

October 1, 2007

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Mitchell Mill THP
4-07-24//CAL-3

Dear Mike:

The following comments are submitted in response to the Mitchell Mill Timber Harvest Plan, which would allow 322 acres of clearcutting, 82 acres of selection logging, 23 acres of shelterwood removal step, 9 acres of rehabilitation of an understocked area (similar to clearcutting), 10 acres of sanitation salvage, and 634 acres of fuelbreak treatment for a total of 1,080 acres of treatments. There are 19 clearcut units proposed for this THP. In addition to the direct effects of this THP, past projects in the immediate project vicinity have affected more than 3,000 acres with various logging treatments since 1995. The Sierra Pacific Industries five-year-plan for the Mokelumne watershed includes a projected 12,198 additional acres of logging. This is a staggering amount of overall impacts that when considered for their cumulative effects, must clearly be seen as potentially significant for watershed and soil resources, for wildlife species disturbed by logging or affected by the loss of closed canopy habitat or large trees, and for water and scenic resources.

Due to the extensive application of clearcuts and visual retention treatments across thousands of acres of sloping to steep forested mountainsides in the central region of the Sierra Nevada, the past and present overuse of this treatment has harmed and continues to harm resources by 1) altering or destroying essential wildlife habitat, 2) increasing fire risk (through the creation of monoculture evenage tree plantations) 3) degrading scenic resource values, 4) exposing watersheds to damaging erosion and soil loss, and 5) reducing forest diversity.

As CSERC has pointed out in previous THP comments, an alternative to SPI's widespread clearcutting exists. Ecologically sustainable and economically viable forest management alternatives are practiced with success by Collins Pine, located in Chester, CA. The Collins Pine Almanor Forest, in operation since 1942, is fire-resistant, with a range of tree species and ancient

trees up to 400-years-old. Collins Pine is FSC (Forest Stewardship Council) certified for sustainability. There is no reason that widespread, intensive, clearcut/visual retention logging treatments should be used by SPI, when effective, less-environmentally harmful alternative treatments exist.

As we have raised in previous comments letters, we believe that this THP lacks important information. As described in more detail below, there are many significant gaps in important information that the applicants have not provided. Furthermore, where necessary surveys have been done, some of those surveys have not been done in the appropriate season, in compliance with established protocols, or in a manner that is most likely to detect at-risk species. Given the extensive degradation of habitat, the extensive loss of large diameter/old trees within the watershed and project area over recent decades, and the cumulative effects of global warming, pesticide drift, chytrid fungus impacts on amphibians, impacts of widespread herbicide use, impacts of development, and other cumulative effects, this latest project will clearly and unarguably combine with those impacts to pose a significant risk to the affected environment.

- **We respectfully ask that the Director reject this THP as inadequate in terms of necessary information and adequate mitigation consistent with the CEQA equivalent adequacy requirements of THPs.**
- **We also request that the Director determine that the project, as now presented, has potential to create significant and unavoidable negative cumulative impacts for the affected environment.**
- **We ask that the Director – prior to any approval of a project on this site - direct the applicant to develop conditions or mitigations that will reduce the level of significance of the project on the affected resources.**

A FAILURE TO ADEQUATELY PROTECT OAK RESOURCES

California black oaks, and to a lesser extent, canyon live oaks, comprise approximately 22% of the average basal area over the plan area. Oaks are a critical resource for wildlife and for the forest ecosystem, yet clearcutting or alternative prescriptions across SPI lands in Calaveras and Tuolumne County have resulted in the majority of oaks being cut, bulldozed, sprayed with herbicides, or otherwise damaged or killed by operations. Our staff has visited countless SPI treatment units in the local area, and the overwhelming majority of oaks have been intentionally removed in almost all units. Only where foresters have carefully designated individual trees or clumps of oaks/alders/maples for retention are hardwoods retained. Then, subsequent to logging and site prep deep tilling or bulldozing, many project sites have the oaks, dogwoods, or other hardwoods killed by herbicide applications. Thus, without clear, enforceable requirements for oaks to be retained and protected in harvest units, the amount of oaks that survive logging, site prep, and spray treatments ends up being a tiny percentage of the original number of oaks on the site.

The Mitchell Mill THP on page 102 claims that oaks are abundant over the entire plan area. The

THP author then goes on to write that “Per FPR 959.15 (a), every attempt will be made to retain any oaks present within the plan area.” Despite similar language throughout past THPs, SPI consistently removes the vast majority of oaks in direct opposition to what is written in THP discussions of the oak resource. This claim on the top of page 102 in this THP is so outrageous and so false that the THP should be held up until this claim is forced to become reality by CDF requiring conditions to be added to the THP to assure that “any oaks present” will “be retained.”

