-2009 and re-measured between 2011-2019, the average statewide rate of forest carbon sequestration is 26.0 ± 4.1 MMT CO₂e per year, excluding net CO₂e contributions from other sources such as, harvested wood products, forest land conversions and non-CO₂ GHG emissions from wildfire (Table 4.1,4.3).
- Based on the 2019 measurement period, after accounting for these other CO₂ and greenhouse gas sources the statewide rate of carbon sequestration on all forest land is 24.5 ± 4.0 MMT CO₂e per year (Table 4.2a), down from the 2018 re-calculated reporting period estimate of 26.4 ± 4.3 MMT CO₂e. This value cannot be directly compared to previous report values from the 2015 reporting period (32.8 ± 5.5 MMT CO₂e per year), the 2016 reporting period (30.7 ± 5.3 MMT CO₂e per year), or the 2017 reporting period (27.0 ± 5.5 MMT CO₂e per year) due to improved methods over time and the re-stratification that occurred in 2019. However, data suggest that the net annual sequestration rate is decreasing over time. This value excludes contributions from HWP pools.

THP-Specific Assessment

CEQA requires that individual projects estimate the associated GHG emissions from a proposed project and make a determination of significance. The plan submitter provided a site-specific analysis on pages 254 through 265. As described in the analysis, many of these

releases will occur slowly over time, and are provided in the THP as a conservative, worst case emission estimate. These emissions are estimated to be recouped by trees in the THP area.

The THP concluded that these emissions would not be significant, when combined with other past, present and reasonably foreseeable future projects.

The Department has reviewed the estimates of emissions associated with the pools evaluated by the Plan as part of the project specific analysis and has determined that the calculations have reasonably accounted for emissions from biologic and production elements of the project and that the sequestration estimates incorporate approaches for estimating carbon sequestration that are consistent with current science.

When this THP is considered within its own context, taking into account the state and national assessments discussed previously, CAL FIRE believes that it meets the requirements of CEQA and is consistent with the broader goals established by AB32 in providing for long-term carbon sequestration while providing for the market needs for forest products.

Fire Hazard Risk and Assessment

From the appointment of the first State Board of Forestry in 1885, to the creation of the first State Forester position in 1905, and the organization of the original California Division of Forestry in 1927, the Department of Forestry and Fire Protection (CAL FIRE) has protected the people, property, and natural resources of California. The Department's diverse programs work together to plan protection strategies for over 31 million acres of privately-owned wildlands, and to provide emergency services of all kinds throughout California.

-CAL FIRE 2019 Strategic Plan

As an agency, CAL FIRE fulfills many roles to protect both the public and natural resources of our state. When it comes to operations that can impact both the natural environment and the public, CAL FIRE must review these proposals with an eye towards these two responsibilities. When it comes to a decision of whether to approve a plan, CAL FIRE must exercise professional discretion:

14 CCR § 897 Implementation of Act Intent

(d) Due to the variety of individual circumstances of timber harvesting in California and the subsequent inability to adopt site-specific standards and regulations, these Rules use judgmental terms in describing the standards that will apply in certain situations. By necessity, the RPF shall exercise professional judgment in applying these judgmental terms and in determining which of a range of feasible (see definition 14 CCR 895.1) silvicultural systems, operating methods and procedures contained in the Rules shall be proposed in the plan to

substantially lessen significant adverse Impacts in the environment from timber harvesting. The Director also shall exercise professional judgment in applying these judgmental terms in determining whether a particular plan complies with the Rules adopted by the Board and, accordingly, whether he or she should approve or disapprove a plan. The Director shall use these Rules to identify the nature of and the limits to the professional judgment to be exercised by him or her in administering these Rules.

Requirements of Evaluation included in the Rules

The Forest Practice Rules recognize that Timber Operations have the potential to cause and contribute to the severity of fires. The need to protect property and natural resources from fire goes back to the founding of the original Board of Forestry in 1885 (even the Spanish Empire instituted burn bans starting in 1793). Fire prevention laws were among the first regulations governing forestry in our modern state.

