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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: 2-23-00027-SHA

SUBMITTER: Sierra Pacific Industries

COUNTY: Shasta

END OF PUBLIC COMMENT PERIOD: May 22, 2023

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: May 23, 2023

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,

DocuSigned by:

A blue DocuSign signature box containing a handwritten signature that appears to be "Adam Deem". Below the signature is the alphanumeric string "AE5E25725914422...".

Adam Deem, RPF #2759
Forester II
Review Team Chair

cc: Unit Chief
RPF
Plan Submitter
Dept. of Fish & Wildlife, Reg. 1
Water Quality, Reg. 5
Public Comment Writers

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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 ₂ e	Carbon Dioxide equivalent	TPZ	Timber Production Zone
CSO	California Spotted Owl	USFS	United States Forest Service
DBH/dbh	Diameter Breast Height	USFWS	U.S. Fish & Wildlife Service
DPR	Department of Pesticide Regulation	WAA	Watershed Assessment Area
EPA	Environmental Protection Agency	WLPZ	Watercourse. & Lake Prot. Zone
FPA	Forest Practice Act	WQ	California Regional Water Quality Control Board
FPR	Forest Practice Rules	yr ⁻¹	per year
GHG	Greenhouse Gas		
ha ⁻¹	per hectare		
LBM	Live Tree Biomass		
LTO	Licensed Timber Operator		
LTSY	Long Term Sustained Yield		
m ⁻²	per square meter		
MAI	Mean Annual Increment		
MMBF	Million Board Feet		
MMTCO ₂ E	Million Metric Tons CO ₂ equivalent		
NEP	Net Ecosystem Production		
NEPA	National Environ. Policy Act		
NMFS	National Marine Fisheries Service		
NPP	Net Primary Production		
NSO	Northern Spotted Owl		
NTMP	NonIndust. Timb. Manag. Plan		
OPR	Govn's Office of Plan. & Res.		

Notification Process

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

- Notice of the timber operation is sent to all adjacent landowners if the boundary is within 300 feet of the proposed harvesting, (As per 14 CCR § 1032.7(e))
- Notice of the Plan is submitted to the county clerk for posting with the other environmental notices. (14 CCR § 1032.8(a))
- Notice of the plan is posted at the Department's local office and in 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

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.

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:

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.

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.

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.*

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.

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 making a decision 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/

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, this is 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)⁶, 14 CCR §1037.8⁷, §1090.22⁸, §1094.21⁸) 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 one email with attachments for cited literature. 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: (Sustainability of Harvests and “Option A” Demonstration of Maximum Sustained Production)

The Forest Practice Rules (Rules) require that all timber harvesting plans demonstrate that implementation provides for the Maximum Sustained Production of High Quality Timber Products (MSP). This can be accomplished in one of three ways, described below as options “a”, “b” or “c”:

⁶ (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.

⁷ 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.

⁸ §1090.22 and §1094.21 contain the same language related to the Official Response as §1037.8

913.11, 933.11, 953.11 Maximum Sustained Production of High Quality Timber Products

The goal of this section is to achieve Maximum Sustained Production of High Quality Timber Products (MSP). MSP is achieved by meeting the requirements of either (a) or (b) or (c) in a THP, SYP, NTMP, or WFMP, or as otherwise provided in Article 6.8, Subchapter 7, Subchapter 7, Chapter 4, Division 1.5, Title 14 of the California Code of Regulations.

- (a) Where a Sustained Yield Plan (14 CCR § 1091.1) or NTMP, or a WFMP has not been approved for an ownership, MSP will be achieved by:
- (1) Producing the yield of timber products specified by the landowner, taking into account biologic and economic factors, while accounting for limits on productivity due to constraints imposed from consideration of other forest values, including but not limited to, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment and aesthetic enjoyment.
 - (2) Balancing growth and harvest over time, as explained in the THP for an ownership, within an assessment area set by the Timber Owner or Timberland Owner and agreed to by the Director. For purposes of this subsection the sufficiency of information necessary to demonstrate the balance of growth and harvest over time for the assessment area shall be guided by the principles of practicality and reasonableness in light of the size of the ownership and the time since adoption of this section using the best information available. The projected inventory resulting from harvesting over time shall be capable of sustaining the average annual yield achieved during the last decade of the planning horizon. The average annual projected yield over any rolling 10-year period, or over appropriately longer time periods for ownerships which project harvesting at intervals less frequently than once every ten years, shall not exceed the projected long-term sustained yield.
 - (3) Realizing growth potential as measured by adequate site occupancy by species to be managed and maintained given silvicultural methods selected by the landowner.

