Timber Harvest Plans in California
Review, Tracking, and Comment-Writing

Rob DiPerna, California Forest and Wildlife Advocate
Environmental Protection Information Center (EPIC)
EPIC’s Private Forestlands Advocacy

- ~33,238,00 acres of forestland in California
- ~13.2 million acres of private forestlands in California (about 40 percent of total forestland base)
- EPIC monitors private timber harvest in seven counties in NW California.
- EPIC’s private forestlands advocacy has helped shape forestry law, regulation, and policy in California
- EPIC’s work has lead to long-term conservation: (e.g. Sinkyone Wilderness State Park, Gillham Butte, Headwaters Forest Reserve)
Why Monitor Private Lands Logging?

- Logging on private lands can affect forest, wildlife, and watershed resources
- Advocate for a better project
- Watchdog industry and state activities
- Ensure compliance with state and federal laws
- Protect the public’s interest in forestland management, conservation, restoration, enhancement, and stewardship
Primary California State Laws
Nexus for Public Participation in Private Forestry

- California Environmental Quality Act (CEQA) (1970)
- California Timberland Productivity Act (TPA) (1982)
- California Z’berg-Negedy Forest Practice Act (FPA) (1973)
Other Applicable State and Federal Laws

- Federal Endangered Species Act (ESA)
- Federal Clean Water Act (CWA), including 303(d) and TMDLs
- California Endangered Species Act (CESA)
- California Porter-Cologne Water Quality Control Act (Porter-Cologne)
- California Administrative Procedures Act (APA)
- California Global Warming Solutions Act
What is a Timber Harvest Plan?

- Functional Equivalent of a CEQA Environmental Impact Report (EIR)
- Subject to CEQA “Certified Regulatory Program,” as a “Functional Equivalent,” of an EIR
- Discretionary permitting process for private forestland owners
- Also serves as environmental analysis document
- Rules and regulations promulgated by Board of Forestry (Title 14, California Code of Regulations Section 895 et seq.)
- Review and approval process administered by CAL FIRE as “lead agency”
Players in the THP Process

- Private Timberland Owner
- Registered Professional Forester (RPF)
- Licensed Timber Operator (LTO)
- CAL FIRE (“Lead Agency”)
- Other Review Team Agencies (DFW, CGS, Regional Water Boards, Native American Heritage Commission, Counties, etc.)
- General Public
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>THP</td>
<td>Timber Harvest Plan</td>
</tr>
<tr>
<td>CAL FIRE</td>
<td>Department of Forestry and Fire Protection</td>
</tr>
<tr>
<td>DFW</td>
<td>Department of Fish and Wildlife</td>
</tr>
<tr>
<td>RPF</td>
<td>Registered Professional Forester</td>
</tr>
<tr>
<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
</tr>
<tr>
<td>PRC</td>
<td>Public Resources Code</td>
</tr>
<tr>
<td>FPA</td>
<td>Forest Practice Act</td>
</tr>
<tr>
<td>FPR</td>
<td>Forest Practice Rules</td>
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</table>
## Important Rule Sections

<table>
<thead>
<tr>
<th>Article</th>
<th>Section</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Article 1 (14 CCR 895)</td>
<td></td>
<td>Abbreviations and Definitions</td>
</tr>
<tr>
<td>Article 2 (14 CCR 912)</td>
<td></td>
<td>Ratings and Standards. Includes Cumulative Impacts Assessment Checklist, Technical Rule Addendum No. 2 (14 CCR 912.9)</td>
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<tr>
<td>Article 3 (14 CCR 913[933, 953])</td>
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<td>Silvicultural Methods</td>
</tr>
<tr>
<td>Article 6 (14 CCR 916 [936, 956])</td>
<td></td>
<td>Watercourse and lake protection measures</td>
</tr>
<tr>
<td>Article 9 (14 CCR 919[939, 959])</td>
<td></td>
<td>Wildlife protection practices</td>
</tr>
</tbody>
</table>
Timber Harvest Plan Review Process

