


**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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July 11, 2019

Lost Coast League,

**Response to public concerns brought to CAL FIRE by the Lost Coast League (LCL) regarding Timber Harvesting Plans 1-12-026 HUM and 1-14-034 HUM.**

An active inspection was conducted on July 9, 2019 to investigate public concerns and will be documented as an official inspection into both timber harvesting plans (THP) referenced above.

During the inspection both THPs were found to be in compliance with the California Code of Regulations (CCR), the provisions of the THPs and Humboldt Redwood Company's (HRC) NSO Habitat Conservation Plan (HCP).

One issue brought forward by the Lost Coast League (LCL) was related to the protection areas for the Northern Spotted Owl (*Strix occidentalis caurina*, NSO), specifically their movement and protection zone information being submitted as a minor amendment (i.e. deviation) to the THP. Another issue that the LCL presented to CALFIRE was the possibility of operations being conducted inside the core protection zone of NSO site #292, prior to approval of the minor amendment.

The first concern brought to our attention by LCL was that the change of status or movement of an NSO activity center (in both THPs) did not meet the intent of the Forest Practice Rules. LCL claims that the information provided in the minor amendments is too significant to be processed as a minor.

The two types of deviations allowed under an approved THP pursuant to the FPRs are listed below:

**From the California Forest Practice Rules Definitions 895.1:**

**Minor Deviations** means any change, minor in scope, in a plan which can reasonably be presumed not to make a significant change in the conduct of timber operations and which can reasonably be expected not to significantly adversely affect timberland productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment.

**Substantial Deviation** means changes that are not "minor deviations" as defined in § 895.1 and are presumed to be substantial deviations because they could significantly affect the conduct of timber operations and potentially could have a significant adverse effect on timber productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage, recreation and aesthetic enjoyment. Such actions include, but are not limited to:

- (1) Change in location of timber harvesting operations or enlargement of the area to be cut.
- (2) Change in the silvicultural method and cutting system on any portion of the plan area.

(3) Change in type or location of logging (yarding) system or basic type of equipment.

(4) Change in location, nature or increase in length of proposed logging roads incorporating one or more of the following criteria:

(A) Any road in the Watercourse and Lake Protection Zone or where sidecast will extend into the Watercourse and Lake Protection Zone.

(B) Any road located in an extreme Erosion Hazard Rating area in the Coast or Northern Forest District, or a high Erosion Hazard Rating area in the Southern Forest District.

(C) Any road where the average side slope exceeds 50%.

(D) Any road where unstable areas, active soil movement, or slide areas must be traversed.

(E) Any increase in gradient allowed by the District Rules as an exception and not provided for in the original plan.

(F) Any road extension of more than 600 feet (182.9 m).

(5) Any use of existing roads not shown in the original plan when reconstruction work to allow for vehicle travel will be substantial. Substantial work on an existing road means more than minor repair and dressing of the travel surface and removal of vegetation to allow for vehicle passage.

(6) Use of any roads not shown in the plan which would affect the key habitat of rare or endangered species or other critical wildlife habitat.

(7) Enlargement of landings where such enlargement was not justified in the original plan.

(8) Any change of operation in, or designation of, the Watercourse and Lake Protection

Zone.

(9) Any downgrading of stream classification.

(10) A change to winter operation where summer operations was previously specified.

Please also see as defined by the Board of Forestry (BOF), **Significant new information** under CCR 895.1.

**Regarding THP 1-12-026 HUM, minor amendment #11:** NSO surveys are conducted prior to operations in each year of operations. This amendment constituted appropriate reporting of the current-year survey data, so that the NSO utilizing this activity center would be appropriately protected. This is in conformance with The California Forest Practice Rules (FPR), US Fish & Wildlife (USFWS) guidance and HRC's Habitat Conservation Plan. **Because take of NSO was avoided by affording the appropriate protections, the amendment is minor, as defined by the FPRs.**

Regarding timing of operations after the receipt and approval of the Minor Deviation.

As per:

**14 CCR 1040 Report Minor Deviation**

Minor deviations may be undertaken by the person who submitted the plan without submission of an amendment to the plan and shall be reported immediately in writing to the Director.


Actions described in 14 CCR 895.1 which are normally presumed to be substantial deviations may, in a given instance, be minor deviations. Actions listed as substantial deviations in 14 CCR 895.1 but considered to be minor by the submitter, may be undertaken only if the person who submitted the plan submits the proposed deviation in writing to the Director for review and receives approval. Approval shall be given if the Director determines that the proposed minor deviation conforms to the standards provided in 14 CCR 895.1. The Director shall have five (5) working days to act on the application. If the Director or the Director's representative does not act within five (5) working days of receipt of such a deviation, Timber Operations may commence pursuant to such amendment.

This amendment was received on June 25, 2019 and the internal work flow function of the

California Timber Regulation and Environmental Evaluation System (CALTREES) documents acceptance of this amendment June 28, 2019. The date stamp on the amendment is the date it was routed to the Unit.

**Regarding THP 1-14-034 HUM, minor amendment #4:** An annual survey prior to operations is required and intended to provide the current activity center location so that it can be protected. The current location is being added to the list of locations that are receiving protection, as negotiated with the USFWS under the HCP and as would be in conformance with the FPRs and USFWS guidance. NSO locations can move from year to year and the tracking of these activity centers is critical. The monitoring of the movement of the NSO is ongoing and periodically reviewed by wildlife agencies and biologists as the most current NSO locations. **Therefore, the simple movement of a known and monitored NSO is considered a minor amendment according to the Forest Practice Rules and HRC's HCP.**

During the inspection, the claim that trees had been harvested inside the no harvest core zone for site #292 was examined by CALFIRE HUU Unit Forester Ray Wedel and CALFIRE Area Inspector Tim Meyers, Forester I. The inspection verified that the no harvest area was properly located on the map, designated with flagging, and that trees had not been harvested inside of the NSO core zone no-harvest area. The person responsible for timber operations was also on site and was in possession of the proper THP operations maps depicting the NSO no harvest areas, as required by the Forest Practice Rules.

  
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