

### DEPARTMENT OF FORESTRY AND FIRE PROTECTION NORTHERN REGION HEADQUARTERS - SANTA ROSA

135 Ridgway Avenue Santa Rosa, CA, 95401 (707) 576-2959 Website: www.fire.ca.gov



May 18, 2021

Thomas Smythe 2501 N. State St Ukiah, CA 95482 Notice of Emergency Timber Operations No: 1-21EM-00205-NAP

#### **Letter of Acceptance**

This letter acknowledges acceptance of your "Notice of Emergency" per Title 14, California Code of Regulations, Section 1052 thru 1052.5 from plan preparation and submission requirements (PRC 4581).

This Emergency EXPIRES May 18, 2022. You may proceed with the harvesting of trees as specified under the Emergency Notice. Timber operations shall comply with all other applicable provisions of the Z'berg-Nejedly Forest Practice Act and regulations of the Board of Forestry.

If operations are to extend beyond the expiration date, said operation must be covered by a Timber Harvesting Plan filed at the appropriate regional office. Considering THP approval can take as long as 46 days, it may be advisable for you to proceed immediately with Plan filing. Per Title 14 CCR Sections 1070-1075 a Timber Operations Work Completion and/or Stocking Report is required as per regular harvesting operation.

#### **Other Agency Considerations:**

- Regional Water Quality Control Boards (Regional Boards) regulate waste discharges from timber harvest activities. The Regional Boards may have special requirements for timber harvesting conducted under this emergency. Please contact your local Regional Water Control Board with any questions regarding compliance with the California Water Code.
- Department of Fish and Wildlife (DFW) may require notification if the timber operations will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake. Information on the Lake and Streambed Alteration Program and other DFW programs can be found at the following internet address: https://www.wildlife.ca.gov/Conservation/Environmental-Review

On-site inspection will be conducted by local CAL FIRE Unit Forest Practice Inspectors to evaluate compliance with all the provisions of the Forest Practice Act and Rules. For questions regarding the above referenced emergency, please contact the appropriate regional office listed above or contact the local CAL FIRE Unit for your County.

Sincerely,

Dominik Schwab, RPF #2823 Resource Manager - Coast

cc: Unit. TLO/TO/PS, LTO, BOE, File

To view Emergency Notices, please visit: https://caltreesplans.resources.ca.gov/caltrees/



## Timber Salvage Operations Do I need a Water Board permit?

The purpose of this flyer is to make you aware of the water quality regulations and permitting that apply now that you have decided to conduct postfire timber salvage activities on your property.

Now that your project has been authorized by the California Department of Forestry and Fire Protection (CAL FIRE), additional agency permits may be required or may automatically apply to you, including from one of California's nine Regional Water Quality Control Boards (RWQCBs).



The map above shows the nine different RWQCB jurisdictions throughout the state. Links to each RWQCB can be found here:

www.waterboards.ca.gov/waterboards map.html Regions 1, 5 and 6 have permits that your project may be eligible for or are automatically subject to.

#### **Wildfires and Water Quality**

While impacts to the environment from wildfires can be significant, impacts can be positive or negative, and this is especially relative to the health of streams, rivers, and wetlands. Following a wildfire, the landscape can be extremely vulnerable to additional impacts from land use activities, including timber salvage operations and road and watercourse crossing management.

On private lands, landowners may choose to harvest merchantable timber following a wildfire in order to salvage the value of burned trees before they degrade. While conducting timber salvage operations, landowners, their consulting registered professional foresters (RPFs) and contracted licensed timber operators (LTOs) must all be aware of the regulations that apply to their activities and ensure that operations are conducted in a manner that is protective of the environment, including water quality.



#### Water Quality Regulations

The RWQCBs are the primary water-pollution control and prevention agencies for the state. In that role, the RWQCBs issue permits, conduct inspections, and in some circumstances take enforcement actions to address activities that cause or may cause pollutants to discharge into streams, lakes, or wetlands, or impact riparian vegetation.