Current Forest Practice Laws contain significant detail on how operations are to be conducted to reduce or eliminate the chance that logging will cause a fire. Article 7 of the Rules cover the various methods of reducing fire risk and hazard, collectively called "Hazard Reduction":

- 917, 937, 957 Hazard Reduction
 - 917.2, 937.2, 957.2 Treatment of *[Logging]* Slash to Reduce Fire Hazard
 - 917.3 Prescribed Broadcast Burning of Slash [Coast]
 - 937.3 Prescribed Broadcast Burning of Slash [Northern]
 - 957.3 Prescribed Broadcast Burning of Slash [Southern]
 - 917.4 Treatment of Logging Slash in the Southern Subdistrict
 - 957.4 Treatment of Logging Slash in the High Use Subdistrict
 - 917.5, 937.5, 957.5 Burning of Piles and Concentrations of Slash
 - 917.6, 937.6, 957.6 Notification of Burning
 - 917.7, 937.7, 957.7 Protection of Residual Trees
 - 917.9, 937.9, 957.9 Prevention Practices

A primary concern addressed in the Hazard Reduction Rules deals with logging debris left over after trees are harvested. Branches, leaves, and other materials not taken to a sawmill (called "slash") must be treated in such a way that an increase in fire hazard does not occur, and to prevent the spread of forest-based insects and diseases. For example, the following standard practices shall be followed within the THP area to treat slash:

917.2, 937.2, 957.2 Treatment of Slash to Reduce Fire Hazard
[All Districts]

Except in the [High-Use Subdistrict of the Southern Forest District,] Southern Subdistrict of the Coast Forest District and Coastal Commission Special Treatment Areas of the Coast Forest District, the following standards shall apply to the treatment of Slash created by Timber Operations within the plan

area and on roads adjacent to the plan area. Lopping for fire hazard reduction is defined in 14 CCR 895.1.

- (a) Slash to be treated by piling and burning shall be treated as follows:
 - (1) Piles created prior to September 1 shall be treated not later than April 1 of the year following its creation, or within 30 days following climatic access after April 1 of the year following its creation.
 - (2) Piles created on or after September 1 shall be treated not later than April 1 of the second year following its creation, or within 30 days following climatic access after April 1 of the second year following its creation.
- (b) Within 100 feet of the edge of the traveled surface of public roads, ... and seasonall private roads open for public use where permission to pass is not required, Slash created and trees knocked down by road construction or Timber Operations shall be treated by lopping for fire hazard reduction, piling and burning, chipping, burying or removal from the zone.
- (c) All woody debris created by Timber Operations greater than one inch but less than eight inches in diameter within 100 feet of permanently located structures maintained for human habitation shall be removed or piled and burned; all Slash created between 100-200 feet of permanently located structures maintained for human habitation shall be lopped for fire hazard reduction, removed, chipped or piled and burned

This plan has no public roads that would require slash treatment adjacent to it and does not propose to use slash pile burning for hazard reduction.

This proposal was reviewed by CAL FIRE and determined to be appropriate and in conformance with the Rules. For this plan, there are no structures requiring hazard reduction near the plan area,

No matter where Timber Operations are located, every Licensed Timber Operator is required to submit to CAL FIRE a Fire Suppression Resource Inventory that contains emergency contact information for each Licensed Timber Operator along with the number of personnel and types of equipment that can be used to suppress any fire. These operators can be called upon

to assist CAL FIRE with emergency fire suppression in the area where they are operating, further adding to the resources that can be used during a fire.

In addition to the hazard reduction rules, operations proposed in this plan have additional benefits expected to reduce fire danger.

- Road brushing and maintenance: As part of the Timber Operations, existing roads will receive maintenance to allow for access for logging equipment. These operations ensure that roads used for operations are free of obstruction and can be used during the operations and in the future in the event they are required for fire suppression:

923.1, 943.1, 963.1 Planning for Logging Roads and Landings. [All Districts]
Logging Roads and Landings shall be planned and located within the context of a systematic layout pattern that considers 14 CCR § 923(b), uses existing Logging Roads and Landings where feasible and appropriate, and provides access for fire and resource protection activities.

Additionally, any time that burning permits are required (e.g. during the declared fire season), all roads and landings within the harvest plan area must be passable for use during an emergency:

923.6, 943.6, 963.6 (d) When burning permits are required pursuant to PRC § 4423, Logging Roads and Landings that are in use shall be kept in passable condition for fire trucks.

