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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: 1-23-00025-NAP

SUBMITTER: Aaron Harkin

COUNTY: Napa

END OF PUBLIC COMMENT PERIOD: June 5, 2023

DATE OF OFFICIAL RESPONSE/DATE OF APPROVAL: June 26, 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 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.

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Appendix A (TCP Exemption Materials)

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

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 the 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 THPs 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 and 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 RPF response, and the recommendations of the review team chair before deciding 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 inspections will depend upon the plan size, duration, complexity, regeneration method, and 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 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 no violations 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, administrative, 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.

Public Comment

Public comment for this plan came in the form of one letter. The comment, in its entirety, has been broken down into sub-comments to better address the specific concerns raised.

Comment 1-1: Regarding: Calistoga Hills Resort, formerly Enchanted Hills Resort, public comment on Timber Harvest Plan/Timber Conversion Plan/THP/TCP; 1-23-0025-NAP, (previous THP 1-13-126NAP) including a Notice of Exemption/NOE for this TCP, approved by the City of Calistoga for 24.94 acres of permanent conversion to a subdivision with 36 lots without meeting the criteria to mitigate for significant environmental impacts.

This THP/TCP can not be approved by CalFire due to the City of Calistoga as a lead agency failing to protect the environment through CEQA requiring an Environmental Impact Report due to significant environmental impacts for this TCP for conversion of 24.94 acres of forest to a subdivision. The City of Calistoga improperly signed to file a Notice of exemption/NOE for this TCP and CalFire must not accept this NOE filing by the City of Calistoga. The NOE filing for the TCP states that there will be significant environmental impacts but these impacts are mitigation based on the 2012 EIR for 13 lots. Additionally, the NOE has NOT been met for these reasons?

Response 1-1: The City of Calistoga (the Lead Agency pursuant to PRC § 21067) evaluated the entirety of the project within the Final Environmental Impact Report for the Enchanted Resorts Project (SCH No. 2010082028) (FEIR) and the Initial Study/Addendum to Enchanted Resorts Project Final Environmental Report for Proposed Calistoga Hills Resort Project Modifications (Addendum). The FEIR explicitly considered impacts related to the conversion of forest land to non-forest use and mitigated those potential impacts to a less than significant level through the implementation of MM AFR-2a, MM AFR-2b, MM AFR-2c, MM AFR-2d, MM AFR-2e, MM AFR-2f, and MM AFR-2g within the FEIR¹ which was certified August 21, 2012². The Addendum, which was certified November 28, 2018³, explicitly considered those impacts as well and implemented the same mitigation measures to reduce potential impacts to a less than significant level⁴.

Regarding the THP's compliance with the California Environmental Quality Act (CEQA), the regulation of timber harvesting operations by CAL FIRE pursuant to the Z'berg Nejedly Forest Practice Act of 1973⁵ (Act) is a certified regulatory program under which the THP is submitted in lieu of an Environmental Impact Report⁶. Though an Environmental Impact Report is not produced, THPs created pursuant to this regulatory program must still comply with the substantive provisions of CEQA, including the requirement to mitigate significant environmental impacts⁷; in fact, such requirements are also explicit within the Forest Practice Rules themselves⁸, including the requirements of 14 CCR § 896(a), which reads as follows:

¹ DRAFT Environmental Impact Report, Enchanted Resorts Project, Michael Brandman Associates, February 10, 2012. Pgs. ES-7 through 10, and 3.2-1 through 3.2-9

² City of Calistoga Resolution 2012-061

³ City of Calistoga Resolution 2018-21

⁴ Enchanted Resorts Project Final Environmental Report for Proposed Calistoga Hills Resort Project Modifications, FirstCarbon Solutions, September 20, 2018. pgs 31 through 35.