To protect yourself, your property and the environment, you should work closely with your consulting RPF and LTO to ensure that post-fire salvage activities conform with all applicable regulations and permitting!

We encourage landowners, RPFs, and LTOs to contact their <u>RWQCB's Forest Activities Program</u> for guidance on applicable water quality regulations and permits. A list of the RWQCBs can be found at the following web address:

https://www.waterboards.ca.gov/publications forms/publications/factsheets/docs/boardoverview.pdf



# DOES YOUR SALVAGE LOGGING OR VEGETATION MANAGEMENT PROJECT INCLUDE WORKING IN OR NEAR A WATERBODY?

The California Department of Fish and Wildlife (CDFW) helps landowners avoid impacts to fish, wildlife, and native plants, and the habitats upon which these species depend.

The CDFW Lake and Streambed Alteration (LSA) Program reviews projects that may alter a river, stream, or lake (waterbody). These projects require landowner notification to CDFW for the project activities. CDFW also provides guidance to avoid unauthorized "take" of species protected under the California Endangered Species Act (CESA).

#### BEFORE YOU BEGIN YOUR PROJECT, USE THE CHECKLIST BELOW TO HELP DETERMINE IF A CONSULTATION WITH CDFW MAY BE NEEDED

#### A PERMIT IS LIKELY REQUIRED IF YOUR PROJECT INCLUDES:

The construction of a road, bridge, or crossing in or near a waterbody
The installation or replacement of a culvert in or near a waterbody
Substantial diversion of a waterbody's natural flow (e.g., removing
water or water drafting)
The obstruction of flowing water in a waterbody (e.g., dam or wood
piles)
Substantial change to the bed, bank, or channel of any waterbody
Potential impact to any sensitive or CESA-protected species or their
habitat
Removal of a tree with a bird nest in it

If any of the boxes apply to your project, please consult with CDFW **BEFORE** you start the project. If you checked any of the first five boxes, you may need to submit a LSA notification. Failure to notify CDFW of any potential Lake and Streambed Alterations or to apply proper take avoidance measures for sensitive and protected species may result in a violation of the Fish and Game Code (see sidebar).

It is very important for landowners, Registered Professional Foresters, Licensed Timber Operators, utility companies, or **anyone** working on salvage logging, fuel reduction, or vegetation management projects to know what CDFW permits or authorizations might be needed. **Even if you are working under a CAL FIRE Emergency or Exemption, the Fish and Game Code must still be followed.** Contact CDFW if you have any questions or to start a consultation.

To locate the Fish and Wildlife Office near you: <a href="https://wildlife.ca.gov/Regions">https://wildlife.ca.gov/Regions</a>

For more information on permits: https://wildlife.ca.gov/Conservation/Timber

#### APPLICABLE FISH AND GAME CODES

- § 45: "Fish" means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals
- § 86: "Take" means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.
- § 1600 et seq. (LSA Program): Requires an entity to notify CDFW, and if required, obtain an Agreement, before substantially diverting or obstructing the natural flow of a river, stream, or lake; substantially changing or using any material from the bed, channel, or bank of a river, stream, or lake; or depositing or disposing debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.
- § 2050 et seq. (CESA): Prohibits unauthorized take of species listed or a candidate for listing under CESA.
- §§ 3503 and 3503.5: Prohibits take, possession, or destruction of bird nests and eggs.
- §§ 5650 and 5652: Prohibits depositing in, permitting to pass into, or placing where it can pass into a water of the state any substance or material deleterious to fish, plant life, mammals, or bird life (§ 5650), or garbage, rubbish, litter, refuse, waste, and debris, among other materials (§ 5652).
- § 5901: Prohibits construction or maintenance of any device that prevents, impedes, or tends to impede upstream or downstream fish passage.
- § 5937: Requires the owner of a dam or other artificial obstruction to allow sufficient water at all times to pass over, around, or through the dam, to keep fish below the dam in good condition.