The THP is contradictory on this matter, with a much more honest oak retention statement contained on page 23. “The objective is to maintain retention areas that include oak trees as undisturbed islands into the future within the context of the evenage regeneration units. In addition to the oaks in retention areas, if present a minimum of two to three oaks (preferably greater than 25” dbh) shall be left in each evenage regeneration unit. Oaks outside of the evenage regeneration units shall be protected and not felled, with exception to those that are a hazard or threaten the safety of those operating on the plan.”

This paragraph makes it clear that all that is really required for oaks within the @350 acres of the regeneration units is to retain 2 or 3 oaks per unit. That equals an average of one oak retained per 5 – 10 acres – a far cry from the claim on page 102 that every effort will be made to retain any oaks present in the plan area.

Even this claim is misleading, based upon on-the-ground observations of countless SPI units. Outside of SPI’s evenage regeneration units on numerous THP areas I have personally visited this particular week, I have seen many oaks cut as single-tree selection treatments targeted sawlog conifers. Driving down the South Fork Road below Twain Harte and viewing SPI units adjacent to evenage units (and absolutely not confusing them with the on-going cutting being done on USFS lands), there are many, many black oaks and some live oaks cut and lying on the ground as visible proof. Furthermore, in the section of this THP describing the wildlife retention areas that are planned to be retained, the THP acknowledges that large rocky outcropping areas exist and that some of the retention areas may be placed within those rock outcropping areas.

Since the THP is supposed to be responsive to a CEQA-equivalent analysis of environmental impacts and potential mitigation measures to reduce the significance of impacts, the Director must ensure that oaks are adequately protected and retained to provide for wildlife and ecosystem needs. As we have noted over and over in the past, the State has a goal in this district to retain and protect 400 square feet of basal area of oak per 40 acres (an average of 10 sq ft of basal area of oak per acre), yet this THP provides absolutely no assurance of specific measures that will come close to meeting that goal.

The THP does not provide any clear requirement that SPI will meet the state standard goal of 10 square feet of basal area of oak per acre to be retained on average per each 40 acres. This does not provide any assurance that the oak value for wildlife will be protected as would be required in any other CEQA or CEQA-equivalent decision-making process.

In the response to comments for 4-06-042/CAL-7, CDF acknowledges that language of the BOF states that 400 sq ft of oaks should be retained per 40 acres, but disputes that 10 sq ft of basal area of oaks is required. In that response, CDF once again bends logic to excuse SPI from

needing to comply with a clearly stated objective in the Forest Practices Act, and worse, CDF advocates for the position that the rule is permissive rather than enforceable. Accordingly, in that THP as with all previous THPs for which CSERC has raised this issue, CDF does nothing to require SPI to show that anything close to the standard will actually be retained at the end of treatments within the evenage units.

- **CSERC asks that the Director remand this THP back to SPI with direction to provide assurance that mature oaks within all harvest units shall be retained unless there is evidence that particular units exceed the general standard of 10 sq ft of basal area of oak on average per acre for that unit.**
- **We ask that the Director require SPI to develop a condition that ensures retention of an average of 10 square feet of basal area of oak per acre OR AS CLOSE AS POSSIBLE BASED ON THE EXISTING BASAL AREA OF OAKS within all the evenage treatment units.**
- **CSERC requests that the Director require SPI to identify, locate, and protect all oaks 12” dbh and larger within all of the even-age units of the plan area.**

DEER RANGE VALUES WILL BE DEGRADED WITHOUT MITIGATION

Deer range values will be significantly diminished if oaks are cut and herbicides are used to kill back so-called undesirable-competing brush species and groundcovers. Under any CEQA project, an applicant would be required to mitigate for such a significant impact. SPI should be required to mitigate for the impacts that will not only be caused by the activities of this THP, but also from the cumulative impacts of literally hundreds of clearcuts and herbicide applications across the general surrounding region.

Part of the justification for protecting oaks is the high quality resource value that the mast crop provides for deer and other wildlife within this vast project area. Deer rely heavily upon acorns for the fall and winter season, and in fact, acorns can often make the difference in terms of survival during extreme winter conditions. Acorns also can make the difference between successful fawn production in the spring, since does rely heavily upon the protein and fat in acorns during the fall/winter season.