Maintaining access within the harvest plan area is consistent with the Humboldt Unit Strategic Fire Plan to allow for rapid extinguishment of fires within CAL FIRE responsibility areas.

When it comes to evaluating the potential for the proposed plan to negatively impact wildfire risk and hazard, the Rules contain the following guidelines:

Excerpt from Technical Rule Addendum #2:

WILDFIRE RISK AND HAZARD

Cumulative increase in wildfire risk and hazard can occur when the Effects of two or more activities from one or more Projects combine to produce a significant increase in forest fuel loading in the vicinity of residential dwellings and communities. The following elements may be considered in the assessment of potential Cumulative Impacts:

1. Fire hazard severity zoning.

2. Existing and probable future fuel conditions including vertical and horizontal continuity of live and dead fuels.
3. Location of known existing public and private Fuelbreaks and fuel hazard reduction activities.
4. Road access for fire suppression resources.

The Rules specify that an RPF must evaluate potential impacts that could be caused by the project. Timber harvesting is not required to lower wildfire risk and hazard, although this is common from properly designed and implemented operations.

The complete assessment is located on page-266 – 268 and correctly discloses that the area is designated as being within a High Fire Hazard Severity Zone. This designation was made by CAL FIRE as part of a statewide assessment. Additional detail and information can be found on the CAL FIRE website⁶

The Fire Hazard Severity Zone maps are developed using a science-based and field-tested model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Many factors are considered such as fire history, existing and potential fuel (natural vegetation), predicted flame length, blowing embers, terrain, and typical fire weather for the area. There are three levels of hazard in the State Responsibility Areas: moderate, high and very high. Urban and wildland areas are treated differently in the model, but the model does recognize the influence of burning embers traveling into urban areas, which is a major cause of fire spread.

CAL FIRE has determined that the assessment of potential hazards is reasonable based upon the characteristics of the assessment area and the proposed operations. In light of the available information contained within the record, CAL FIRE concurs with the RPFs conclusion that the plan will not have a significant adverse effect on Wildfire Risk and Hazard.

Protection of Archaeological Resources

The Forest Practice Rules are designed to protect both historic and cultural archaeological sites from damage and they also serve to increase the understanding of California history/prehistory by recording and cataloging sites for future reference. This is accomplished through a multi-step and layered process designed to maximize the potential to find previously unrecorded sites and develop measures for their recordation and protection. This process

⁶ <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildfire-prevention-engineering/fire-hazard-severity-zones>

relies on the cooperation of trained resource professionals from multiple disciplines along with the invaluable information provided through first person sources and oral tradition. The three primary phases of this process can be summarized as follows: Research and Inquiry, Surveys and Notification.

Research and Inquiry:

- An archaeological records check must be prepared and submitted to the nearest Information Center, run by the Office of Historic Preservation that is part of the California Department of Parks and Recreation (see 14 CCR §929.1(a)(1)). For this plan, the nearest Information Center is located at Sonoma State University.
- An inquiry must be sent to the designated contacts found on the “Native American Contact List” found on the CAL FIRE website⁷ (see 14 CCR §929.1(a)(2)). This list is regularly updated and is formed in consultation with the Native American Heritage Commission⁸. The purpose of this inquiry is to inform local Native American representatives that a plan is being developed and allow them time to provide the RPF with information on sites of archaeological or cultural significance that should be addressed in the plan.
- Research must be conducted, and documented, to determine the likely historic and prehistoric resources that may be included in the survey area. This includes written materials/records as well as individuals who have specific knowledge of the plan area. (see 14 CCR §929.1(a)(4)).

Survey:

- A field survey of the proposed plan area must be conducted by a Professional Archaeologist⁹ or an individual who has completed an archaeological training program as specified in 14 CCR §929.4¹⁰. (See 14 CCR §929.1(a)(3))

⁷ <https://www.fire.ca.gov/programs/resource-management/resource-protection-improvement/environmental-protection-program/cultural-resources-management-program/>

⁸ <https://nahc.ca.gov/>

⁹ 14 CCR §895.1 - Professional Archaeologist means a person who holds at least a Bachelor of Arts or Science degree in Anthropology or Archaeology from a college or university and has completed at least three years of professional experience in research, writing, or project supervision in archaeological investigation or cultural resource management and protection programs.