FOR ADMIN. USE ONLY

#### NOTICE OF EMERGENCY TIMBER OPERATIONS

STATE OF CALIFORNIA, DEPARTMENT OF FORESTRY AND FIRE PROTECTION NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT FROM TIMBER HARVESTING PLAN REQUIREMENTS RM-67 (08/2019)

#### VALID FOR ONE YEAR FROM DATE ACCEPTED BY CAL FIRE. OPERATIONS CANNOT COMMENCE FOR FIVE WORKING DAYS FROM DATE OF RECEIPT AND A NOTICE OF ACCEPTANCE IS RECEIVED FROM CAL FIRE

1.

#### EM. # 1-21EM-00205-NAP Date of Receipt MAY 14, 2021

Date Validated by CAL FIRE MAY 18 2021 MAY 18 2022

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of PRC § 4592 and 14 CCR §§ 1052-1052.3 to remove timber on an emergency basis. The Registered Professional Forester (RPF) should complete items 1-8 and shall sign the Declaration of Emergency.

1.	REGISTERED PROFESSIONAL FORESTER:  I declare, under penalty of perjury, that an emergency exists requiring immediate CCR §§ 1052-1052.3:	e timber harvesting activities within the meaning of 14
	Name: Thomas E. Smythe	RPF #: 2653
	Address: 2501 North State St.	
	city: Ukiah state CA zi	95482 Phone (707) 485-7211
	Signature: Monna Stringto	Date: 5/14/2021
	EMAIL: (optional) tsmythe@ncrm.com	
2.	2. LICENSED TIMBER OPERATOR(S): Name: Juan Soria	Lic#: A875
	Address 122 Mathews Road	
	City Lakeport State CA	Zip 95433 Phone (707) 533-5076
	EMAIL: (optional) jmsoria04@gmail.com	
3.	TIMBERLAND OWNER(S) OF RECORD: Name:  Address  See Attached Address	dendum
	City State	Zip Phone
	EMAIL: (optional)	
4.	4. TIMBER OWNER(S) OF RECORD: Name Juan Soria  Address 122 Mathews Road	
	City Lakeport State CA	Zip 95433 Phone (707) 533-5076
	EMAIL: (optional) jmsoria04@gmail.com	

**RECEIVED** 

**MAY 14 2021** 

**COAST AREA OFFICE RESOURCE MANAGEMENT**  TIMBER TAX NOTICE: The TIMBER OWNER is responsible for payment of a yield tax.

For timber yield tax information or for assistance with these questions call 1-800-400-7115, or write: Timber Tax Section, MIC: 60, California Department of Tax and Fee Administration, P.O. Box 942879, Sacramento, CA 94279-0060; or see the CDTFA Web Page on the Internet <a href="http://www.cdtfa.ca.gov">http://www.cdtfa.ca.gov</a>.

**TIMBER TAX INFORMATION**: Some small or low value harvests <u>may be exempt from the timber yield tax</u> (Revenue and Taxation Code sec. 38116)

<u>Timber Owners may be considered exempt if the value of the harvesting operations does not exceed \$3,000 dollars within a quarter, according to CDTFA Harvest Value Schedules, Rule 1024.</u>

<u>IF THE TIMBER OWNER BELIEVES HARVESTING MAY BE EXEMPT (see timber tax exemption language above for low value harvests)</u>
<u>PLEASE CHECK BELOW:</u>

FINAL DETERMINATION of tax exempt status will be made by the Timber Tax Section of the California Department of Tax and Fees Administration. If you think you are exempt based on the directions above please complete the below information so the Timber Tax Section can make the final determination.

IF YOU WOULD LIKE CDTFA TIMBER TAX SECTION TO CONSIDER A TAX EXEMPTION BASED ON PROJECTED HARVEST PLEASE COMPLETE THE INFORMATION BELOW.