- (4) Maintaining good stand vigor.
 - (5) Making provisions for adequate regeneration. At the plan submitter's option, a THP may demonstrate achievement of MSP pursuant to the criteria established in (b) where an SYP has been submitted but not approved.
- (b) Where a SYP, NTMP, or WFMP is submitted for an ownership, an approved SYP, NTMP, or WFMP achieves MSP by providing sustainable harvest yields established by the landowner which will support the production level of those high quality timber products the landowner selects while at the same time:
- (1) meeting minimal stocking and basal area standards for the selected silvicultural methods as provided in these Rules as described;
 - (2) protecting the soil, air, fish and wildlife, water resources and any other public trust resources;
 - (3) giving consideration to recreation, range and forage, regional economic vitality, employment and aesthetic enjoyment;
 - (4) balancing growth and harvest over time. The projected inventory resulting from harvesting over time shall be capable of sustaining the average annual yield achieved during the last decade of the planning horizon. The average annual projected yield over any rolling 10-year period, or over appropriately longer time periods for ownerships which project harvesting at intervals less frequently than once every ten years, shall not exceed the projected long-term sustained yield. A THP which relies upon and is found to be consistent with an approved SYP shall be deemed adequate to achieve MSP.
- (c) In a THP, NTMP, or WFMP, MSP is achieved by:
- (1) For evenage management, meeting the minimum stand age standards of 14 CCR § 913.1(a)(1), meeting minimum stocking and basal area standards for the selected silvicultural methods as contained in these Rules only with group A species, and protecting the soil, air, fish and wildlife, water resources and other public trust resources through the application of these Rules; or
 - (2) For unevenaged management, meeting minimum stocking and basal area standards for the selected silvicultural methods as contained in these Rules, and protecting the soil, air, fish and wildlife, water resources and other public trust resources through the application of these Rules.
 - (3) For intermediate treatments and special prescriptions, complying with the stocking requirements of the

- individual treatment or prescription.
- (4) Timberland ownerships totaling 50,000 acres or less may use subsection (c) to show MSP.
 - (5) Timberland ownerships of 50,000 acres or more may use subsection (c) through December 31, 1999. Thereafter they may use subsection (c) if an SYP or demonstration of achievement of MSP pursuant to 14 CCR § 913.11(a) [933.11(a), 953.11(a)] has been filed with the department and has not been returned unfiled or approved.
 - (6) For scattered parcels on Timberland ownerships of 50,000 acres or more, subsection (c) may be used to show MSP.

Because SPI owns more than 50,000 acres only options “a” or “b” are available to them for the demonstration that proposed operations meet MSP. This demonstration was provided as part of THP 2-97-359-SHA Amendment #5 which was approved on September 16, 2002. To remain valid, implementation of subsequent Timber Harvesting Plans must show that they are consistent with the original demonstration. Also, SPI provides public and confidential monitoring reports to CAL FIRE on an annual basis to demonstrate that operations at the ownership and district level are consistent with the original analysis. The most recent public monitoring report is included with this response.

In addition to the information contained within the public portion of the plan, additional detailed information was provided for confidential review by CAL FIRE. This information is protected as Trade Secret pursuant to Government Code §§6254(k) and 6254.7(d), Civil Code §§3426—3426.11, and Evidence Code §1060. This information contains additional detail with respect to current inventory, the growth of the ownership within the Northern Forest District and harvests expected from the ownership over time. Both the public and Trade Secret portions of the Option “a” document were reviewed as part of THP 2-97-359-SHA and found to be in conformance with the Forest Practices Act and Forest Practice Rules.