¹⁰ 929.4, 949.4, 969.4 Archaeological Training Requirements [All Districts]

To meet the requirement of 14 CCR § 929.1 [949.1, 969.1], archaeological surveys of a plan, or Emergency Notice areas for archaeological or historical sites shall be conducted only by a professional archaeologist or a person who has attended a training program approved by the Director within five years prior to submission of the plan, or Emergency Notice. The training program must meet the following standards:

(a) The course shall use education materials approved by the Director which address the current regulations and procedures for the identification, recordation, and protection of archaeological and historical resources during Timber Operations.

(b) The course may require that the applicant demonstrate, in the field, and in a final written examination, the ability to conduct a record search, perform field identification, complete an archaeological site record,

Notification:

- All existing known and newly discovered Native American archaeological or cultural sites must be reported to the appropriate persons included on the “Native American Contact List” found on the CAL FIRE website¹¹. This notice contains information on who conducted the survey, when it happened, how each site is proposed to be protected and timelines for submitting comments to CAL FIRE. (see 14 CCR §929.1(b))

Documentation:

- The proposed harvest plan must include thorough documentation of the process described above. This section is called the Confidential Archaeological Addendum (CAA) and is not available for inspection by the public. (see Gov. Code § 6254(r)¹² and § 6254.10¹³):
 - Who conducted the survey, where the survey occurred and when it was done (See 14 CCR § 929.1(c)(1)).
 - A copy of the official records check that was sent to the Information Center (See 14 CCR § 929.1(c)(2)).
 - Results of the Native American inquiry (See 14 CCR § 929.1(c)(3)).
 - Results of the Native American Notification of sites in the plan area (See 14 CCR § 929.1(c)(4)).
 - List of all of the research conducted including reference documents, knowledgeable people consulting as well as a summary of this information (See 14 CCR § 929.1(c)(5)).
 - Information on the Archaeologist or Archaeological Surveyor who completed the field survey. (See 14 CCR § 929.1(c)(6)).
 - The specific survey methods and procedures that were used (e.g. survey intensity, time of year, ground visibility etc.) (See 14 CCR § 929.1(c)(7)).

and to identify appropriate mitigation and protection measures for archaeological or historical sites covered in the course.

(c) The Director shall issue a verification to all students that satisfactorily complete the training course.

(d) Following an individual's successful completion of an archaeological training course approved by the Director, he or she may enroll in a refresher training course, approved by the Director, to renew a 5-year archaeological training certification.

(e) The Director may conduct the archaeological training

¹¹ <https://www.fire.ca.gov/programs/resource-management/resource-protection-improvement/environmental-protection-program/cultural-resources-management-program/>

¹² Gov. Code § 6254(r): Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency.

¹³ Gov. Code § 6254.10 Nothing in this chapter requires disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

- Information on all sites within the plan boundary (See 14 CCR § 929.1(c)(8)).
- An Archaeological Coverage Map¹⁴ for the project area (See 14 CCR § 929.1(c)(9)).
- A preliminary determination on the significance of all identified sites in the plan area (See 14 CCR § 929.1(c)(10)).
- The proposed protection measures for all sites within the plan area (See 14 CCR § 929.1(c)(11)).
- Details for the pre-operational meeting between the RPF and the Licensed Timber Operator (LTO) to review protection measures (See 14 CCR § 929.1(c)(12)).
- Detailed site records for all sites located in the plan area. (See 14 CCR § 929.1(c)(13)).
- Any additional details necessary to complete the report (See 14 CCR § 929.1(c)(14 & 15)).