1. THP submitted to Cal Fire by Plan Proponent

2. Within 10-days of receipt:

3. THP is assigned a number, distributed to review team agencies. First Review conducted.

4. If THP is accepted for filing:

5. Review Team Conducts Pre-harvest Inspection within 10 days

6. Second Review held within 20 days after PHI

7. Public comment closed 10 days following Second Review

8. Agency Nonconcurrence must be filed within 5 days after review team meeting

9. Directors determination made within 15 days following close of public comment unless extended
To challenge a THP:

Present Substantial Evidence that a project may have a significant effect on the environment based on substantial evidence in light of the whole record.
Defining Substantial Evidence

Substantial evidence: facts, reasonable assumptions based on facts, or expert opinion supported by facts, including:

- Enough relevant information and reasonable inferences that a fair argument can be made to support a conclusion, even if other conclusions can also be reached.

- Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.

- Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate.

- Evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.
Challenging a Timber Harvest Plan Approval

An abuse of discretion may be shown only if the decision is not based on substantial evidence, or if the department did not proceed in the manner required by law in approving the plan.
Finding a Copy of the THP

All THPs and related documents submitted to CALFIRE are now available on the CaLTrees Website

Click “Search Timber Harvest Documents”

*Hint: you do not need a user name or password!

https://caltreesplans.resources.ca.gov/caltrees/
Locating THP Status Table

Click on “Reports” then Click on “THP Status”
The THP table will pop up as a PDF

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**Timber Harvesting Plans**

<table>
<thead>
<tr>
<th>Harvest Document</th>
<th>Received</th>
<th>Filed</th>
<th>Approval</th>
<th>Tentative End of Public Comments</th>
<th>Ext Public Comment Period Closed</th>
<th>Total Acres</th>
<th>Watershed</th>
<th>Location</th>
<th>Land Owner(s)</th>
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<td>8/15/2019</td>
<td>18/5/2019</td>
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<td>TO R0 50 SALSIPUEDES</td>
<td>CASTRO VALLEY PROPERTIES LLC</td>
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Finding a THP—Query Short-Cuts
Query Menu Features

Record 1-14-103-HUM:

Timber Harvest Plan

Record Status: Approved

Record Details

Licensed Professional:
TODD J TRUESDELL
TRUESDELL
PO BOX 2517
MCKINLEYVILLE, CA, 95519
RPF 002969

Project Description:
LADOO WEST

“Record Details” will show:
timberland owner/plan submitter/RPF/LTO
(Or refer to Attachments, Section I, Items #1-5).
...Menu Features

Application Information & Table shows:

- Total Acres
- Detailed Location Information
- Township and Range
- Planning Watershed

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<th>Meridian: Humboldt</th>
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<tr>
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<tr>
<td>Range:</td>
<td>02E</td>
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<tr>
<td>Acreage:</td>
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<thead>
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<td>County:</td>
<td>HUMBOLDT</td>
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<tr>
<td>Township:</td>
<td>05S</td>
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<tr>
<td>Range:</td>
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<tr>
<td>Name:</td>
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<tr>
<td>CALWATER Version:</td>
<td>Upper Sprout Creek 2.2</td>
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### More Details

#### Attachments

Attachments below are for the selected record and may include any additional associated records.

To sort the Attachments list click on the column header of your choosing to toggle between ascending or descending order.

The maximum file size allowed is 250 MB.

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<td>Related</td>
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<td>Actions</td>
</tr>
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Contents of a Timber Harvest Plan

Section I: Legal description and information

Section II: Operational Provisions of Plan

Section III: Supporting materials, explanations

Section IV: Cumulative Impacts Assessment

Section V: Attachments, e.g. plant surveys, NSO documentation, EHR calculations

Section VI: Confidential Archeological Information
<table>
<thead>
<tr>
<th>Item #</th>
<th>Description</th>
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<tbody>
<tr>
<td>14(a)</td>
<td>Silviculture</td>
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<tr>
<td>16</td>
<td>Yarding methods</td>
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<td>17</td>
<td>Erosion Hazard Rating</td>
</tr>
<tr>
<td>23</td>
<td>Winter operations</td>
</tr>
<tr>
<td>24</td>
<td>Roads and landings</td>
</tr>
<tr>
<td>26</td>
<td>Watercourse and lake protections</td>
</tr>
<tr>
<td>27(a)</td>
<td>Alternative watercourse and lake protections in lieu of standard rules</td>
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<tr>
<td>32</td>
<td>Wildlife observances and enforceable provisions</td>
</tr>
</tbody>
</table>
THP Section 2 Item 14 Silviculture