In this THP, SPI proposes to harvest by evenage treatment roughly 345 acres within the plan area. In past actual logging and site prep treatments on similar units all across the general region, SPI cuts down, bulldozes, burns, or otherwise wipes out the majority of oaks within the regeneration units. In this case, at least 345 acres will have almost all oaks removed, especially if only two to three oaks are left per evenage unit.

On page 86 of the THP, the THP author claims that the clearcuts will produce openings, and possibly a mosaic of stand structures and vegetation which would contribute in a beneficial way to a number of the Railroad Flat deer herd’s specific habitat requirements. Furthermore, that

section of the THP claims that the project should promote "...a mosaic of vegetation, an increase in forbs, grasses, and herbaceous shrubs (such as ceanothus) and enhance forest "edge" attributes when compared to the existing pre-harvest condition." This runs completely counter to what SPI routinely does in terms of treatments within regeneration units. I have visited countless SPI regeneration units in the local region's forest. Almost all of the units end up bulldozed, and then often ripped. Herbicides are applied at least once or twice to almost all units, completely killing back the "mosaic of vegetation... forbs, grasses, and herbaceous shrubs.." that SPI claims will benefit deer. In reality, SPI manages their plantations to maximize pine/fir trees, with everything else targeted with chemicals or, over time, with chainsaws or loppers.

Removal of oaks from the Mitchell Mill THP units will definitely reduce mast production within at least 345 acres – affecting important food needed by the deer using this intermediate range. Even worse, the removal of oaks combined with the treatment of these units with multiple applications of herbicides, will also remove many of the bushes, ferns, groundcovers and other plants that provide essential forage for deer and other species.

- **In order to better protect and enhance the deer resources of the plan area, CSERC urges the Director to require SPI to not only retain more oaks (as described in the section on oaks above), but to also leave a significant portion of each evenage unit untreated by herbicides in order to maintain a steady supply of forage across the roughly 345 acres of the evenage units.**

SNAGS

CSERC has repeatedly urged the Director to provide a specific requirement for snag retention within regeneration units, since the inaccurate promises provided by SPI in their THPs simply don't turn into reality when one visits their completed, site prepped evenage units. CSERC staff has visited countless SPI units over the past 10 years and found relatively few locations where even two snags per acre are retained across the units. Instead, most sites have far less than one snag per acre (See photos in Attachment A).

In this THP, snags are not assured of being retained at levels that are sufficient to be beneficial for wildlife. As with previous THPs, the Mitchell Mill THP provides the generic statements that snags will be retained if they do not compromise safety and it is the policy of SPI to provide that present and future snags will continue to be distributed throughout their lands. The THP claims that there will be plenty of snags because most of the land within the assessment area is national forest land with high levels of snags. SPI also claims in this THP that they are exceeding the maximum habitat capability objectives for snags in various size classes. This is so far-fetched and inaccurate that CDF should be embarrassed to defend such inaccurate claims. The Forest Service has a minimum snag retention standard of 4 large snags per acre (generally 15" dbh or larger) in order to provide for cavity-utilizing species. This Mitchell Mill THP shows that PRIOR to logging treatments there are only 2.17 snags per acre >15" and only .80 snags per acre >24". Once treatments in the evenage units are implemented, those numbers will drop greatly unless CDF specifically requires a high level of snags to be protected and retained.

In looking back at CDF's response to public comments for the previously approved South Rim THP, CDF provided a lack of neutral, logical oversight by suggesting that the "disposal of snags within clearcuts would likely fall under the exceptions of the Forest Practice rules and would not constitute a violation of the law." Those exceptions include safety and fire hazard considerations or situations where snags are merchantable. Within the vast majority of the regeneration units of this Mitchell Mill THP, there is no logical risk at all to the public from snags within the units. Even if snags within 100' of any well-traveled public road were removed, the overwhelming majority of the clearcut units would not have any public risk justification. To claim that snags cannot be retained due to the risk of the spread of fire during burning is also specious, because most of the clearcut units are not planned for broadcast burning. Thus, there is absolutely no excuse for CDF not to set a specific standard for the retention of snags within the bulk of the units in this THP.

It would be a significant environmental impact for SPI to remove the majority of snags from the evenage units of their private lands. It is not legally sufficient for SPI to claim that wildlife can survive due to the presence of adequate snags over on nearby or adjacent national forest lands. Wildlife values on the private lands are the resources that are at risk and that need protection, and a CEQA-equivalent document cannot justify harm to a resource on a property by claiming that protection of that resource on another property provides adequate legal mitigation.