Post Review Site Discovery:

If, despite the above measures, a previously unknown historic or prehistoric site is located during Timber Operations, the following must occur:

- The person making the discovery must immediately inform CAL FIRE, the LTO, the RPF and the Timberland owner. (See 14 CCR § 929.3(a & b)).
- No Timber Operations may occur within 100 feet of the discovery until protection measures are proposed to CAL FIRE, and accepted as being appropriate to protect the site. (See 14 CCR § 929.3(c)).
- The plan will be amended to update the CAA to include the new information. (See 14 CCR § 929.3(d)).
- If a Native American archaeological or cultural site is part of the discovery, CAL FIRE will submit the information to the appropriate Native American contact.
- Upon receipt, the Director shall immediately provide the proposed minor deviation or portions of the minor deviation, to Native Americans when Native American archaeological or cultural sites are involved. (See 14 CCR § 929.3(e))

Conclusion

The CAL FIRE archaeologist has reviewed the plan for archaeological resources and determined that the plan has properly protected these resources.

¹⁴ Archaeological Coverage Map means the map or maps required as part of a Confidential Archaeological Addendum or a Confidential Archaeological Letter pursuant to 14 CCR §§ 929.1 [949.1,969.1] (c)(9) and 1052(a)(10). The map(s) shall contain a north arrow, a scale, and accurately display the project boundary, the Site Survey Area showing survey intensity(ies), and specific location of all archaeological and historical sites identified within the Site Survey Area. The map(s) must be on a 1:1 scale copy of a USGS 7.5' quadrangle(s), or digitally generated topographical equivalent. Additional maps at other scales may be required to more accurately display required information or increase clarity.

CEQA Thresholds of Concern (TOC) and Quantitative Versus Qualitative Assessments

The Board's rules do not require a specific method of cumulative impacts assessment, because the Board determined that no single, available procedure adequately addresses the wide range of site conditions and THP activities found in California. Technical Rule Addendum No. 2 provides the framework of what should be considered and what to look for with respect to conditions that may be at or near some level of concern. As stated in the Addendum, "The watershed impacts of past upstream and on-site projects are often reflected in the condition of stream channels on the project area." This is a critical element as it guides the RPF to focus on areas where cumulative watershed effects are known to accumulate. The Addendum then describes factors that can be used to evaluate the potential project impacts. Such factors include gravel embeddedness, pool filling, stream aggrading, bank cutting, bank mass wasting, downcutting, scouring, organic debris, stream-side vegetation, and recent floods. Taken together, they help inform the RPF about the status of the Environmental Setting (14 CCR §15125¹⁵) with respect to the impacts of past projects and will form the basis of a determination on the impacts of the proposed project.

¹⁵ **15125. ENVIRONMENTAL SETTING**

(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.

(1) Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.

(2) A lead agency may use projected future conditions (beyond the date of project operations) baseline as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public. Use of projected future conditions as the only baseline must be supported by reliable projections based on substantial evidence in the record.

(3) An existing conditions baseline shall not include hypothetical conditions, such as those that might be allowed, but have never actually occurred, under existing permits or plans, as the baseline.

(b) When preparing an EIR for a plan for the reuse of a military base, lead agencies should refer to the special application of the principle of baseline conditions for determining significant impacts contained in Section 15229.

(c) Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

(d) The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the Coastal Zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains.

(e) Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced as well as the potential future conditions discussed in the plan.

Comment writers take exception to the assessment produced by the Registered Professional Foresters claiming it to be subjective and not sufficient upon which to make determinations on potential plan impacts. Additionally, commenters propose alternative methods that quantify impacts based upon the expected change to vegetation. Attempts to codify statewide, quantitative standards for determining thresholds of concern for impacts have consistently proved problematic due to the wide variety of conditions found in California.

Faced with similar comments, the Board of Forestry addressed this issue during the rulemaking for Technical Rule Addendum #2 in 1991:

Final Statement of Reasons (FSOR) for Technical Rule Addendum #2 (1/18/91)

Pages-56-57 (In response to concerns on the need for Quantitative Data for establishing baselines):

Response - The Board reviewed several drafts of regulations before noticing the proposed language. One of the drafts offered to the Board by the Department contained a set of required measurements which could be reproduced as suggested.

Public comment received by the Board from the agencies and public convinced the Board that there is not a set of quantitative values which can withstand peer review in all areas which are affected by cumulative effects. The breadth of this expertise ranges from geologists, hydrologists, soils scientists, and various biologists.