	A.	Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):			
		Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf			
	B.	Estimate what percentage of timber will be removed during this harvest: (percentages provided should equal 100%)			
		%%%%RedwoodPonderosa/Sugar PineDouglas-FirFirCedarPort-Orford CedarOther ConiferOther Hardwoods			
	C.	Fuelwood over 150 cords? Yes   No   D. Christmas trees over 3,000 lineal feet? Yes   No   No			
5.	SELECT THE SPECIFIC CONDITION from the Forest Practice Rules which constitute the emergency: (required)  - Trees are dead or dying as a result of insect, disease, parasites, or animal damage (14 CCR §1052.1(a)(1))    Insect				
	-	Trees are fallen, damaged, dead or dying as a result of wind, snow, freezing weather, drought, fire, flood, landslides or earthquake (14 CCR §1052.1(a)(2))  Wind Snow Weather Drought Fire Flood Landslide Earthquake			
	-	Trees are dead or dying as a result of air or water pollution (14 CCR §1052.1(a)(3))  Air Pollution Water Pollution			
	-	☐ Emergency Road Construction ☐ Emergency Road Repair (14 CCR §1052.1(a)(4))			
	-	Financial Loss (14 CCR §1052.1(b))  Financial Loss due to one or more of the following: Previously Inoperable Unmerchantable  Access Location Condition Timber Volume  Other			
	- Tre	Describe the nature of the emergency and the need for immediate harvesting of trees. Indicate the extent and reason for the immediate commencement of timber operations:  sees were burned from Glass fire. Merchantability of trees will decline from checking and beetle infestation if trees are not harvested immediately.			

YARDING SYSTEMS 6. **GROUND BASED CABLE OTHER** Tractor, including end/long lining Cable, Ground lead Helicopter Other: Rubber tired skidder, Forwarder Cable, High Lead х Feller Buncher Cable, Skyline Shovel yarding

7. Provide the expected dates of commencement	05/19/21	and completion	05/18/22	of timber operations.	(required)
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Designate the legal land description of the location of the timber operation. Attach a titled USGS or equivalent topographic map(s) of scale not less than 2" to the mile or larger scale, showing the area from which timber will be cut or removed, the legal description, roads and Class I, II, III, IV watercourses, and yarding systems if more than one will be used. It would be helpful to describe the access route to the timber operation so that it can be easily located, and/or include an assessor's parcel map for small areas. (required)

					Logging area	
Base Meridian	Township	Range	Section	County	Acreage (estimated)	Assessors Parcel # (optional)
MDBM	8N	5W	19 & 30	Napa	148	

The following are limitations or requirements for timber operations conducted under a Notice of Emergency Timber Operations (Notice, Notice of Emergency, or **Emergency Notice):** 

- This notice must be submitted to and received by CAL FIRE at one of the offices listed below. Timber operations may not commence for five working days after receipt by CAL FIRE unless waiting period is waived by the Director of CAL FIRE.
- 14 CCR §§ 895.1 and 1052.1 define and list emergency conditions. Citing or paraphrasing of these sections does not satisfy the requirements of 14 CCR § 1052.2. The registered professional forester (RPF) preparing the notice must accomplish the following to substantiate the emergency. Describe the nature of the emergency, and the need for immediate cutting in sufficient detail so the reason for the emergency is clear. When the emergency is classified as financial, the following questions must be answered: What is the reason the timber has previously been inoperable or unmerchantable? Why is the harvest opportunity not economically feasible for more than one year? Why do the operations have only minimal impact on timberland resources? The financial emergency described in 14 CCR § 1052.1 means financial loss of timber and not loss of profit. Financial loss requires a loss of timber resource.
- Timber operations conducted under this notice must meet minimum stocking standards at the completion of operations. The timber operations shall also comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvesting Plan," "THP," and "plan." The requirements to submit a completion and stocking report apply. 14 CCR § 1052 describes how exceptions to the rules for non-financial emergencies can be addressed. If this is a financial emergency the conditions specified in 14 CCR § 1038 (b)(1)-(10) must be met.
- This Notice of Emergency is valid for one year from the date accepted by CAL FIRE. If timber operations are to extend beyond the one-year period, such operations must be described in an approved timber harvesting plan. If there is any doubt that a timber operation will not be completed in one year, a THP should be submitted to CAL FIRE early during the one-year operating period.
- A Timber Operator with a valid state license must be designated upon submission of this notice.