⁵ Chapter 8, Part 2, Division 4 of the Public Resources Code

⁶ PRC 21080.5, 14 CCR § 15251

⁷ 14 CCR § 15250

⁸ Chapter 4, Division 1.5, Title 14, California Code of Regulations

(a) The purpose of the Forest Practice Rules is to implement the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 in a manner consistent with other laws, including but not limited to, the Timberland Productivity Act of 1982, the California Environmental Quality Act (CEQA) of 1970, the Porter Cologne Water Quality Act, and the California Endangered Species Act. The provisions of these Rules shall be followed by Registered Professional Foresters (RPF's) in preparing Timber Harvesting Plans, and by the Director in reviewing such Plans to achieve the policies of the Act as described in §§ 4512, 4513, 21000, 21001, and 21002 of the Public Resources Code (PRC), and §§ 51101, 51102 and 51115.1 of the Government Code. It is the Board's intent that no THP shall be approved which fails to adopt Feasible mitigation measures or alternatives from the range of measures set out or provided for in these Rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under CEQA because the timber harvesting regulatory program has been certified pursuant to PRC § 21080.5. In recognition of that certification and PRC § 4582.75, these Rules are intended to provide the exclusive criteria for reviewing THPs. If the Director believes that there are significant adverse environmental impacts not covered in existing Rules, matters should be referred to the Board as otherwise specified in these Rules.

14 CCR § 897(a) requires that:

RPFs who prepare Plans shall consider the range of Feasible Silvicultural Systems, operating methods and procedures provided in these Rules in seeking to avoid or substantially lessen significant adverse Effects on the environment from timber harvesting.

14 CCR § 898 requires that:

After considering the Rules of the Board and any mitigation measures proposed in the Plan, the RPF shall indicate whether the operation would have any Significant Adverse Impact on the Environment. On TPZ lands, the harvesting per se of trees shall not be presumed to have a Significant Adverse Impact on the Environment. If the RPF indicates that significant adverse impacts will occur, the RPF shall explain in the Plan why any alternatives or additional mitigation measures that would significantly reduce the impact are not Feasible.

Cumulative Impacts shall be assessed based upon the methodology described in Board Technical Rule Addendum Number 2, Forest Practice Cumulative Impacts Assessment Process and shall be guided by standards of practicality and reasonableness. The RPF's and Plan submitter's duties under this section shall be limited to closely related past, present and Reasonably Foreseeable Probable Future Projects within the same ownership and to matters of public record. The Director shall supplement the information provided by the RPF and the Plan submitter when necessary to ensure that all relevant information is considered.

Finally, 14 CCR § 898 requires that CAL FIRE disapprove all THPs which “[d]o not incorporate Feasible Silvicultural Systems, operating methods and procedures that will substantially lessen significant adverse impacts on the environment.”

Provided these statutory and regulatory requirements and structure, the proposed THP assessed the potential cumulative impacts of the timber operations⁹, consistent with the

⁹ Def. PRC § 4527

guidance provided in Board Technical Rule Addendum Number 2¹⁰, on pages 121 through 230 of the proposed plan, the results of which are summarized in the table on page 124 and reprinted below:

- (3) Will the proposed project, as present, in combination with past, present, and reasonable foreseeable, probable, future projects identified in items (1) and (2) above, have a reasonable potential to cause or add to significant cumulative impacts in any of the following resource subjects?

	Yes after mitigation (a)	No after mitigation (b)	No reasonably potential significant effects (c)
(A) Watershed			X
(B) Soil Productivity			X
(C) Biological		X	
(D) Recreational			X
(E) Visual			X
(F) Traffic			X
(G) Greenhouse Gases (GHG)		X	
(H) Wildfire Risk and Hazard		X	
(I) Other			X

Mitigations to address biological, greenhouse gas, and wildfire risk and hazard resource subjects have been analyzed both in the context of the entire project within the FEIR, as well as in relation to the potential Timber Operations permitted by the THP development, review, and approval process. Regarding the mitigation of potential impacts to Biological resources, page 192 of the plan provides a summary as follows:

¹⁰ 14 CCR § 912.9

Specific mitigation measures required in the certified project EIR are applicable to timber operations and are summarized below. Enforceable standards implementing these mitigation measures are also included in THP Section 2.

MM BIO1-b

Survey for sharp-shinned hawk nesting activity by a qualified biologist is required when ground clearing or vegetation removal activities occur during the nesting season (March 1 through August 3), if nesting is observed, the biological monitor shall establish an appropriate no-work buffer around the nest site during the breeding season.