Given this, the Board relied upon the experience of others in the field of cumulative effects and decided that a qualitative method would be most reliable for the decision maker. Most other agencies currently use the qualitative method which means that an independent analysis is conducted on each project. In this method available data is collected and evaluated to determine that defined topic and issue areas (i.e. stream bank or bed condition) are considered and a condition identified. There then are certain conditions which can be identified. One example is a lack of certain stream biota which indicate the threshold of significant cumulative effects has been reached.

To date, the quantitative methods identified by the Board rely upon numbers which are assigned on the basis of professional judgment. This means that it is only a modified qualitative analysis at best. An example of this is the Chatoian Method of Equivalent Roaded Acres being developed for use by the United States Forest Service. Recent field evaluations have shown that there is little relationship between Equivalent Roaded Acres and the conditions of the water quality in a watershed.

For these reasons the Board did not believe it could require a standardized set of data measurements in the THP regulations. Further, the data collected would have to be entered into a common data base if any analytical value is to be gained. This would be a costly proposition for the State. The Board believes that such a data base will ultimately be developed and will be invaluable but it should be sought at this time in a nonregulatory manner.

Proceeding with the development of a data base in this manner will allow the necessary data to be identified, the analysis process to be developed, the funding to be identified, and most of all the necessary peer acceptance of such a system to be nurtured.

Also page-70

Response - Refer to response No. 1 in the letter dated August 1, 1990 by Mr. Benjamin Kor, Northcoast Regional Water Quality Control Board. Further, the Board conducted an extensive review of cumulative effects methodologies during 1988 and 1989 most recently and has had at least two previous reports prepared on the topic. The Board in developing this proposal released several draft cumulative effects methodologies for peer review. These methods were originally quantitative to the extent numerical values were assigned to professional judgments. Those values were then totaled and used to estimate whether a cumulative effects threshold had been crossed. The peer review always resulted in criticism of the time required to develop determinations which still relied upon best professional judgment. In response the Board chose to pursue development of the adopted proposal which relies on an independent analysis which provides guidance on what measures must be considered when judging if a cumulative impact will occur. This method as is now currently used by most planning departments and other lead agencies. Use of this method requires information of sufficient detail to support a record of decision.

The CEQA Guidelines encourage agencies to develop specific Thresholds of Concern that can be applied to environmental review, but this is not required (14 CCR §15064.7(b)). For CAL FIRE, the establishment of Thresholds of Concern rest with the Board of Forestry and they will make the final determination on if, when and where these thresholds should be applied.

What is (and is not) Answered in an Official Response

In its simplest form, the Official Response (OR) is an apologia, which is latin for “speaking in defense.” This involves CAL FIRE providing an explanation for why the plan was approved within the context of the comments received. Usually, why the plan was approved over comments that it should be denied or modified. The OR is limited to only substantial environmental concerns (PRC §21080.5(d)(2)(D)¹⁶, 14 CCR §1037.8¹⁷, §1090.22¹⁸, §1094.21¹⁸) and does not address issues that are outside of CAL FIRE jurisdiction, involve points of law, or policy.

Public Comment

Public comment for this plan came in the form of several emails and letters. These concerns have been consolidated when appropriate for a response. The discussion preceding this section provides responses to broader questions received through public comment, and information below provides specific responses to individual questions responded to separately.

Response #1 (Noise Nuisance):

Concerns with noise disturbance have been acknowledged and included within the LTO’s instructions within Section II, Item 38 under Other LTO Instructions: THP timing restrictions within page-95 as shown below.

Other LTO Instructions: THP timing restrictions

- Active timber operations are limited to hours between 6:00 am and 6:00 pm (includes hauling)
 - Timber operations are prohibited on Sundays and holidays recognized by the U.S. Postal Service
- (Servicing logging equipment is not to be subject to these provisions and may occur at any time)

Response #2 (Slash Treatments and Erosion Control):

Concerns within the public comments include the disposal of slash along with the effects it may have with sedimentation. Section II, Item 18a. contains a plan to aid in soil stabilization / erosion control through slash treatment and is included below.

¹⁶ (d) To qualify for certification pursuant to this section, a regulatory program shall require the utilization of an interdisciplinary approach that will ensure the integrated use of the natural and social sciences in decision making and that shall meet all of the following criteria:... 2) The rules and regulations adopted by the administering agency for the regulatory program do all of the following: ... (D) Require that final action on the proposed activity include the written responses of the issuing authority to significant environmental points raised during the evaluation process.