SECTION II - PLAN OF TIMBER OPERATIONS

NOTES: (1) Specific LTO operational information should be provided in Section II. (2) If a provision of this THP is proposed that is different than the standard rule, the explanation and justification should normally be included in Section III. (3) Mapping requirements are identified under 1034(x). Additional maps may be used to provide the information required, to show specific details, or to improve map clarity.

Note to Reviewer: For purposes of this THP, the term "(RMZ)" (Riparian Management Zone) is listed along with WLPZ in the plan to show the relationship to Green Diamond's Aquatic Habitat Conservation Plan. The (RMZ) serves the same function as a WLPZ.

SILVICULTURE

14. a. Check the Silvicultural methods or treatments allowed by the rules that are to be applied under this THP. Specify the option chosen to demonstrate Maximum Sustained Production (MSP) according to 14 CCR 913.11. If more than one method or treatment will be used show boundaries on map and list approximate acreage for each.

[ ] Clearcutting 147.5 ac.  
[ ] Shelterwood Prep. Step ac.  
[ ] Shelterwood Seed Step ac.  
[ ] Shelterwood Removal Step ac.  
[ ] Seedtree Seed Step ac.  
[ ] Seedtree Removal Step ac.

[ ] Selection 52 ac.  
[ ] Group Selection ac.  
[ ] Transition ac.

[ ] Commercial Thinning ac.  
[ ] Sanitation Salvage ac.  
[ ] Special Treatment Area ac.

[ ] Rehabilitation ac.  
[ ] Fuelbreak ac.  
[ ] Variable Retention ac.

[ ] Aspen Restoration ac.  
[ ] Alternative Prescription ac.  
[ ] Road Right of Way ac.

[ ] Conversion ac.  
[ ] No Harvest Area (RSMZ/GEO) 43 ac.

Total acreage: 242.5 ac. Explain if total is different from that in 8.  

MSP option: (a) [ ] (b) [ ] (c) [ ]

*Note: Additional discussion of silvicultural treatments is included in Section III Item #14.
### HARVESTING PRACTICES

16. Indicate type of yarding system and equipment to be used:

<table>
<thead>
<tr>
<th>GROUND BASED*</th>
<th>CABLE</th>
<th>SPECIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) [X] Tractor, including end/long liners</td>
<td>d) [ ] Cable, ground lead</td>
<td>g) [ ] Animal</td>
</tr>
<tr>
<td>b) [X] Rubber tired skidder, Forwarder</td>
<td>e) [ ] Cable, high lead</td>
<td>h) [ ] Helicopter</td>
</tr>
<tr>
<td>c) [X] Feller buncher</td>
<td>f) [X] Cable, Skyline</td>
<td>i) [ ] Other:</td>
</tr>
<tr>
<td>j) [X] Shovel Loader</td>
<td></td>
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</tr>
</tbody>
</table>

*(All tractor operations restrictions apply to ground based equipment)*

Within even-aged harvest units, tractor and rubber tired skidder use shall be limited to clearing and skidding of felled timber associated with road construction and reconstruction. Such use shall adhere to mitigations and restrictions associated with Road Construction and Road Reconstruction and Ground Based Yarding Operations as described throughout this THP. Such use is not proposed between October 15 and May 15, unless otherwise permitted in this THP. Also refer to ground based mitigations and time of year restrictions in Item 18 and time of year restrictions in Item 23.

17. Indicate Erosion Hazard Ratings present on THP.

[X] Low [X] Moderate [X] High [ ] Extreme

If the information above does not match the EHR worksheets, clarify why, below. If more than one rating is checked, areas must be delineated on map to 20 acres in size (10 acres for high and extreme EHRs in the Coast District).