**General Summary - Annual Harvest Summary
(under SPI's Northern, Coast and Southern District Option A Demonstrations of MSP)**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	1999-2022		
All Lands	503,564	490,402	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	10,339,837	
Actual	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309
Allowed	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309	522,309
Accumulated Underharvest	18,745	31,907	73,224	45,770	107,960	85,088	25,295	83,842	51,118	87,268	120,691	92,658	141,770	123,470	53,282	187,816	118,163	161,920	141,688	146,839	179,446	88,860	3,428	2,343	2,380,904	4.2 yrs	
% of Allowed	96%	94%	88%	91%	79%	84%	75%	84%	90%	83%	77%	63%	73%	76%	90%	64%	77%	69%	73%	72%	68%	86%	95%	96%	96%	96%	81.2%
Option A Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23				

Since 1999
Ave. Salvage % 96%
Ave. Salvage % 07.27

As discussed above, every THP that is submitted by SPI must show conformance with the original Option “a” demonstration. Significant deviations due to unforeseen or unmodeled conditions requires an explanation within the THP. No model can perfectly align with implementation over time, but the implementation must show consistency. This can be shown by reporting acres harvested on an annual basis, timber volumes from those harvests along with current estimated of standing forest inventory. For landowners such as SPI that rely upon evenage management and plantations for attainment of MSP, field measurements of existing plantations can be monitored and compared to the predictions of the original model to judge consistency.

Specific to the concern letter a number of preliminary points should be noted. The concern letter provides an aerial image which reportedly shows the proposed plan area and vicinity. This image is described as being in Shasta County and showing lands owned by SPI. In reality, this image is showing primarily lands in Siskiyou County a majority of which are not owned or operated by SPI. Furthermore, the sustainability of Timber Operations cannot be evaluated visually, but requires a more nuanced and site-specific evaluation of many factors including, but not limited to: Silviculture proposed, stand ages, stand health, history or harvests, natural disasters (e.g. wildfire or insect damage), landowner objectives and many others. The site-specific and field-based evaluation of these operations cannot be overstated. Satellite imagery provides one of many methods for characterizing forests, and CAL FIRE relies on an interdisciplinary approach comprised of many information sources to make a determination on whether or not a plan conforms to the Forest Practice Act, Forest Practice Rules and the demonstration of MSP for SPI timberlands.

CAL FIRE believes that SPI implementation has remained consistent with their original Option “a” across their ownership in general and within this THP in the specific. The letter requested that CAL FIRE provide SPI monitoring reports to further substantiate the claim that operations are sustainable. The public portion of the SPI annual monitoring report is provided above. The other monitoring reports are not subject to public disclosure as they are protected Trade Secret pursuant to Government Code §§6254(k) and 6254.7(d), Civil Code §§3426—3426.11, and Evidence Code §1060.

It is important to reiterate as discussed above, that SPI operations are required to show sustainability. The scale over which this is demonstrated is based upon the specific plan

approved by CAL FIRE. In the case of SPI, this is shown on a district basis and is reported annually as part of the confidential monitoring reports.

SUMMARY AND CONCLUSIONS

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

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

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

CAL FIRE has supplemented the information contained in this THP in conformance with Title 14 CCR § 898, by considering and making known the data and reports which have been submitted from other agencies that reviewed the plan; by considering pertinent information from other timber harvesting documents including THP's, emergency notices, exemption notices, management plans, etc. and including project review documents from other non-CAL FIRE state, local and federal agencies where appropriate; by considering information from aerial photos and GIS databases

and by considering information from the CAL FIRE maintained timber harvesting database; by technical knowledge of unit foresters who have reviewed numerous other timber harvesting operations; by reviewing technical publications and participating in research gathering efforts, and participating in training related to the effects of timber harvesting on forest values; by considering and making available to the RPF who prepares THP's, information submitted by the public.

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

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