¹⁷ At the time the Director notifies the plan submitter that the plan has been found in conformance, as described in 14 CCR 1037.7, the Director shall transmit a notice thereof to the agencies and persons referred to in 14 CCR 1037.3, and for posting at the places named in 14 CCR 1037.1. A copy of the notice shall be filed with the Secretary for Resources. The notice of conformance shall include a written response of the Director to significant environmental issues raised during the evaluation process.

¹⁸ §1090.22 and §1094.21 contain the same language related to the Official Response as §1037.8

Page-19:

SLASH Mulch
[X] Scattered Depth (inches): Approx 2 inch depth at time of application Percent coverage: 90% at time of application
[X] Packed Depth (inches) Approx 2 inch depth at time of application Percent coverage: 90% at time of application

Page-20:

All Watersheds Logging roads / Landings	Description of Treatments	Protection Measures	Timing
d.923.5(943.5, 963.5](1)&(m): treatments for sidecast or fill; cuts and fills associated w/ approaches to watercourse crossings; bare areas w/in WLPZ.	In compliance with 14 CCR 923.5(m) Soil stabilization, as required by 14 CCR 916.7, 923.5(1), 923.S(b) and 923.9 (p)(2) and (t)(2) will be accomplished by seeding, mulching, armoring with rip-rap, removal, slash packing, installing commercial erosion control devices, or chemical stabilizers.	923.5 (I) Bare soil on logging road or landing cuts, fills, transported spoils, or sidecast that is created or exposed by timber operations shall be stabilized to the extent necessary to minimize soil erosion and sediment transport and to prevent significant sediment discharge. Sites to be stabilized include, but are not limited to: (1) Sidecast or fill exceeding 20 feet in slope distance from the outside edge of a logging	Soil stabilization treatments shall be in place upon completion of operations for the year of use or prior to the extended wet weather period (October 15), whichever comes first. An exception is that bare areas created during the extended wet weather period (October 15 to May 1) shall be treated prior to the start of rain that generates overland flow, or within 10 days of the creation of the bare area(s), whichever is sooner.

		road or a landing that has access to a watercourse or lake. (2) Cut and fills associated with approaches to logging road watercourse crossings of Class I or II waters or Class III waters where an ELZ, EEZ, or a WLPZ/RMZ is required. (3) Bare areas exceeding 100 continuous square feet within a WLPZ/RMZ .	
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Additional information which explains hazard reduction treatments is included within Section II, Item 30 on page-81 and 82.

Response #3 (General Concerns about Fire Safety and Climate Change):

Answers to these general questions have been addressed above in the sections titled "Greenhouse Gas Sequestration" and "Fire Hazard Risk and Assessment".

Response #4 (Herbicide Use):

As discussed on pages-213, under "Future Activities", the actual use of herbicide is speculative at the time of submittal. This is due to the unknowns of whether additional measures will be necessary to insure the survival of planted trees. Additionally, a discussion on Chemical Contamination Effects in Section IV A 2d. In page-228 is found within the THP.

Page-228:

Any use of herbicides would be subject to a regulatory process unrelated to timber harvest regulation. Application of pesticides on timberlands is regulated by the Department of Pesticide Regulation and is monitored by the North Coast Regional Water Quality Control Board (NCRWQCB). The pesticide regulatory program administered by the Department and County Agricultural Commissioners is a certified regulatory program under the California Environmental Quality Act ("CEQA"), meaning that the requirements of CEQA are satisfied by environmental

review and documentation provisions of this program as it is applied to specific proposals for herbicide use. Further, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA evaluates all pesticides for environmental risks, and then registers pesticides for use in compliance with labeling conditions tailored to each pesticide. In conjunction with that process, EPA is required to consult with the Services under Section 7 of the Endangered Species Act.

Response #5 (Protected Species):

Concerns relating to suitable habitat retention were found within multiple public comments. GDRC has a Habitat Conservation Plan (HCP) which details habitat and species protection for the species listed below. This plan is approved and regulated by the US Fish and Wildlife Service and has received concurrence from the California Department of Fish and Wildlife as avoiding Take of the covered species.