- **CSERC asks the Director to provide a more specific requirement to retain snags... based on the best available science utilized by the U.S. Forest Service, which requires an average of four large snags per acre. CSERC asks that the Director require either a pre-harvest snag count or sample survey of existing snags, and then require the retention of at least 50% of those existing snags, or that the Director set a minimum snag level to be retained on average per acre across the units, with an appropriate reporting requirement and post harvest survey to be provided. At a minimum in this THP, CSERC requests a average of two snags 15" dbh or larger per acre be required to be retained within all regeneration units where such snag levels exist prior to logging.**

SPECIAL STATUS SPECIES

The Mitchell Mill THP fails to provide adequate surveys or protection for Special Status species that are most likely to be present and affected.

This THP plan does not realistically consider probable impacts to Special Status plant and wildlife species, in particular, species such as the foothill yellow-legged frog or other at-risk amphibians. For instance, on pages 85-86 of the THP there is a minimal description of the Foothill Yellow-Legged Frog (FYLF), including the information that BLM notified SPI of a unconfirmed FYLF sighting one mile down from the mouth of Licking Creek. Yet there is no mitigation provided other than to claim that the protection measures inherent in WLPZs "are expected to provide sufficient safeguards for potential habitat." FYLF can be found back from the edge of streams for a considerable distance during certain periods, especially following ephemeral or intermittent stream drainages upstream. CSERC believes that there should be mitigation requirements to leave such drainages vegetated and with over-story canopy protection

to retain shade and shelter for the frogs.

Likewise, there is inadequate information available to know how migratory songbirds and other species will be affected by massive conversion of habitat as will occur within the even-age treatment units. When new roads will be built across a forested slope and almost all of the trees with harvest units will be cut, it is obvious that some of the plants and animals that currently use that forest habitat will lose their homes and be otherwise affected by the loss of habitat, shelter, food, and cover. A direct result of clear-cutting and other even-aged treatments is that the specific habitat requirements of certain forest dwelling plants and animals are eliminated. Perhaps of greatest concern are the California spotted owl and northern goshawk, both of which are known to occur in the project area. Three goshawk territories occur within the plan area. One pair and a single goshawk were seen within the plan boundaries in August 2005.

CSERC believes that the current proposed mitigation measures are inadequate to protect the California spotted owl, northern goshawk, and other late-successional, old growth dependent species that may utilize specific patches or large diameter trees or decadent trees within the areas proposed for treatments.

On page 90 of the THP, it acknowledges that habitat for the Northern Goshawk exists in the THP area and that one of the historical known territories is within the THP boundary.

- **CSERC believes at the very least that a minimal mitigation requirement should be the retention of the past known nest stand or roost stand without fragmentation or opening up of the canopy to a level less than 50% canopy cover. We also ask that surveys not just be incidental “walk-throughs” that result in a lack of observed goshawks. We ask that protocol consistent surveys be done in May or June of the year prior to logging of any evenage units, and that all suitable habitat be surveyed and searched.**
- **We specifically ask that the Director require SPI to retain at least one large diameter conifer per acre on average to provide for the long-term habitat value of the site, especially when it has been converted mostly into young, evenage tree plantation units.**
- **We specifically request that in addition to the retention of at least one large diameter conifer per acre, that the applicants also be required to protect not just one oak per three acres on average, but that at a minimum that the applicant be required to protect at least one oak 12” dbh or larger per acre if such an oak presently exists across treatment unit sites.**

Because the THP fails to provide adequate details about the level of expertise of those supposedly doing biological surveys or making biological conclusions and judgments in the THP, it is unclear how reliable the biological information in this THP actually is. Descriptions of biological survey protocols are not given nor were they apparently followed when determining whether or not there was absence or presence of Special Status species. Furthermore, most of the information describing the current biological condition of the site is provided by SPI foresters or other employees who are either not professionally trained as wildlife/plant specialists, or who must be considered biased sources of information. It is likely that observations or judgments

made by SPI employees will understandably be influenced by, and biased in favor of, SPI, and thus lack objectivity that is appropriate as the basis for decision making.

The THP fails to ensure that the presence of at-risk raptors within project units is identified and mitigated for prior to operations, nor does the THP provide any assurance that habitat that is critically important to these raptors will be adequately protected. The THP only assures that there will be walk-through surveys shortly before harvest to reduce the chance that harvest activities will adversely affect raptors during the nesting season. In addition, the THP provides for operations to be delayed if an active nest is discovered. This is not a legally adequate or even rational set of conditions or measures that will provide any assured protection for Special Status raptor species because there is no clear condition that requires retention of the important breeding and nesting habitat that the raptors require, nor is there any condition that actually requires scientifically-valid protocol-consistent surveys to be done in all suitable habitat in order to establish presence or absence.

