

620-24M

**OFFICIAL NOTICE OF CONFORMANCE**  
**For Timber Harvesting Plans (THPs), Non-Industrial Timber Management Plans (NTMPs),**  
**and Substantial Deviation to THPs and NTMPs**  
**NORTHERN HEADQUARTERS - SANTA ROSA**  
**DATE: 8/26/2024**

The harvesting plans listed below have been found by the Director of CAL FIRE to be in conformance with the Forest Practice Act and the regulations of the Board of Forestry 1-24-00079-SCR

Plan number County Cost	Plan Type	Landowner and plan Submitter (SUB)	RPF	Acres	Legal Description/Watershed	Description
1-24-00079-SCR Santa Cruz 37 cents/page	Timber Harvest Plan	Lynn Knight, Kenneth Paddon, Kyle Theriot, Patrice Theriot, Theresa Theriot, Karen Theriot Reader, Suzanne Theriot- Large, Jean Wall, Valle de Oso, LLC SUB: Kyle Theriot	DENNIS WEBB	171.60	MDBM: T10S R1E S33 , MDBM: T11S R1E S4 Watershed: Valencia Creek (3304.130201)	Selection

The filed plan and associated review documents may be viewed at either the appropriate field office (see below), at the Review Team Office (see above) or through the internet at: <https://caltreesplans.resources.ca.gov/CalTREES/>. All documents on the site are in PDF format and are readable via the free reader from Adobe Acrobat: that can be downloaded from: <http://www.adobe.com/>. To purchase a photocopy by mail please contact the Review Team Office above for number of pages and pricing.

This notice is posted in compliance with Section 1037.1 of Title 14 of the California Code of Regulations.

**TO POSTING AGENCY:** Please post this Notice at the place where official notices concerning Environmental Quality Act compliance are usually posted. If there are questions, contact the Review Team Office listed above.

cc: Unit (3), RPF, TLO(3)/TO(4)/PS, CC, SAC (email), BOE (email), Post, File, PC(1)  
Posting Period is 30 Days

RECEIVED  
CLERK OF THE BOARD  
AUG 29 2024  
BOARD OF SUPERVISORS  
COUNTY OF SANTA CRUZ

THIS NOTICE HAS BEEN POSTED AT THE CLERK  
OF THE BOARD OF SUPERVISORS OFFICE FOR A  
PERIOD COMMENCING 8/30/2024  
AND ENDING 9/29/2024



DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
NORTHERN REGION HEADQUARTERS  
135 Ridgway Ave.  
Santa Rosa, CA 95401  
(707) 576 – 2959  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)

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

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

TIMBER HARVESTING PLAN (THP) No: 1-24-00079-SCR  
SUBMITTER: Kyle Theriot  
COUNTY: Santa Cruz  
END OF PUBLIC COMMENT PERIOD: August 5, 2024  
DATE OF RESPONSE: August 26, 2024

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

If the plan is accepted for filing, and a PHI is determined to be needed, the PHI is conducted to evaluate the adequacy of the THP. All agency personnel who comprise the interdisciplinary Review Team are invited to attend the PHI as well as other experts and agency personnel whom the Department may request. During this field review, additional mitigations and/or recommendations may be formulated to provide greater environmental protection. These recommendations are forwarded to the RPF along with the Review Team member's PHI Report. The RPF will respond to the recommendations made and forward the responses to the Region office and Second Review Team Chair.

A Second Review Team meeting is held where members of the interdisciplinary Review Team meet to review all the information in the plan, and develop a recommendation for the Director (14 CCR § 1037.5(g)(2)). Prior to and/or during this meeting the Review Team examines all field inspection reports, considers comments raised by the public, and discusses any additional recommendations or changes needed relative to the proposed THP. These recommendations are forwarded to the RPF. If there are additional recommendations, the RPF will respond to each recommendation, and forward those responses to the regional office in Santa Rosa.

The representative of the Director of the Department reviews all documents associated with the proposed THP, including all mitigation measures and plan provisions, written correspondence from the public and other reviewing agencies, recommendations of the interdisciplinary Review Team, and the RPF's responses to questions and recommendations made during the review period. Following consideration of this material, a decision is made to approve or deny a THP.

If a THP is approved, timber operations may commence, provided that the conditional requirements for commencement of timber operations in the plan and the rules have been satisfied. The THP is valid for up to five years, and may be extended under special circumstances for a maximum of two more years, for a total of seven years.

Prior to commencing logging operations, the RPF must meet with the licensed timber operator (LTO) to discuss the THP (14 CCR § 1035.2); a CAL FIRE representative may attend this meeting. The Department makes periodic field inspections to check for THP and rule compliance. The number of inspections depends upon the plan size, duration, complexity, and the potential for adverse impacts. Inspections include, but are not limited to, inspections during operations pursuant to PRC § 4604(a), inspections of completed work pursuant to PRC § 4586, erosion control monitoring per PRC § 4585(a), and stocking inspection as per PRC § 4588.