MM BIO-1c

Prior to ground disturbance activities that occur during the breeding season for the pallid bat (October 15 through February 15), all existing structures within project site and associated utility alignments shall be surveyed for pallid bats and their roosts by a qualified biologist. If pallid bats or their roost sites are found within the project site or associated utility alignments, avoidance measures are specified.

MM BIO-1d

Nesting surveys by a qualified biologist are required if ground clearing or vegetation removal activities occur during the nesting season (March 1 through August 31). Surveys shall be conducted no more than 15 days prior to the beginning of ground disturbance. If an active nest is located, a 500-foot buffer shall be delineated and maintained around the nest until a qualified biologist has determined that fledging has occurred. Alternatively, CDFG may be consulted to determine if the protective buffer can be reduced based upon individual species responses to disturbance.

In addition to analysis performed in the certified EIR, impact of proposed timber operations on habitat for northern spotted owl is required by the forest practice rules (14 CCR §919.9): "Every proposed timber harvesting plan, THP, conversion permit, Spotted Owl Resource Plan, or major amendment located in the Northern Spotted Owl Evaluation Area or within .7 miles of a known northern spotted owl activity center outside of the Northern Spotted Owl Evaluation Area shall follow one of the procedures required in subsections (a)-(g) below for the area within the THP boundary as shown on the THP map and also for adjacent areas as specified in this section."

Regarding Greenhouse Gas Emissions, the carbon emissions of the proposed project of 31.69 metric tonnes of CO₂ will be mitigated through the offset in sequestration provided by the silvicultural systems proposed in the plan of 2,644 metric tonnes of CO₂ across 100 years. It is calculated within the plan that carbon stocks will be recouped from the initial harvest and conversion in 6 years based on project specific information¹¹.

In addressing potential impacts to wildfire risk and hazard, the plan proposes the following mitigation measures:

¹¹ 1-23-00025-NAP page 212

MM HAZ-4

“Prior to issuance of the first building permit, the project applicant shall retain a California licensed forester to prepare and submit a plan to the City of Calistoga that addresses the following issues, including but not limited to wildland-urban interface fire safety issues, including fire-resistant construction, vegetation management and maintenance, and other wildland fire safety requirements set forth in the City’s Municipal Code. The forester shall coordinate with the project architect, as necessary, to ensure project buildings to meet building code requirements for new construction in Urban Wildland “Very High Severity Zones.” The Calistoga Fire Chief shall review the plan and, if necessary, recommend changes to achieve compliance with Municipal Code standards prior to issuance of the first building permit. The approved plan shall be incorporated into the proposed project.”

This mitigation measure is partially addressed in the project Forest Management Plan. The Forest Management Plan identifies a 100-foot defensible space for fire protection around all structures and 29.1 acres of forest reserves to be managed for forest health, viewshed protection and as an additional defensible buffer from wildland fires.

This THP will complete the first entry treatment described in the Forest Management Plan for the Forest Reserves and Fire-Safe Zones, thus contributing to achievement of the first phase of vegetation management and maintenance requirement of this mitigation measure.

In 2019 the Forest Management Plan was updated to include the 12.3 acres of area amended by substantial deviation. The 2019 addendum identifies 7.9 acres of the 12.3 acres as Fire Safe Zones and will be managed as a defensible buffer from wildfires.

Finally, though the conversion of Timberlands to uses other than the growing of timber is a component of the project, such conversion and removal of trees is for the purpose of subdivision development where the subdivision has had a tentative subdivision map approved and a subdivision use permit granted by the city or county having jurisdiction, and as such, is eligible for exemption from Timberland Conversion Permits pursuant to PRC § 4628. In order for such an exemption to occur, the project proponent must satisfy the conditions for an exemption for Conversion of Non-TPZ Land for Subdivision Development, which are explicit within 14 CCR § 1104.2. The applicant submitted information related to the subdivision and materials to support and evidence the satisfaction of the regulatory conditions of 14 CCR § 1104.2, which CAL FIRE reviewed¹² and found to be exempt from Timberland Conversion Requirements. Additional materials provided by the applicant in demonstration of compliance with 14 CCR § 1104.2 are appended to this document as Appendix A.