Information in the cumulative effects section erroneously focuses primarily on the size of trees as being the essential factor in use by the raptors. In reality, it is the structural values of decadent trees (broken tops, torn out limbs (resulting in cavities) and other structural values that provide habitat value to the birds. Without retention of old, large trees throughout the project units, SPI is failing to provide on their lands essential critical habitat for the California Spotted Owl or Goshawk.

- **CSERC asks that the Director correct this deficiency with requirements to retain at least one large, decadent conifer per acre across the evenage units of the Mitchell Mill THP.**
- **We also urge that the Director require that adequate habitat, including large diameter trees suitable for nesting/perching/resting, be retained within each evenage unit planned for treatment within the plan area.**

FURBEARERS

Fisher and American marten habitat is not given any protection, nor were appropriate furbearer surveys done to determine presence of such rare, Special Status mammals. In particular, the Mitchell Mill THP area has highly suitable habitat for fisher, especially due to some relatively high quality habitat areas on nearby national forest or BLM lands in the surrounding area.

All SPI THPs now contain generic text that purports to dismiss any risk to fishers from the aggressive logging treatments proposed in SPI THPs. If there is a single mammal that has the greatest potential to suffer from evenage logging treatments and conversion of habitat, the fisher is that animal.

The THP claims that the fisher range is “widespread” and that Best Management Practices incorporate sufficient protection for snags and large woody debris that the fisher needs no

mitigation measures to be protected. CSERC strongly disputes this claim.

The proposed Mitchell Mill project, along with adjacent past and current projects, significantly reduces connectivity as well as suitable habitat for any fishers that may be surviving within the project area. Without any scientific basis for assessing whether or not fishers or martens may be present or absent in the plan area, SPI has concluded that their evenage cut treatments will not harm the fisher (or apparently the similar, less threatened, but still at-risk marten).

Habitat fragmentation is one of the main threats to fishers' and martens' biological requirements for connectivity as they move about their vast home ranges. The continuation of conversion of currently suitable fisher habitat into young tree plantations of unsuitable habitat is a significant threat to fisher and marten movement. It is also a cumulative impact to the steady loss of fisher and marten habitat on SPI lands within the plan area.

- **CSERC asks that either SPI agree to undertake furbearer photo-detection (or track plate) surveys consistent with scientific protocols within all project units within the plan area, or to allow biologists and staff from our Center to undertake such surveys and to provide the information to SPI as a public service without any charge for that survey work. CSERC has undertaken furbearer photo-detection surveys for the past seven years based upon a memorandum of understanding with the U.S. Forest Service on national forest lands. We have not undertaken any furbearer photo-detection surveys close to the specific Mitchell Mill plan area.**
- **We urge that the State require SPI to improve snag and down log retention prescriptions for this THP and to maintain at least two large green trees per acre (24" dbh or larger) within each acre of evenage project units in order to maintain some of the structural components that are so important to furbearers.**

It is not consistent with the CEQA equivalency of the THP process for SPI to claim that Forest Service management on nearby lands will adequately protect fishers, since fishers know no boundaries and will be harmed by the stripping of vegetation on private forest land. This is a crucial need that the State should not shirk.

SPECIAL STATUS PLANTS

Special Status plant species are not assured of necessary protection. On pages 22-23 and pages 83-85, the THP covers botanical resources.

The THP provides a description of at least six Special Status plant species that may be present within the project area. The document also provides assurance that certain CEQA-important plant species will have adequate surveys done in suitable habitat and that such surveys will provide assurance that the rare plants will be protected. CSERC strongly disagrees with such misleading claims and assurances. First, there is no condition prescribed which will assure that professionally competent, professionally-certified botanists or other highly-trained persons will actually be given the responsibility to undertake botanical surveys. Instead, foresters with

limited training from Dr. Taylor are expected to locate, identify, and determine mitigation for the at-risk plant species. Having SPI staff hurry through project units in areas supposedly suitable will neither provide unbiased, scientific information nor will there be any assurance of the adequacy of such surveys. CSERC disagrees that such surveys will protect potentially present sensitive plants and insure that potentially significant impacts to these plant species do not occur. In particular, we disagree with THP language which suggests that herbicides can be applied within sensitive plant populations during periods when the plants are not highly visible without affecting such sensitive plant populations.