The following suggestions may help ensure your compliance with the Forest Practice Rules:

- Timber Owners. Timberland owners and Timber Operators should obtain and review copies of the Forest Practice Rules pertaining to the Notice of Emergency. Copies may be obtained from BARCLAYS LAW PUBLISHERS, P.O. BOX 3066, SO. SAN FRANCISCO, CA. 94080. or from CAL FIRE, Forest Practice Section, P.O. BOX 944246, Sacramento, CA 94244-2460; or from CAL FIRE's Web Page on the Internet at http://www.fire.ca.gov.
- Contact the CAL FIRE office listed below for questions regarding the use of this notice.

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

Alameda, Colusa, Contra Costa, Del Norte Humboldt, Lake, Marin, Mendocino, Napa, Forest Practice Program Manager => San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties. CAL FIRE => 135 Ridgway Avenue

Santa Rosa, CA 95401

Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Forest Practice Program Manager => Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties. =>

**CAL FIRE** 6105 Airport Road Redding, CA 96002

=>

Forest Practice Program Manager

Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino,

CAL FIRE

San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties. 1234 East Shaw Avenue => Fresno, CA 93710

#### **Mund Road Emergency Conditions Addendum**

Item 3 of EN Form - Timberland Owners (See Map)

Herbert and Jennifer Lamb, PO Box 225, St. Helena, CA 94574, phone – (707) 815-8305

Mund Estate LLC, PO Box 21, Occidental, CA 95465, pone – (707) 874-9477

Mund Road LLC, 155 Marva Oaks Dr., Woodside, CA 94062 phone-(650) 245-4914

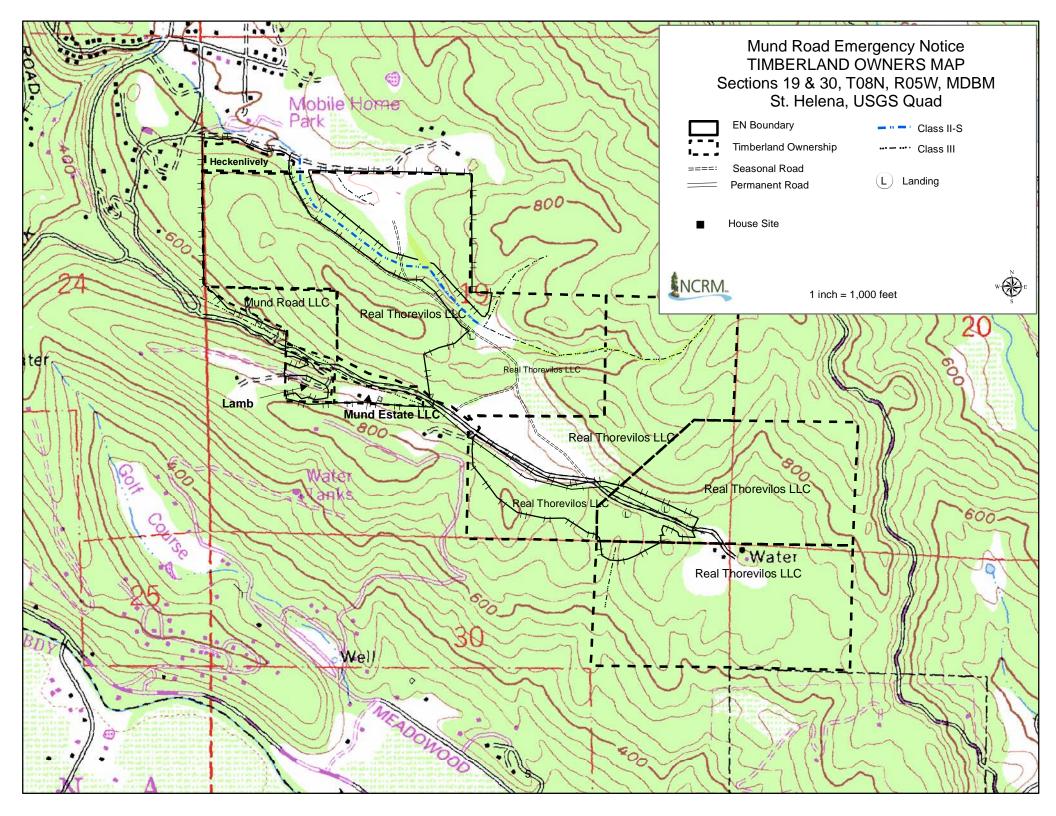
Real Thorevilos LLC, 2054 Fort John Ct., Gold River, CA 95670 phone - (916) 549-9203