Comment 1-2: The City of Calistoga improperly and illegally filed for a CalFire NOE on 1.23.23 because significant environmental impacts have not been mitigated for this 24.94 acres of forest conversion to a subdivision with 36 lots. Hence the City of Calistoga does not qualify per NOE criteria for an NOE.

Response 1-2: Please see response to Comment 1-1.

¹² CAL FIRE Subdivision Exemption Number 23-001EX, June 2, 2023

Comment 1-3: CalFire should not be poised to approve this NOE to avoid the applicant applying for a Timber Conversion Permit/TCP due to failing to consider and notify the public through CEQA of these 'other permits':

Response 1-3: CAL FIRE and the project proponent have complied with all public disclosure and notification requirements within the Forest Practice Act and Rules. Additionally, please see response to Comment 1-1.

Comment 1-3-1: 1. This NEW TCP which will permanently eliminate 24.94 acres of trees, hence the forest, for a 36 lot subdivision in the steep mountains of the City of Calistoga without an EIR for this significant change to the Calistoga Hills Resort project. The City of Calistoga instead relies on an obsolete EIR in 2012 that does not include this TCP for 24.94 acres and these 36 lots which will cause significant environmental impacts. The 2012 EIR was for 13 lots. When a project has modifications beyond minor a new EIR is required by CEQA. Going from 13 lots to 36 lots and substantial deforestation causes significant environmental impacts requiring an EIR.

Response 1-3-1: Please see response to Comment 1-1.

Comment 1-3-2: 2. There is no Calistoga Tree Ordinance filed by the applicant for this TCP/THP. The NOE states that all permits must be in compliance with criteria to be met for the NOE.

Response 1-3-2: Documentation of necessary approvals by the city council having jurisdiction in compliance with 14 CCR § 1104.2(b) and (c)(8) can be found within Appendix A of this document.

Comment 1-3-3: 3. There is no National Pollution Discharge Eliminations System permit for this THP/TCP. This violates the criteria of the NOE signed by the City of Calistoga

Response 1-3-3:
Please see response to Comment 1-3-2.

Comment 1-3-4: 4. There is no approved erosion control plan for the TCP operations of permanent forest conversion and development to 36 lots for this subdivision on 24.94 acres on fragile mountain soils.

Response 1-3-4: The erosion control plan for the THP can be found on pages 50-52 of the THP. Please see response to Comments 1-3-2.

Comment 1-3-5: 5. There is no Storm Water Application Permit for all the runoff that will come from this loss of forest to hardscape subdivision. The California State San Francisco Regional Water Quality Control Board/RB2 must notify CalFire that the water quality concerns for this THP/TCP have been met. I have not seen this water quality sign off for this project at the CalTrees website for public comment purposes. Can you make this available to the public at this site?

Response 1-3-5: The plan considers impacts related to water quality and soil loss consistent with the guidance provided in the Forest Practice Rules within 14 CCR § 912.9. The analysis of these impacts can be found on pages 128-145. Additionally, The San Francisco Bay Regional Water Quality Control Board reviewed the proposed plan as a part of the Interdisciplinary review team established by 14 CCR § 1037.5(a), with a representative from the Regional Board attended the PHI. Regarding general watercourse protection, the review team reported the following:

The multi-agency review team evaluated the Class I pond and the associated Class II spring. Protection measures meet the Forest Practice Rules. No recommendations were made during the PHI. ¹³

Regarding construction activities related to the project that result in hardscape conditions, such activities are not related the THP and have been considered and analyzed in the project EIR and addendum, with specific mitigation measures, including MM HYD-2, MM HYD-4, to address any potential impacts.

The interdisciplinary review team established by 14 CCR § 1037.5 reviewed the plan and conducted a field evaluation of the proposed plan during the initial, or “preharvest” inspection (PHI), as required by PRC § 4604. During the PHI, the review team noted that:

The erosion control points and watercourse crossings in Section II of the THP were developed by RGH consulting and later improved upon by BKF Engineering and approved by the City of Calistoga. All map points were evaluated by the multi-agency review team during the PHI. No recommendations were made during the PHI. The Erosion Control Plan on THP pages 50-51 meet or exceed the Forest Practice Rules. The road layout has been engineered to provide ingress and egress for the approved subdivision. The road system and drainage facilities have been designed to reduce potential adverse impacts and protect watercourses downstream. ¹⁴

Finally, please see response to Comments 1-3-2 and 1-3-4.