There is absolutely no assurance that foresters or other SPI personnel have performed or will perform the necessary scientific plant surveys in a manner that is consistent with scientific protocols. The THP provides no specific assurance that any prescribed protocols for the surveys will be followed for all suitable habitat prior to plan approval, so at this time, if the Director approves this THP, SPI staff will only need to do casual walk-throughs within any specific unit during the appropriate survey period, and they will have complied with the THP.

No information is provided in this THP to show that unbiased botanical experts will undertake timely, protocol-based plant surveys in all suitable habitat in all evenage units prior to implementation of this THP.

- **CSERC asks that the Director deny this THP application until such time that SPI engages professional botanists to undertake full Special Status plant surveys based on appropriate protocols and with the surveys done in the appropriate time of year that will detect individual species determined to have potential to exist within the evenage units.**

This Mitchell Mill THP is situated where there are numerous at-risk Special Status plant species that have a high potential of being negatively affected by logging and site prep operations. Accurate, highly professional, and unbiased plant surveys are essential.

WATERSHED RESOURCES

New road construction and logging operations almost always degrade watershed resources to varying degrees. Thus, the question for any CEQA-equivalent document is to judge whether or not mitigation measures are truly adequate to reduce the risk posed by such actions.

Watershed (and wildlife resources) are even more affected by the cumulative impacts of widespread denuding of hillsides, loss of vegetative cover, loss of filtering canopies, and the exposure of soils to periodic high-intensity rain events. (See attached photos of SPI lands from aerial photos that are included as part of these comments for legal purposes.)

Three Class I watercourses and several Class II watercourses occur within the THP plan boundaries. On page 77 of the THP, the document acknowledges that most, if not all of the watercourses are typical of the watercourses that have been affected by central-Sierra storm history. “The January 1997 major storm, which even at this elevation was a rain-on-snow event,

caused a number of streambed and near-riparian effects of the channels. The majority of the watercourses show some minor signs of down cutting, incision, exposed raw banks, and signs of lateral erosion.” On page 78, the document acknowledges that the Class III watercourses that exhibit signs of raw exposed banks or downcutting of stream channel may be a result of the January 1997 storm event.

The THP proposes to construct one new road segment, to reconstruct 950 of road, and to reconstruct a landing. 13 crossings will affect Lower Licking Fork watercourse values. Even worse, timber operations and mechanical site preparation are planned to take place in the wintertime. The heavy rains of winter have potential to compound erosion and sediment transfer problems.

Logging activities, vegetation removal and construction of road spurs will create high potential for degradation of watershed values and water quality. When heavy machinery is used to cut and drag trees across steep slopes immediately above a river, common sense says that it is likely that winter rains may erode and transfer the soil of the former forest floor into the river. Logging treatment will assuredly remove habitat important to riparian dependent species, but even more important, logging and soil disturbance will affect watershed and water quality values, in part by decreasing the ability of riparian vegetation to trap sediment transferred from slopes being logged above. Combined with the new road segments proposed as part of this plan, there is a significant risk of sediment being transported into project waters, including eventually into the Mokelumne River, and for erosion to degrade stream quality.

We note that WLPZ standards allow 75% of the residual over-story canopy to be logged and removed. We note that just less than 50% of the under-story canopy can be removed. This vegetative treatment will assuredly remove habitat important to riparian dependent species, but even more important, it will affect watershed and water quality values. Combined with the new road segments proposed as part of this plan, there is a significant risk of sediment being transported into project waters and for erosion to degrade stream quality.

- **CSERC requests that the Director deny the current THP and require SPI to develop additional watershed protection mitigation measures for a revised version of this THP so that any road construction and logging impacts can be appropriately reduced to a level of non-significance. In particular, we urge that areas already known to show indications of soil movement and unstable conditions be given broader buffers from any evenage logging treatments.**

HERBICIDES

The Mitchell Mill THP acknowledges that herbicide use is a reasonable probability and that eliminating its use is not feasible. Accordingly, CDF should conclude that herbicide use is reasonably foreseeable and thus part of the activity constituting the project covered by this THP. Consequently, CDF has the authority to review that use, assess the potential environmental impacts of that use, and impose feasible alternatives or mitigation measures to lessen or eliminate any substantial, or potentially substantial, adverse change in the environment. At this

time, the THP does not contain the feasible alternatives or mitigation measures that could lessen or eliminate such adverse changes in the environment.