The contents of the THP, the Forest Practice Act and the Forest Practice Rules, provide the criteria which CAL FIRE inspectors use to determine compliance. While the Department cannot guarantee that there will be no violations, it is the Department's policy to vigorously pursue the prompt and positive enforcement of the Forest Practice Act, the Forest Practice Rules, related laws and regulations, and environmental protection measures that apply to timber operations on non-federal land in California. This enforcement is directed primarily at preventing forest practice violations, and secondarily at prompt and adequate correction of violations when they occur.

The general means of enforcement of the Forest Practice Act, the rules, and other related

Director. The THP must identify and briefly describe “past, present, and Reasonably Foreseeable Probable Future Projects,” and describe “any continuing significant adverse impacts from past land use activities within the assessment area(s) that may add to the impacts of the proposed project.” (14 CCR § 932.9.) Finally, the Appendix to TRA 2 provides extensive guidelines for the RPF’s evaluation of whether the THP will “cause or add to significant adverse Cumulative Impacts.”

**FOREST PRACTICE TERMS**

Abbreviation	Meaning	Abbreviation	Meaning
ASP	Anadromous Salmonid Protection	FPR	California Forest Practice Rule
BMP	Best Management Practice	LTO	Licensed Timber Operator
BOF	California Board of Forestry and Fire Protection		
CAL FIRE	Calif. Dept. of Forestry & Fire Protection	NCRWQCB	North Coast Water Quality Control Board
CCR	California Code of Regulations	NSO	Northern Spotted Owl
CCSTA	Coastal Commission Special Treatment Area	OR	Official Response
CDFW	California Department of Fish and Wildlife	PC	Public Comment
CEG	Certified Engineering Geologist	PHI	Pre-Harvest Inspection
CEQA	California Environmental Quality Act	PRC	Public Resources Code
CESA	California Endangered Species Act	NCRWB/RWB	Regional Water Quality Control Board
CIA	Cumulative Impacts Assessment	RPF	Registered Professional Forester
CGS	California Geological Survey	STA	Special Treatment Area
CSDS	Controllable Sediment Discharge Sources	THP	Timber Harvesting Plan
DBH/dbh	Diameter Breast Height	TPZ	Timber Production Zone
DDD	Director’s Determination Date	USFWS	U.S. Fish and Wildlife Service
DPR	Department of Parks and Recreation	WAA	Watershed Assessment Area
ECA	Equivalent Clearcut Area	WDR	Waste Discharge Requirements
ECP	Erosion Control Plan	WLPZ	Watercourse and Lake Protection Zone

[sic] Word used verbatim as originally printed in another document. May indicate a misspelling or incorrect word usage

## SUMMARY OF SIGNIFICANT ENVIRONMENTAL GENERAL CONCERNS WITH RESPONSES

1. Concern: Domestic Unstable Soil  
PC-1

**Comment:** *My primary concerns are these: The large scale disturbance of the forest floor. The soil here is primarily sand, and highly unstable. The logging and skid roads cross many active and seasonal waterways, in proximity to Valencia Creek. While the THP is quite detailed in mitigation measures, I remain concerned about and respectful of the unstable nature of the soil in this area.*

**Response:** The THP is a site-specific document that combines the Rules, which are measures developed and intended to address and minimize potential significant adverse effects on the environment, along with specific measures chosen by the RPF intended to mitigate or avoid potential impacts based upon the conditions found within the THP area. Together, these measures form the basis upon which the RPF concludes whether or not the THP will result in a significant adverse effect on the environment and if operations are expected to result in a significant cumulative effect.

For potential erosion impacts, the THP contains a detailed plan containing numerous restrictions and limitations on timber operations that are specifically intended to address erosion from the proposed operations. These details are included in Section II (Operations) portion of the THP and are summarized below:

- Item #17 on page 19 discloses the Erosion Hazard Rating (EHR) for the plan area. The plan exhibits Moderate to High EHR.
- Item #18 on pages 20-33 describes the specific soil stabilization measures designed to prevent soil from moving out of the logging area in general and into streams specifically including:
  - Any treatments that are necessary to prevent Significant Sediment Discharge to watercourses or lakes.
  - Any treatments necessary for side cast or road fill materials (including areas of bare soil exceeding 100 square feet) that have the potential to enter a watercourse or lake.
  - Any treatments necessary to stabilize soils within a Watercourse and Lake Protection Zone where the land is not capable of filtering sediment.
  - Any treatments necessary to stabilize or reduce sedimentation potential at existing or new watercourse crossings.
  - Any treatments necessary for features that cannot be hydrologically disconnected from a watercourse.
- Items #19-21 on pages 24-28 specify the limitations on the use of tractor operations on steep slopes and unstable areas and any additional erosion control measures necessary to keep sediment onsite and out of watercourses and lakes.

from the proposed timber operations. An example of the proof of the request for information on Domestic Water Supplies by letter as well as Proof of Publication has been included in THP Section V.

