

From: Caren Larkin <Caren.Larkin@sonoma-county.org> on behalf of Johannes Hoevertsz <Johannes.Hoevertsz@sonoma-county.org>
Sent: Thursday, January 14, 2021 3:02 PM
To: Santa Rosa Public Comment@CALFIRE
Subject: County of Sonoma comments on THP 1-20-00084-SON (Silver Estates)
Attachments: Silver Estates THP.pdf

Warning: this message is from an external user and should be treated with caution.

To Whom it May Concern,

Please see attached.

Best Regards,

Johannes J. Hoevertsz

County of Sonoma
Director - Transportation & Public Works
2300 County Center Drive, Suite B 100
Santa Rosa, CA 95403
Phone: (707) 565-3585



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JAN 14 2021
COAST AREA OFFICE
RESOURCE MANAGEMENT



Integrated Waste
Road & Bridge Operations
Sonoma County Airport
Sonoma County Transit

Johannes J. Hoevertsz, Director

Trish Pisenti, Deputy Director- Transportation & Operations
Janice Thompson, Deputy Director- Engineering & Maintenance

January 14, 2021

Chief Thom Porter, Director
Richard Sampson, Division Chief
Department of Forestry and Fire Protection
Northern Region Headquarters
135 Ridgeway Avenue
Santa Rosa, CA 95401

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**COAST AREA OFFICE
RESOURCE MANAGEMENT**

RE: County of Sonoma comments on THP 1-20-00084-SON (Silver Estates)

Dear Director Porter and Division Chief Sampson:

The County of Sonoma has reviewed the “Silver Estates” timber harvest plan (No. 1-20-0084-SON). The County values the economic and environmental benefits of managing forest resources for sustainable timber harvesting. However, the County is concerned that in its current form the Silver Estates THP does not adequately mitigate all of the potentially significant impacts of the proposed timber operations, and we believe that perhaps the THP review team did not understand the County’s request or the scope of CalFIRE’s authority to address off-site impacts through the THP process.

As part of the THP review process, the review team identified a drainage culvert (identified as map point 1) that may be impacted by the THP. The inlet of the culvert is on land owned by the plan submitter; the culvert crosses under Neeley Road, a County right-of-way; and the outlet is located on County land. Members of the review team, particularly staff of the California Geologic Survey, observed as part of THP review that the culvert may pose a safety hazard because of its size and condition.

The County does not believe that the culvert is currently (prior to initiation of timber operations under this THP) a public safety hazard. However, the County agrees that the culvert should be replaced, especially in light of the identified potential impacts of this THP. The County appreciates that the plan submitter, Redwood Empire Sawmill, repeatedly indicated its intention to work with the County to replace the culvert. A letter from Janice Thompson of my office dated November 2, 2020, and included in the THP as page 289.9, memorializes the general outline of an agreement that was reached between the plan submitter and the Department of Transportation and Public Works (TPW). Under that agreement, TPW would provide the materials for culvert replacement and Redwood Empire Sawmills (as plan submitter) would perform the work, after obtaining approval from TPW for construction work encroaching in the County right-of-way on Neeley Road. This arrangement was incorporated into the THP but then subsequently removed after CalFIRE staff erroneously concluded

that CalFIRE has no authority to administer a public works project.

The County did not and has not suggested, as indicated in the THP, that CalFIRE would be responsible for administering the culvert replacement project if it incorporated a culvert replacement requirement into the THP. In discretionary governmental permits of all types, applicants are often required to complete work, or at least engage in good faith efforts to complete work, on public roads in association with private projects, including roads under the jurisdiction of other governmental entities. We are not aware of any provision of law that would make CalFIRE different from other governmental entities in this regard. As stated in the November 2 letter from Janice Thompson of my office, the permitting of this particular culvert replacement project would be through TPW; the County envisions only that the THP include a requirement to carry out the project as a way of ensuring that the THP's California Environmental Quality Act (CEQA) impacts are actually mitigated.

The inlet of the culvert in question is located within the THP boundaries. Based on the record of this THP, there is clearly concern by members of the review team that timber operations under this THP may result in failure of the culvert. The RPF's statement in his December 16, 2020 submittal, that "[b]ecause a portion of the culvert is located on Sonoma County property and occurs on a public road, the full replacement of the culvert cannot be completed under this THP..." is incorrect and for CEQA and Forest Practice Act purposes, fails to demonstrate that a culvert replacement requirement is infeasible, impractical or unreasonable. As evidenced by the plan submitter's early readiness to enter into a cost sharing agreement with TPW and quickly carry out the work, the envisioned culvert replacement project is a reasonable and practical way to mitigate an potentially significant impact of the THP that was identified by members of the review team. I am advised that CalFIRE's refusal to incorporate the culvert replacement requirement into the THP constitutes inadequate mitigation of an identified potentially significant impact under CEQA. A THP is the functional equivalent of an EIR under CEQA and must comply with basic CEQA principles regarding adequate mitigation of potentially significant impacts. In this respect, the Silver Estates THP falls short of complying with a basic CEQA requirement. The County requests that CalFIRE reinstate the requirement that the plan submitter enter into the contemplated agreement with TPW and carry out the work to replace this Neeley Road culvert.

The County further requests that the plan submitter compensate the County for damage to County roads caused by timber hauling trucks, and due to the nature of Mays Canyon and Neeley Roads and the surrounding communities that the plan submitter ensures that log hauling trucks remain under the legal weight limit at all times.

Sincerely,



Johannes J. Hoevertsz

Director

County of Sonoma

Department of Transportation and Public Works