Additionally, protected species and ways their habitat will be protected is described in Section II, Items 32, 33, and 35. starting on page-83 as well as Section III Addendum 32 starting on page-121 of the THP.

Response #6 (Creek Sedimentation):

The THP acknowledges the risks associated with the operation and includes watercourse and water quality protection measures to mitigate such hazards. The information is found within Section II, Item 18-page 18 Soil Stabilization / Erosion Control, Section II, Item 26-page 65 Watercourse Lake Protection Zone (WLPZ) Protection Measures, and Section IV A. page-216 Watershed Resources of the THP.

Response #7 (Conservation Easement Proposal):

The requirement for a THP to contain the alternative proposal language stems from a lawsuit in which the court required a discussion of alternatives to be included in each THP. There is no equivalent BOF regulation that describes how to accomplish this task or how to best conform to the court findings. The requirement to include an alternatives discussion in the THP was published by the Department as instructions to RPFs who prepare THPs. The alternatives discussion is located within Section 3 Analysis of Alternatives and begins on page-106 of the THP. Although there is not an alternative conservation easement proposed, the RPF is not required to do so.

14 CCR Sec 15126.6 implies that a discussion of alternatives would be required where it was needed to lessen significant impacts ("The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project..." emphasis added).

14CCR 897(a) states that the RPF shall "consider the range of feasible silvicultural system[s]... provided in these rules in seeking to avoid or substantially lessen significant adverse effects on the environment from timber harvesting." In addition, since CEQA requires the RPF to describe

“...a range of reasonable alternatives to the project, or to the location of the project which would feasibly obtain most of the basic objectives of the project, or substantially lessen any of the significant effects of the project...” the discussion constitutes a valid alternatives analysis.

SUMMARY AND CONCLUSIONS

The Department recognizes its responsibility under the Forest Practice Act (FPA) and CEQA to determine whether environmental impacts will be significant and adverse. In the case of the management regime which is part of the THP, significant adverse impacts associated with the proposed application are not anticipated.

CAL FIRE has reviewed the potential impacts from the harvest and reviewed concerns from the public and finds that there will be no expected significant adverse environmental impacts from timber harvesting as described in the Official Response above. Mitigation measures contained in the plan and in the Forest Practice Rules adequately address potential significant adverse environmental effects.

CAL FIRE has considered all pertinent evidence and has determined that no significant adverse cumulative impacts are likely to result from implementing this THP. Pertinent evidence includes, but is not limited to the assessment done by the plan submitter in the watershed and biological assessment area and the knowledge that CAL FIRE has regarding activities that have occurred in the assessment area and surrounding areas where activities could potentially combine to create a significant cumulative impact. This determination is based on the framework provided by the FPA, CCR's, and additional mitigation measures specific to this THP.

CAL FIRE has supplemented the information contained in this THP in conformance with Title 14 CCR § 898, by considering and making known the data and reports which have been submitted from other agencies that reviewed the plan; by considering pertinent information from other timber harvesting documents including THP's, emergency notices, exemption notices, management plans, etc. and including project review documents from other non-CAL FIRE state, local and federal agencies where appropriate; by considering information from aerial photos and GIS databases and by considering information from the CAL FIRE maintained timber harvesting database; by technical knowledge of unit foresters who have reviewed numerous other timber harvesting operations; by reviewing technical publications and participating in research gathering efforts, and participating in training related to the effects of timber harvesting on forest values; by considering and making available to the RPF who prepares THP's, information submitted by the public.

CAL FIRE further finds that all pertinent issues and substantial questions raised by the public and submitted in writing are addressed in this Official Response. Copies of this response are mailed to those who submitted comments in writing with a return address.

ALL CONCERNS RAISED WERE REVIEWED AND ADDRESSED. ALONG WITH THE FRAMEWORK PROVIDED BY THE FOREST PRACTICE ACT AND THE RULES OF THE ⁱⁱⁱBOARD OF FORESTRY, AND THE ADDITION OF THE MITIGATION MEASURES SPECIFIC TO THIS THP, THE DEPARTMENT HAS DETERMINED THAT THERE WILL BE NO SIGNIFICANT ADVERSE IMPACTS RESULTING FROM THE IMPLEMENTATION OF THIS THP.

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