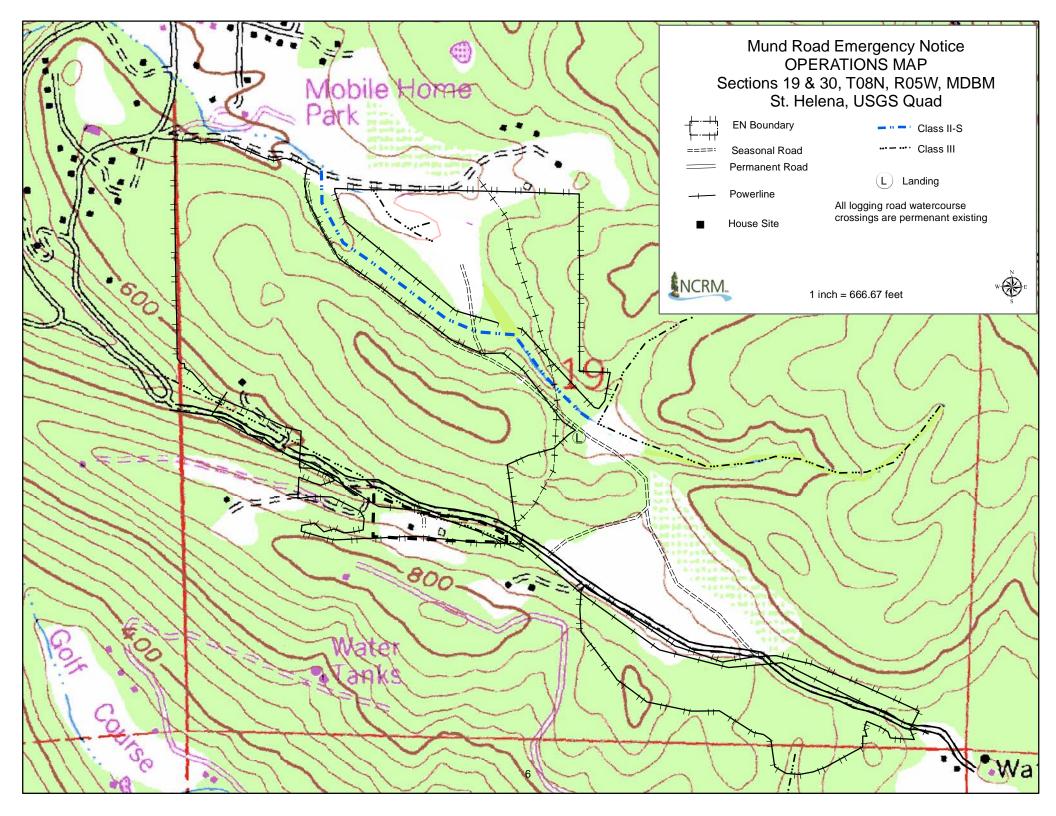
Andrea Heckenlively et al, 2054 Fort John Ct., Gold River, CA 95670 phone – (916) 549-9203

#### Item 5 of EN Form:

#### **Emergency Conditions (1052.1)**

Trees are substantially damaged as a result of wildfire during the Glass Mtn Fire in 2020. The current conditions of the forestland constitute an emergency pursuant to 14 CCR 895.1(b). Trees burned have scarred boles, scorched crowns or completely denuded crowns which may result in financial loss of merchantable timber if not immediately harvested. These trees are likely to die within one year or are so substantially damaged they will become a financial loss for future timber management. In addition burned dead or dying hazard trees were felled by PG&E within these ownerships due to their proximity to powerlines and will be salvage logged during this operation.





