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State of California  
Department of Fish and Wildlife



**M e m o r a n d u m**

Date: February 22, 2019

To: Mr. Dominik Schwab, Forest Practice Manager  
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From: *Original signed by*  
Mr. Gregg Erickson, Regional Manager  
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: California Department of Fish and Wildlife Comments on Recirculated Timber Harvesting Plan 1-15-042 SON "Dogwood"

This report includes the California Department of Fish and Wildlife's (CDFW) recommendations based on portions of the 1-15-042 SON Dogwood Timber Harvesting Plan (THP), which were recirculated for public comment beginning January 22, 2019. The recirculation includes new information submitted by the Registered Professional Forester (RPF) addressing a decision from a Sonoma County Superior Court Case (SCV-262241) requiring additional information on alternatives and cumulative effects. The scope of the review is limited to additions and revisions of the recirculated "Section IV" as indicated in the notice of the open public comment period.

CDFW is a trustee agency for California's fish, wildlife, and native plant resources (Public Resources Code Section 21000, et seq.), a responsible agency pursuant to the California Environmental Quality Act (CEQA), §15381 and §15386, and a review team agency under 14 CCR §1037.5(a). The recommendations in this memorandum are focused on avoiding or minimizing the proposed project's effects on fish, wildlife, and botanical resources. CDFW requests that these recommendations be included as enforceable conditions in the approved THP. Findings and recommendations made in this memorandum should be applied to the review of all other documents related to this project prepared and reviewed pursuant to CEQA.

The Lake and Streambed Alteration Agreement associated with this THP may need to be amended or reissued to address changes to the project description or significant new issues resulting from review.

**RECOMMENDATIONS**

**Foothill Yellow-Legged Frog**

On July 21, 2017, foothill yellow-legged frog (FYLF) became a candidate for state listing under the California Endangered Species Act (CESA), as stated in the cumulative impact assessment. As such, regulatory conditions have changed since initial adoption of the THP and impacts to FYLF should be considered in context of "significant new information."

The section titled "Foothill Yellow-Legged Frog", pages 178-179, describes activities where FYLF or its egg masses could be impacted. Activities that have the potential to impact FYLF, including potential for take, include use of wet crossings, installation and removal of abutments

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to the four temporary bridges inside the channel bank and water drafting at four sites on gravel bars. Potential impacts to FYLF include take of egg masses or FYLF at any life stage when driving through wet ford crossings, entrapment of any life stage of FYLF during installation of abutments, release of sediment that could suffocate egg masses, take of tadpoles or adult FYLF utilizing interstitial spaces in, or on top of, cobble streambeds or gravel bars during water drafting on gravel bar activities, and seasonal removal of bridge abutments and closure of gravel bar drafting holes.

In addition to measures specified in the THP, CDFW recommends incorporating the following protection measures into the THP to address impacts to FYLFs and their habitat. If FYLF cannot be fully avoided, an Incidental Take Permit (ITP) is required.

FYLF – Survey Methodology. The Registered Professional Forester (RPF) should provide a FYLF survey methodology to CDFW for review and written approval no less than 30 days prior to beginning THP activities in the stream channel. No activities should begin until FYLF surveys have been completed using a method approved by CDFW. Survey methodology should target all life stages and should include a wet stream survey. The survey should include an adaptive management approach based on the stream flow, including if the stream is wet, if it has been dry for less than 30 days, or if it has been dry for over 30 days. Surveys within the project area should include searching cavities under rocks, within vegetation such as sedges and other clumped vegetation, and under undercut banks, in areas of suitable habitat no less than 150 feet from the streambed during the rainy season (October 16 to June 14) or 50 feet from the streambed during the dry season (June 15 to October 15), and 500 feet upstream and downstream of the project area. Surveys should be conducted at different times of day and under variable weather conditions if possible. If FYLF or evidence of their presence are found, CDFW should be notified immediately and activities should not occur without written approval from CDFW allowing the project to proceed. Presence of FYLF may require a CESA ITP before project activities may commence. Results of the survey should be submitted to CDFW prior to the beginning of project activities.

FYLF – Surveys. Prior to initiating temporary bridge construction, bridge removal, or water drafting activities, a Qualified Biologist or RPF with knowledge of FYLF should conduct surveys for FYLF using a CDFW approved methodology. The results of the surveys should be provided to CDFW prior to harvest activities. If presence of FYLF adults, juveniles, tadpoles or egg masses are found, CDFW should be notified immediately and activities should not commence without written approval from CDFW allowing the project to proceed. Presence of FYLF may require a CESA ITP before project activities may commence.