Comment 1-4: This THP/TCP fails to notify the public through the California Environmental Quality Act/CEQA for the purposes of public comment and mitigation of significant environmental impacts of this project. The City of Calistoga is the lead agency for an Environmental Impact Report and this has not been done, dramatically failing the public trust.

Response 1-4: Please see responses to Comments 1-1 and 1-3.

Comment 1-5: Here are examples of the public’s concerns:

Comment 1-5-1:• The Napa River is listed on the 303(d) list of the Clean Water Act due to sediment, nutrients, pathogens, and pesticides.

• This THP and TCP will contribute significant sediment to the Napa River through increased rate of surface runoff due to deforestation and hardscape causing stream and River incision. The Napa River is deeply incised due to past THPs/TCPs, with steep 10-40ft. bank erosion and bed downcutting. ICARE Board members regularly kayak the Napa River and access to the

¹³ Preharvest Inspection Report for 1-23-00025-NAP, May 1, 2023, Kim Sone. P. 6

River is very difficult due river incision. There are significant cumulative impacts from increased rate of runoff.

- Collapse of bed and banks of the stream and river causes increased sedimentation covering up spawning gravel and threatens steelhead and Chinook salmon spawning and rearing habitats in Simmons Creek and the Napa River. Steelhead are a threatened specie and Chinook are endangered.

Response 1-5-1: Evaluation of potential watershed impacts from timber harvesting and other activities, including impacts related to sedimentation and potential chemical contamination are explicitly assessed and analyzed on pages 128 through 142 of the proposed plan. Additionally, the plan contains soil stabilization and erosion control measures on pages 21-27 of the plan. An erosion control plan is included on pages 50-52 of the plan. Explicit watercourse protection measures are described on pages 54 through 65. The plan does not propose deviation from any watercourse protection regulations, including those required for the protection of anadromous salmonids. No adverse effects to water resources or endangered aquatic species are expected to occur as a result of the proposed Timber Operations.

Comment 1-5-2:• There are no surveys for the California Red Legged Frog known to be in the streams here and sighted by Chris Malan, Executive Director of ICARE during snorkel surveys for steelhead in 2000 and 2002.

Response 1-5-2: Scoping and assessment for the California Red-legged frog, including evaluation of potential habitat and description of presence within the project area are detailed on page 181 of the plan. Project specific protection measures, which include prohibitions and limitations to timber operations surrounding adjacent suitable habitat., are described on pages 77 and 78 of the plan. No impacts to, or take of, California Red-legged frog is expected to occur.

Comment 1-5-3:• The Napa River all around Calistoga is habitat and known sightings of California Fresh Water Shrimp that are endangered. Sedimentation in stormwater runoff, stream bed and bank failure due to increased rate of run off (from deforestation) harms spawning and habitat for this specie.

Response 1-5-3: The THP does not propose any in-channel operations or any modification of aquatic habitat. Potential impacts to biological resources, including freshwater shrimp, can be found within the THP on pages 145-197. Please see response to Comment 1-5-1.

Comment 1-5-4:• Is the applicant going to use pesticides? If so, what are the mitigations to reduce harm to listing species and plants. Also, is erosion control adequate to prevent runoff of these harmful chemicals.

Response 1-5-4: The plan does not require the use of herbicides, but their potential use is assessed and analyzed on pages 133-141 of the plan. The plan does not propose the use of pesticides. Additionally, please see response to Comment 1-5-1.

Comment 1-5-5:• Rare and special status plants have not been surveyed during the required survey period for the purposes of an EIR.

Response 1-5-5: Scoping, analysis, and assessment of Botanical resources is provided on pages 146 through 153 and pages 186 through 193. Project and species-specific protection measures can be found on pages 80-81.

Comment 1-5-6:• Northern Spotted Owl/NSO has been sighted within this project. How many 'takes' have occurred in Napa County for the NSO?

Response 1-5-6: The comment is outside the scope of the proposed action and is unrelated to a significant environmental concern.

Comment 1-5-7: • This site has 6 slide areas not properly studied given horrendous storm events due to climate change in 2023 where rainfall in this region was 125% of normal causing massive landslides and road closures to date.