In the past, CDF has found that certain information about herbicide use was speculative. Even if supported by substantial evidence, that does not preclude an inquiry into whether CDF fulfilled its procedural obligation to obtain and disclose information regarding potential herbicide use. The THP inaccurately describes the state's pesticide regulatory program, which leads to the overly broad conclusion that compliance with label directions and other restrictions in applying registered herbicides will preclude a finding that such application would have a significant adverse effect on the environment. In past THPs, CDF relied upon information about herbicide use that was not disclosed in the administrative record. The inadequate disclosures affected the usefulness of the THP's and official responses as informative documents, while adequate disclosures might have shown that further details of the prospective herbicide use were reasonably foreseeable. Any finding that CDF makes regarding the applicant's future compliance with herbicide regulations must be based on the evidence in a properly prepared administrative record; future compliance must not be assumed.

Overall, the Herbicide section is inaccurate, misleading, and insufficient. CSERC continues to object to the misleading and inaccurate claims as related to herbicides. First, it is incorrect for SPI to claim that the discussion of possible spraying is not required in a THP. Even if SPI was right, which we do not agree is the case, and the use of herbicides is controlled by a separate regulatory process, it would still be necessary for the THP to evaluate the effects of herbicides as they pertain to biological resources, water quality, soil impacts, wildlife, and other values in the THP. Due to the CEQA equivalency of the THP, it is essential that all information that provides decision-makers with important information on likely environmental impacts should be included in the THP.

SPI claims that herbicide applications to small areas do not create a substantial or potentially substantial adverse change in the environment and that impacts to target plants are short-lived. Both claims are incorrect. First, since so many acres of this THP project will be treated by even-aged logging methods, it is almost certain that herbicides will be applied to most of those acres, because our staff has consistently seen this treatment done on almost all SPI units that we have visited and monitored. Second, this is not a "small" area that will be treated with herbicide. Likewise, the claim that impacts to target plants are short-lived is false. Target plants die. The impacts are permanent, not "short-lived!" The plants die. To make any claim that impacts are short-lived is to be abusing logic and truth. Killing something is not a short-term impact. Killing plants is something that creates a permanent effect.

Furthermore, there will never be any site-specific documentation done at a later period of time whereby the interested and concerned public can provide input or attempt to block harmful use of herbicides on the sites in question. For instance, if SPI decides in the future to apply herbicides by aerial application from a helicopter, there is a wide range of highly likely environmental consequences that will occur. Non-target plants will be sprayed as the spray falls to earth. Spray will bond with some soil particles that may wash into streams, affecting water quality. Amphibians and other sensitive receptors have greater potential to be directly affected than if ground spraying is used.

The use of hexazinone may result in the chemical being active in the soil at low concentrations for up to three years after treatment. The Stanislaus National Forest has cited past studies of amphibians and hexazinone impacts on fish and amphibians.

The overall risk to the ecosystem is clearly significant if analysis considers the use of herbicide formulations across hundreds of acres of this project site, in combination with all other recent past and current chemical treatments taking place in the local mountainous region. There is a lack of appropriate consideration of alternatives to the herbicide use, reduced herbicide use, or no herbicide use.

- **CSERC asks that the Director require SPI to provide clear herbicide treatment plans (for all of the units that are part of this THP) as part of this approval process, since establishment of a clearcut or alternative prescription unit will assuredly lead to herbicide use on that unit.**
- **CSERC also asks that that the Director require SPI to provide in all THPs the cumulative totals of herbicide usage by SPI, both within the specific watershed for the past 10 years, and also for SPI's total combined with the Forest Service's use.**

CUMULATIVE IMPACTS

This THP does not adequately analyze cumulative impacts or propose appropriate mitigation measures to compensate for the cumulative impacts that will be generated by this project if it gains approval.

The THP authors attempt to show that no significant harm will come to the environment as a result of the currently proposed, past, and future projects in the area. However, this document does not provide any such assurance that aggressive, mechanized logging on 1080 acres in the midst of thousands of acres of past and future logging treatments can all be done without causing any significant effect on Special Status wildlife and plants or without degrading watershed quality.

On top of the all the cumulative impact concerns already described in this comment letter, our Center continues to point out that the THP fails to provide any detailed cumulative effects analysis that looks at how much clearing SPI has already done within the watershed or across the local region, how much unevenage, diverse forest habitat has been converted into sterile, uniform tree presentations, how much older forest habitat has been lost in the last decade, or other such important questions for those seeking to be informed about consequences.

- **CSERC underscores that the courts have now found that CDF has not followed the letter of law in judging whether or not cumulative effects will be caused by a THP in combination with all past, present, and foreseeable future projects. CSERC strongly asserts that the THP fails to provide the necessary information for the Director to**

evaluate the cumulative effects of the proposed action. Accordingly, we ask that the Director require additional information as to the cumulative effects baseline condition prior to giving any approval to this proposed application.

As we have shared repeatedly, CSERC asserts that SPI continues to fail to provide accurate and important information in its THPs concerning the cumulative impacts of its evenage logging treatments on the biological resources of the affected watersheds and habitat. It is one thing for SPI to provide the same, tired generic information claiming that what they do only affects a small percent of the overall Sierra Nevada region. It is quite another thing for SPI to provide a level of detail that would show exactly how many evenage/clearcut acres have been stripped of vegetation within the watershed or within a forest block surrounding this THP project area.

If projects are only looked at in terms of a vast scale, such as the world as a whole, no project would ever be found to have a significant. The purpose of analysis for cumulative impacts, however, is to look at the appropriate scale for the various species that are most at-risk from the cumulative impacts of the proposed action.

If a developer was attempting to satisfy CEQA for a development project, that analysis would require the consideration of all relative past, present, and foreseeable future projects that, when combined with the proposed project, affect resources. SPI should be held to the same standard in this THP.

How many acres within the broad area that contains the project units have either been set back to an early seral stage by wildfire or by logging treatments in the past 10-15 years? How many acres of mature forest still exist within the project area in comparison to what was there prior to aggressive logging treatments? How will this project add to that impact? In particular, cumulative impact analysis should provide more detailed information related to the cumulative effects that this project, combined with previous projects, will create for Special Status plant and wildlife species.

CONCLUSION

Overall, despite providing a thick amount of information in some sections, this THP fails to provide important information that is vital for the Director to have in order to judge the need for certain conditions or mitigation measures. This THP fails to require science-based, protocol-driven wildlife and plant surveys for all Special Status species prior to project approval. As now designed, this project will also fail to protect snags, oaks, and other vitally important resources that will determine the suitability of habitat for “at-risk” wildlife species. This THP fails to protect fisher and marten habitat or to analyze the impacts of the project on those species, and likewise fails to provide adequate analysis for amphibian, plant, and other species. **CSERC asks that this THP application be denied and sent back to SPI with clear direction for SPI to revise the THP, provide necessary information, and correct THP deficiencies prior to any reconsideration or approval.**

Please note that we are attaching a number of photos with text as part of this comment letter.

Thomas S. Hofstra, PhD
CSERC Staff Ecologist

John Buckley
CSERC Executive Director



The three photos above show typical SPI clearcut units, with extensive destruction of habitat values, the removal of oaks and other hardwoods, and visual retention (group) in the top photo and visual retention (dispersed) in the third photo. Photo below shows the extent of destruction of groundcovers, bushes, wildflowers, and other important plant species needed by wildlife for food, shelter from predators, and protection from extreme heat, snow conditions.



Photo above shows a typical SPI clearcut with extensive bare soil, and in this case, herbicide treatment not even applied yet. Photo below shows typical SPI clearcut after herbicides have killed most surface vegetation.



These two photos of recent SPI evenage cut units in Tuolumne County are typical of the way that mature oaks are cut, intentionally removed, and then stacked on landings to rid the site of the oaks. The ecological values of the large, mature oaks are high for wildlife, and are lost because SPI does not abide by the Forest Practice Rules target to retain oak at 400 sq ft per 40 acres.



Photo of this SPI clearcut shows a few broken black oaks left at levels far less than the pre-existing stocking of oak across the unit. Both the photo above and below show extensive bare soil, loss of habitat value, fragmentation of forest connectivity, and watershed impacts.



Five years after this unit near Highway 4 was clearcut, only minimal vegetation has reclaimed the site, with the majority of the unit still bare soil. The steep unit below along Cottonwood Road in Tuolumne County is reflective of SPI units on steep hillsides, with heavy erosion, gullying, and watershed degradation, as well as bare soil five years after this unit was originally cut.



CSERC strongly dispractices do not creat

management
ct – for watershed

values, for wildlife, and for scenic resources. CSERC believes that the Mitchell Mill THP is yet another in a long line of THPs that fail to provide appropriate, CEQA-consistent mitigation for impacts that are undeniably significant, despite the denial of the State and SPI.