Daily Inspections. At the beginning of each day during bridge construction, removal, or water drafting activities, the project area and nearby vicinity should be surveyed by a Qualified Biologist or RPF with knowledge of FYLF, including searching cavities under rocks, within vegetation such as sedges and other clumped vegetation, and under undercut banks. If FYLF or other species listed pursuant to CESA are encountered during project activities, all work should cease and CDFW should immediately be notified. Work should not proceed without written approval from CDFW. Presence of FYLF may require a CESA ITP before project activities may resume. If no FYLF or other species listed pursuant to CESA are encountered during the daily inspection, the qualified biologist should oversee the installation of exclusion fencing around the work area that was surveyed for that day.

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Qualified Biologist or RPF with Knowledge of FYLF On-site. The Permittee should ensure a Qualified Biologist or RPF with knowledge of FYLF is on-site to monitor compliance with the above FYLF conditions. The Qualified Biologist or RPF with knowledge of FYLF should have the authority to halt project activities in order to implement measures to prevent take of this species.

Vehicle Restrictions. If FYLFs are found in the project area, any vehicles parked on-site for more than 15 minutes should be inspected before it is moved to ensure that frogs have not moved under the vehicle. Vehicular speed in the WLPZ should be kept to a maximum of 15 miles per hour. During the rainy season, drivers should avoid any amphibians present on the road.

On-Site Education. Prior to activities in the stream channel, a Qualified Biologist or RPF with knowledge of FYLF should conduct an education session on species and biological resources that may be present within the project area, such as FYLFs. The training should consist of basic identification of the species, their life history and their habitats, how they may be encountered in the work area, protection measures to ensure species are not impacted by project activities, and procedures to follow when they are encountered. Interpretation should be provided for non-English speaking workers, and the same instruction should be provided for any new workers prior to their performing activities on-site.

#### **Rare Plants in Floodplain Wetlands**

Table 1 in Section IV - Cumulative Impact Statement, pages 200-205 describes "recently added rare plants that could be in the area of this THP." On February 18, 2019, CDFW received from a member of the public an independent assessment of special-status plant and sensitive plant communities that are not included in the above-named Table 1 (see Attachment 1). CDFW reviewed the assessment and concurs that the following species were not included in Table 1 but have the potential to occur in the THP area:

- Fringed corn-lily (*Veratrum fimbriatum*)
- Slough sedge swards (*Carex obnupta*)

To address potential impacts to these species, including direct take and adverse habitat modification, CDFW recommends that a botanist with wetland species expertise perform a botanical survey of the plan area during the appropriate blooming period following CDFW's "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities" (CDFW updated March 20, 2018). A Botanical Report should be provided to CDFW and CAL FIRE prior to harvest operations.

To minimize impacts to wetland plants and disturbance of wetland soils and features in the floodplain, CDFW recommends limiting harvest equipment use to skid trails and using rubber tires on equipment. If rare plants are found during the surveys, additional species-specific protective measures may be needed.

#### **Wildlife Trees**

The section titled "Late Successional Forest and Large Tree Analysis", pages 191-192, states that, "sound late seral trees that are outside of a WLPZ are very rare," no larger than surrounding second-growth, and have "little unique wildlife value." CDFW disagrees that these trees have little unique wildlife value. Given the fact stated prior that they are, "very rare," provides them unique value, in addition to the fact that there are very few old-growth trees

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remaining in Sonoma County. Recently, it has come to the attention of CDFW that one of these old-growth trees outside of the WLPZ was cut down in another plan area outside of harvest activities. CDFW recommends these very rare old-growth trees be protected as wildlife trees.

The section titled "Recruitment of Future Late Seral Elements", pages 192-193, (5) articulates, "Douglas-fir trees make better wildlife trees than comparably sized redwood trees, and because they have lower economic value (and conky ones have zero economic value) these are the first trees to get marked as wildlife trees." With the warmer conditions than Oregon and Washington, Douglas-fir along the northern California coast begin to show conk about age 70 and live to be generally 250 years old along the Sonoma and Mendocino coastline. Redwood trees are known to live for thousands of years along the central and northern California coast. CDFW recommends that Gualala Redwood Timber prioritize marking redwood trees as wildlife trees for the benefit of future generations.

### CONCLUSION

Please direct questions or correspondence regarding this memorandum to Ms. Jeanne Chinn, Environmental Scientist, at (707) 576-2793; or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at (707) 576-2786.

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### ATTACHMENT

Attachment 1. Letter regarding "THP 1-15-042 SON (2019 recirculated "Dogwood" THP) cumulative impacts and alternatives analysis", Peter R. Baye, Ph.D. Provided to CDFW via email on February 18, 2019.

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