Response 1-5-7: Timber Operations proposed within the plan were reviewed and evaluated by registered engineering geologists prior to submission of the plan. Reports on those evaluations can be found on pages 553 through 594 of the THP. Additionally, the interagency review team established by 14 CCR § 1037.5 evaluated unstable areas on the PHI and found that all unstable areas were properly identified, and any associated operations were appropriate and properly mitigated, noting that:

Unstable areas and map points were evaluated during the PHI. The erosion control points and watercourse crossings were developed by RGH consulting and later upgraded by BKF engineering and ultimately approved by the City of Calistoga. This THP is connected by a TCP as well as an Final EIR. Seasonal roads within the plan area are proposed to be upgraded to permanent paved roads. The road system combined with surface flow water catchment has been developed by BKF engineering to mitigate any erosion and water runoff associated with roads. The engineered plan has been reviewed and approved by the City of Calistoga.¹⁵

Comment 1-5-8:• We just came out of an 8 year drought. The Napa River Sub-Basin aquifer is seriously depleted requiring a Groundwater Sustainability Plan where groundwater pumping will be regulated soon. The North Bay Aqueduct reduced Napa's allocation to 5% of the normal allocation, during the drought at its worst. Calistoga is fresh water impaired.

Response 1-5-8: The plan and associated Timber Operations do not propose any groundwater pumping.

Comment 1-5-9:• Significant cumulative impacts

Response 1-5-9: Please see response to Comment 1-1.

Comment 1-5-10:• Calistoga's wastewater treatment plant has violated the Clean Water Act by releasing wastewater beyond their NPDES permit. How does this project impact the capacity of Calistoga's wastewater treatment?

¹⁵ Preharvest Inspection Report for 1-23-00025-NAP, May 1, 2023, Kim Sone. P. 7

Response 1-5-10: The Draft EIR Section 3.8 – Hydrology and Water Quality, and Appendix I: Storm Drainage Memo describe the management of stormwater, and mitigation measure mM HYD-2 reduces potential impacts to less than significant. No adverse effects are expected as a result of the proposed plan.

Comment 1-5-11:• Deforestation causes green house gas emissions causing climate change. The 2012 EIR does not address this, nor are there any mitigations for this severe environmental impact Therefore, an environmental impact report must be done for this THP/TCP.

Response 1-5-11: Please see response to Comment 1-1.

Comment 1-6: ICARE requests an extension of time to comment on this THP/TCP beyond 6.5.2023 due to:

- the City of Calistoga being unresponsive and non-transparent about their lead agency responsibilities regarding significant environmental impacts, public notifications for the purpose of public hearings and public comment and public trust responsibilities regarding this project
- ICARE’s request for documents has not been responded to to date. A PRA may be needed.
- CEQA requires on EIR for this TCP
- RB2’s sign off of this project
- THP availability for public comment
- TCP availability for public comment-not the NOE since the NOE fails to qualify under the criteria that significant environmental impacts have NOT been mitigated
- Chair’s request on 5.25.2023 for more information and 10 extra days for public comment
- TCP threatens NSO foraging and fledgling habitat-Take permit per ESA
- Survey for California Fresh Water Shrimp and Ca. Red-legged frog needed

Also, noted is that CalFire/Chair’s recommendation of: 5.26.2023 1.Section II page 82 of the THP must be met prior to approval and thus allows for 10 more days to keep the comment period open beyond 6.5.2023 work days due to this information needed by CalFire’s Chair.

Response 1-6: The THP was initially submitted to CAL FIRE on February 23, 2023. Since that time, the THP and all documents associated with the review of the THP have been available for public review and comment in compliance with 14 CCR §§ 1037.3 and 1037.4. Additionally, there is no provision in the Forest Practice Act or Rules for extension of the public comment period (or the Director’s Determination date) at the request of a member of the public. Furthermore, please see response to comment 1-1.

Summary and Conclusions

The Department recognizes its responsibility under the Forest Practice Act 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 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, Rules, 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.

NOTE: An accessible version of Appendix A from this document is available, upon request, from the California Department of Forestry and Fire Protection via email at the following address:
SantaRosaReviewTeam@fire.ca.gov