**Refer to EHR worksheet in Section V and the Detailed THP maps in Section II.**

18. Soil Stabilization: Describe, as required, soil stabilization measures or additional erosion control measures to be implemented (including the location of application).

**NOTE:** Road related activities in this THP will comply with the requirements of the California Water Quality Control Board (CWQCB) Order R1-2010-0044 (*Waste Discharge Requirements for Discharges Related to Road Management and Maintenance Activities conducted pursuant to GDRCo’s AHCP*). Forest management related activities in this THP will comply with the requirements of the CWQCB Order R1-2012-0087 (*Waste Discharge Requirements for Discharges Related to GDRCO’s Forest Management Activities Conducted within the Area Covered by its AHCP*). A discussion of the orders is located in Section III, Item #25 of the THP, and a copy of the orders are on file at the Cal Fire Santa Rosa and Fortuna offices. Watercourse crossing related activities will be conducted under the procedures and standards described in the property wide Master Agreement for Timber Operations from Department of Fish and Wildlife (MATO No. 1600-2010-0114-R-1). A discussion of the agreement is located
THP Maps – End of Section II

Map Types:
- Appurtenant Roads
- Overview Map
- Individual THP Unit/Silviculture Maps
- Others?
Issues of Concern

- Maximum Sustained Production of High-Quality timber products
- Sequestration of carbon dioxide
- Recreation
- Watersheds
- Wildlife
- Fisheries
- Aesthetic enjoyment
Presenting a “fair argument” via “substantial evidence”

- Cite relevant rules
- Cite relevant State and Federal laws
- Cite items from THP
- Cite best available science
- Cite agency reports, including past statements
- Cite alternative resources (e.g. CNDDB, CALWatershed Mapper, DPR database)
### Comment Content

**General Structure Suggestions**

Use letterhead with date, means of transmission, agency contact address and email

| Opening Paragraph | • Whose behalf the comments are being submitted  
|                   | • Agency proposed action  
|                   | • Summary position statement on the proposed project |

| Body Paragraphs  | • For each paragraph: Topic sentence for key issue/supporting evidence/conclusion  
|                 | • Endangered Species  
|                 | • Watersheds  
|                 | • Cumulative Impacts, etc… |

| Conclusion       | • Restate position/ summarize argument  
|                  | • Make an “ask”  
|                  | • Request future updates on projects |

End letter with your name, title, contact info and signature
Effective Comment Content

- Develop a Theme.
- Identify the specific factual and legal issues you will address.
- Research each issue to determine what supporting evidence you can present.
- Very Important to tie arguments to evidence!!
Getting Your Comments Submitted

- Create the letter in final format and sign it.
- Label all appendices and documents as referenced in the letter, and put them in the order referenced.
- Combine letter with attachments to create pdf file(s).
- Make a copy of letter and all attachments and place in your electronic folder or paper file.
- For North Coast Region THPs Submit comments to: santarosapubliccomment@fire.ca.gov
Exhaustion of Administrative Remedies

Why we comment

- Raise facts and issues with enough specificity.
- Requires full presentation of issues.
- As potential plaintiffs, to provide an impressive record in the event of litigation.
- While exceptions do exist, one should always presume that you must thoroughly exhaust all administrative remedies prior to litigation
Questions?
Resources

- Environmental Protection Information Center
  www.wildcalifornia.org

- CA Private Lands Timber Permit library (THPs, Salvage..)
  https://caltreesplans.resources.ca.gov/caltrees/

- Cal Watershed Mapper
  http://frap.fire.ca.gov/watersheds/mapper.html

- California Native Diversity Database
  http://www.dfg.ca.gov/biogeodatabase/cnndb/

- DFG IMAPS GIS
  http://www.dfg.ca.gov/biogeodatabase/gis/imaps.asp
PROTECTING FORESTS AND WILDLIFE SINCE 1977

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Environmental Protection Information Center—(EPIC)
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Arcata, CA 95521

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rob@wildcalifornia.org www.wildcalifornia.org