Analysis of potential significant environmental effects resulting from the proposed Timber Operations are located within Section IV of the Plan, and include analysis of potential impacts to both watershed and soil productivity resources. The plan proposes operations which have minimal potential to result in soil or earth movement, combined with measures that are intended to prevent and protect any earth or soil from moving. The result of the proposed operations are unlikely to result in or contribute to a significant adverse effect to watercourses or soil stability within and downstream of the project area.

2. Concern: Native Flora Regeneration  
PC-1

**Comment:** *I am also concerned about the native plant communities, and their ability to regenerate after the soil disturbance and the erosion mitigation efforts. The mastication and application of the slash will also cover the soil surface for an extended period of time, which could hamper the regrowth of some species.*

**Response:** Given the lack of special-status species found within the plan area and it being a homogenous stand in terms of species composition, it is unlikely for THP operations to have an impact on native flora regeneration. The PHI further goes on to confirm the statements made by the RPF during the scoping process.

PHI

*The timber harvest area was surveyed by Dylan Neubauer, Botanical Consultant during May of 2022. The survey is included on page 220 of the plan. No special-status species were found.*

*Protection measures stated in the plan are appropriate for protection of wildlife and plants during operations for this THP. See the CDFW PHI report posted on the CAL TREES website for more information regarding the biological resources within the area of the plan. Items 32 thru 35 are adequately addressed.*

CAL FIRE has determined that it is unlikely for THP operations to have a significant impact on native flora regeneration.

3. General Concern: Long-term Waterway Sustainability  
PC-1

CAL FIRE received one public comment indicating general concerns related to waterway sustainability.

Proposed operations related to and surrounding watercourses are described within the THP in Section II, Item 14: silviculture and watercourse and lake protection zones (pages 10 through 16), Items 18 through 21: soil stabilization and ground-based equipment, in which the proposed THP imposes prescriptive requirements to operations adjacent to watercourses (pages 21 through 28), Item 23: winter operations, in which the plan imposes prescriptive conditions for conducting operations from October 15 through May 1 to address climatic effects during that period (pages 29 through 33.1), Item 24: road work, in which the proposed THP provides a tabular description of existing and potential significant

o 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 seasonal] 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

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.

Moderate and High Fire Hazard Severity Zone. This designation was made by CAL FIRE as part of a statewide assessment. Additional details and information can be found on the CAL FIRE website.<sup>7</sup>

*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.*

The assessment of potential hazards is reasonable based on 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 RPF's conclusion that the plan will not have a significant adverse effect on Wildfire Risk and Hazard.

5. General Concern: Valencia Creek Bridge, Valencia Road, and Bear Valley Road Damage  
PC-1

**Comment:** *The impact of lumber trucks on already crumbling roadways on Bear Valley and Valencia Roads is of great concern. The Valencia Creek Bridge was constructed by the WPA in 1935, and is a beloved local landmark. While I know this falls outside the scope of the Big Creek contract, the structural integrity of the bridge is a fundamental community responsibility. Recent inquiries to County Public Works show that the bridge is due for inspection this month--July. We assume that the inspection indeed occurs, and that extra care is taken in assuring that the bridge remains intact. Finally, we are all concerned about post-logging stewardship, and the interdependent nature of fire safety and preparedness.*

**Response:** Provided that all roads of concern are owned by the county, this issue exists beyond the jurisdiction of CAL FIRE. The plan submitter is not responsible for the maintenance of county infrastructure. Pursuant to state law within the Forest Practice Act and Rules CAL FIRE regulates the harvest of timber on private lands, and the road use on roads located within the THP boundary which are owned by the subject timberland owner and roads considered appurtenant to the plan. Appurtenant roads are defined as:

*a logging road under the ownership or control of the timber owner, timberland owner, timber operator, or plan submitter that will be used for log hauling. (Ref. 14 CCR § 895.1)*

As a result, only roads under the complete ownership or control of the timber owner, timberland owner, timber operator, or plan submitter are under CAL FIRE jurisdiction and subject to the provisions of the Forest Practice Rules. Issues regarding the use of non-appurtenant roads located outside of the THP boundary are of a civil nature, beyond CAL FIRE jurisdiction, and must be pursued by the any parties who have been damaged. To this end, PRC § 4572 requires that all licensed timber operators (LTO's) in the state have general liability insurance before they are allowed to conduct timber operations: