

# Memorandum

To: Mike Bacca, Resource Manager  
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Date: December 4, 2007

From: W. E. Loudermilk, Regional Manager  
Department of Fish and Game – Central Region

Subject: Preharvest Inspection Report for THP 4-07-37/TUO-6 - "Cow Camp"

## Introduction

The following presents the findings and recommendations from the Department of Fish and Game (DFG) for the subject Timber Harvesting Plan (THP). The preharvest inspection (PHI) was conducted on November 19, 2007, with the following individuals attending: Mike Vroman, Tim Tate, Kevin Roberts, and Clayton Code of Sierra Pacific Industries (SPI); Adam Frese and Tom Tinsley of Department of Forestry and Fire Protection (CDF); and Dan Applebee of DFG.

DFG's participation was focused on assessing the potential impacts to fish, wildlife, and plant resources known or expected to occur in the THP area which could result from implementation of the proposed THP.

## Plan Description and Setting

The proposed 567-acre THP is located on Sierra Pacific Industries property east of the town of Dorrington, in northern Tuolumne County, California in portions of sections 3, 9, 10, 11, 14, 15, 16 and 20 of Township 5 N., Range 16 E., MDB&M. The THP lies within the Middle Beaver Creek CALWATER 2.2 planning watershed with elevations ranging from approximately 4,800 feet to 5,800 feet. Clearcutting (109 acres), Selection (317 acres), Visual Retention Alternative Prescription (140 acres), and Road Right of Way (1 acre) silviculture is proposed with ground based yarding. Winter Operations and Site Preparation are proposed. Erosion Hazard Rating ranges from low to high in the plan area. The plan includes notification to DFG of proposed streambed altering activities, per Fish and Game Code Section 1611.

The plan area is composed of second growth mid-elevation sierran mixed conifer stands. Stands are dominated by white fir (*Abies concolor*) and incense cedar (*Calocedrus decurrens*) with lesser amounts of ponderosa pine (*Pinus ponderosa*) and sugar pine (*Pinus lambertiana*). Hardwoods are limited to riparian areas and isolated California black oaks (*Quercus kelloggii*) near the ridgetops. Brush cover is mostly limited to chinkapin (*Castanopsis spp.*) and whitethorn (*Ceanothus cordulatus*). Small areas of riparian meadow which are not proposed for operations were observed near Beaver Creek.

## Resources Examined

The majority of the area proposed for harvest was visited during the PHI. DFG evaluated the potential for sensitive plant and animal species to occur on-site, proposed oak retention in even-age silviculture units, late seral forest distribution in the watershed, watercourse classifications and protection measures, proposed in-lieu practices, and existing and proposed watercourse crossings, waterholes, and roads. Watercourses appeared to be correctly classified with the exceptions noted below. Several recommendations were made related to watercourse crossings (see below).

Sensitive species habitat was evaluated on the project site. Habitat exists on-site for northern goshawk (*Accipiter gentilis*), California spotted owl (*Strix occidentalis occidentalis*), mule deer (*Odocoileus hemionus*), and rainbow trout (*Salmo gairderi*).

## Responses to First Review

The questions raised by DFG during first review were answered to our satisfaction by the RPF's written response, observation of site conditions, or through discussion and recommendations agreed to on the PHI. Numbered and lettered DFG first review questions are repeated below followed by the resolution.

11. Item 32(a) General Surveys For All Raptor Species – What level of survey is proposed for areas in which field work can not be scheduled during the May-August period? (DFG #1)

SPI biologist Kevin Roberts stated that all harvest units scheduled for harvest during the nesting season will have field work-related stand searches scheduled for the May-August period. Harvest areas within ¼ mile of historic nest sites will be surveyed by an SPI biologist prior to harvest. No proposal is made for harvest units which will be harvested outside of the nesting period. In order to detect and protect the active nests, screen trees, and perch trees of Sensitive Species per the Forest Practice Rules, DFG recommends SPI biologist or other trained field staff conduct a walk through nest search prior to harvest in even age silviculture units which are scheduled for harvest outside of the nesting period and had no field work-related stand search during the previous nesting season (**Recommendation 1**).

12. Item 32(a), Procedure Upon Discovery of Raptors or Raptor Nests – Who will determine the species of nesting raptor and whether it is listed or non-listed? Are the designated persons qualified to make the determination? (DFG #2)

RPF Vroman stated that the determination will be made by the RPF or an SPI biologist.

13. Item 32(a), Goshawk (*Accipiter gentillis*) – Why are protocol goshawk surveys not proposed for the plan area when 92% of the watershed is suitable goshawk habitat (p. 97)? (DFG #3)

SPI biologist Kevin Roberts stated that with the walk-through surveys, field work related surveys, and surveys of historic nest sites described in the THP, SPI does not believe further surveys are warranted. DFG believes the proposed practices in the THP leave open the real possibility of cutting active nests sites and buffer zones of goshawks and other raptors outside of the nesting season in violation of the Forest Practice Rule 959.3, and we suggest additional stand surveys in even-age units (**see Recommendation 1**).

14. Item 32(a), 32(b), Goshawk and California spotted owl (*Strix occidentalis occidentalis*) – How will the SPI biologist determine the status of the historic territories? How large of an area will be searched? What survey protocols will be used? (DFG #4)

SPI biologist Kevin Roberts stated that goshawk surveys are typically conducted by stand search or dawn acoustical type survey. Additionally, broadcast surveys are conducted throughout the day during the dawn acoustical survey calendar period. California spotted owl surveys typically include three visits. Stands of suitable nesting habitat for both species are surveyed up to ½ mile from the historic nest site.

15. Item 32(a), Goshawk states that the SPI biologist will apply proper protection measures to the historic goshawk territory. Protection measures must be developed in consultation with the Department of Fish and Game and approved by the Director of CDF. (DFG #5)

RPF Vroman stated this point will be clarified in the THP, prior to second review.

16. Item 32(a), Plants – *Lomatium stebbinsii* is incorrectly identified as a CESA listed Rare plant. (DFG #6)

This change has been made in the THP.

17. Item 32(a), Plants – The discussion of *Mimulus filicaulis* appears to be identical to the discussion of *M. pulchellus*. *M. filicaulis* is not currently known to occur in Calaveras County. (DFG #7)

*M. filicaulis* discussion has been removed from the THP.

18. Item 32(a), Plants – What protection measures are proposed for *Clarkia australis* and *C. biloba* ssp. *australis* should they be found on the plan area? (DFG #8)

RPF Vroman proposes flagging an Equipment Exclusion Zone (EEZ) at the margin of

any discovered populations with timber within the EEZ felled to the outside and endlined out.

19. Item 32(a), Plants - The information provided regarding plant surveys is insufficient to evaluate the effectiveness of the surveys. What survey methods were used, what personnel were involved and what are their qualifications? Are maps of identified habitat and survey routes available? Were reference sites and materials used? Are more detailed survey results, including an overall species list of plants encountered in the field available? (DFG #9)

RPF Vroman agreed to send a survey report to DFG and CDF prior to second review, but did not agree to the inclusion of a survey report in the THP. **(Recommendation 2)**

20. Item 32(b) states that walk-through surveys for raptors are optional when harvesting occurs during the non-nesting period. How will active nest trees, screen trees, and perch trees be identified and protected if surveys do not take place? (DFG #10)

SPI biologist Kevin Roberts stated that nests incidentally found will be investigated by an SPI biologist. If the biologist determines they may be active, SPI will consult with DFG on protection measures. Also see **Recommendation 1**.

21. Item 32(b), Non-listed Raptors – Is it feasible to delay operations in the vicinity of nests until after fledging? (DFG #11)

SPI biologist Kevin Roberts and RPF Vroman stated that typically SPI will delay operations in the vicinity of a nest until after fledging but they are unwilling to commit to such a statement in the THP. Mr. Roberts stated that SPI is aware of the “take” prohibitions in Fish and Game Code Section 3503.5 (prohibiting the “take” of birds of prey or their nests or eggs) and stated SPI will not violate the Code Section.

22. Item 35 – Why is retention of less than 19 ft<sup>2</sup> of oak basal area per 40 acres proposed (one 16” diameter oak per 3 acres) when the Forest Practice Rules recommend retention of 400 ft<sup>2</sup> per 40 acres? (DFG #12)

Oak was observed to be extremely limited within the plan area during the PHI. RPFs Vroman and Tate acknowledged the limited supply of oak in the area and agreed to retain at least 75% of the oak stems greater than or equal to 12 inches in diameter within the even age units with the exception of unit 120 where abundant oak was observed protected within Variable Retention retention areas. **(Recommendation 3)**

23. The 1602 Addendum (p. 27) states a mulching specification of 80% coverage of areas of exposed soil larger than 800 square feet. The Streambed Alteration Agreement (SAA) which will be issued for this plan will likely specify 100% coverage of all areas of exposed soil associated with jurisdictional projects. This

specification should be changed or deleted to maintain consistency between the THP and the SAA. (DFG #13)

The THP has been changed to show 100% coverage.

24. Late Seral Cumulative Impacts Discussion (p. 111) – Late seral characteristics appear to be confused with “Late Successional Forest Stands” as defined in FPR section 895.1. Late seral characteristics are described in Technical Rule Addendum #2. These characteristics should be analyzed in the correct context. (DFG #14)

See discussion under number 25 below.

25. Late Seral and Late Seral Connectivity (P. 111) – The analysis is incorrectly focused at the THP area scale. Technical Rule Addendum #2 requires analysis at the Biological Assessment Area scale. Cumulative impacts to these resources should be analyzed at the correct scale. (DFG #15)

DFG discussed this issue with the RPFs and pointed out the distinction between the narrowly defined “Late Successional Forest Stands” per FPR Section 895.1 and the more broadly defined “Late Seral Forest Characteristics” and “Late Seral Habitat Continuity” per FPR Technical Rule Addendum #2. Additionally, the direction of the Technical Rule Addendum to analyze these resources at the assessment area scale rather than the plan area scale was noted. RPF Vroman agreed to revise his analysis of these resources (**Recommendation 4**).

- a. The request for exceptions to FPR 954.2(j) in the Site Preparation Addendum (p. 9) appears to state the standard rule incorrectly and the locations of the requested exception are not mapped in units 104 and 120 per 1034(x)(15). (DFG #1)

RPF Vroman agreed to revise the THP to state the rule correctly and map the locations of the exceptions (see Forester Adam Frese’s PHI report recommendation 2).

- b. Peak Flow Effects (p. 92) – Could significant increases in peak flows result from the proposed THP at scales smaller than the planning watershed scale? For example the Little Beaver Creek or Crane Creek sub-watersheds? (DFG #2)

DFG evaluated the proposed harvest units, watercourse channels, and drainage facilities. It did not appear that peak flows have been a significant recent issue and peak flow effects are not expected to drastically change within the Little Beaver or Crane Creek sub-watersheds where the proposed silviculture is primarily selection.

## **PHI Recommendations**

DFG concurs with all the recommendations of Cal Fire Area Forester Adam Frese's CDF PHI report. Mr. Frese's recommendations accurately reflect the recommendations and discussions of the PHI team. DFG recommends that the following additional site-specific and feasible recommendations, which are designed to minimize impacts to biological resources associated with timber operations, be included as enforceable conditions of the THP.

**Recommendation 1:** SPI biologist or other trained field staff shall conduct a walk-through nest search prior to harvest in even age silviculture units which are scheduled for harvest outside of the nesting period and had no field work-related stand search during the most recent nesting season.

**Recommendation 2:** RPF shall send a survey report detailing the methodology of the botanical surveys conducted in the THP area to date to DFG and CDF prior to second review.

**Recommendation 3:** RPF shall revise the THP to state that SPI shall retain at least 75% of the oak stems greater than or equal to 12 inches in diameter within the even age units in the plan area with the exception of unit 120.

**Recommendation 4:** RPF shall revise the cumulative impacts discussion of late seral resources using the definitions and assessment area specified in FPR Technical Rule Addendum #2, and, if appropriate, propose mitigation for these resources.

If you have any questions or concerns regarding this review and its recommendations, please contact Daniel Applebee, Staff Environmental Scientist, at (209) 588-1879.

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