#### NOTE

"Information concerning archaeological sites has been removed from

Emergency Notice Number: 1-21EM-00205-NAP

**Emergency Notice Name:** Mund Road Emergency Notice

pursuant to California Government Code Section 6254.10 which exempts cultural resources site location information from the California Public Records Act and provides authority for widespread state policy (not just within the California Department of Forestry and Fire Protection) to keep archaeological site location information confidential. This exemption to the Public Records Act recognizes that providing site location information to the general public may put such sites at risk from artifact hunting, excavations and/or vandalism."

Copies of the information have been sent to the following locations to facilitate review of the project:

- 1. CAL FIRE field unit Santa Rosa
- 2. Reviewing Archaeologist, Santa Rosa (Region Office)

The original copy of this material is maintained in a confidential file at CAL FIRE's Northern Region Headquarters, 135 Ridgway Avenue, Santa Rosa, CA 95401.

From: Tom Smythe <tsmythe@ncrm.com>
Sent: Friday, May 14, 2021 12:59 PM
To: Santa Rosa Review Team@CALFIRE
Subject: Mund Road Emergency Notice
Attachments: Mund Road EN\_form.pdf

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

Attached is the Mund Emergency Notice. The CAL will be in a separate email. If you have any questions, please contact me. Thank you.

Thomas E. Smythe, RPF 2653 NCRM Inc. 2501 South State St. Ukiah, CA 95482 (707) 485-7211 x215 tsmythe@ncrm.com

**RECEIVED** 

**MAY 14 2021** 

COAST AREA OFFICE RESOURCE MANAGEMENT

From: ♂ Dollinger, Samantha@CALFIRE

Burgess, Traci@CALFIRE; Lopez, Cale@CALFIRE; Dysthe, Dana@CALFIRE; Fitch, Jonathan@CALFIRE; Harris, Ben@CALFIRE; Headley, Shawn@CALFIRE; Howard, Valerie@CALFIRE; Robbins, James@CALFIRE; Strong, James@CALFIRE; Schwab, Dominik@CALFIRE; Smith, Katrina@CALFIRE

Subject: RE: 1-21EM-00205-NAP Mund Road Emergency Notice

Date: Attachments: Monday, May 17, 2021 1:49:44 PM

image001.png

Traci,

for filing as it relates to archaeology. and there is no objection to CAL FIRE accepting 1-21EM-00205-NAP Mund Road Emergency Notice The Northern Region Archaeology Office has reviewed the Confidential Archaeological Letter report

# Samantha Dollinger, M.A., RPA

(707) 576-2936 153 Ridgway Avenue Santa Rosa, CA 95401 CAL FIRE Northern Region Archaeologist

Mon-Tues (8am-4pm)

From: Burgess, Traci@CALFIRE < Traci. Burgess@fire.ca.gov>

Sent: Monday, May 17, 2021 9:55 AM

**To:** Burgess, Traci@CALFIRE <Traci.Burgess@fire.ca.gov>; Lopez, Cale@CALFIRE

Harris, Ben@CALFIRE <Ben.Harris@fire.ca.gov>; Headley, Shawn@CALFIRE Dana@CALFIRE <dana.dysthe@fire.ca.gov>; Fitch, Jonathan@CALFIRE <Jonathan.Fitch@fire.ca.gov>; <cale.lopez@fire.ca.gov>; Dollinger, Samantha@CALFIRE <Samantha.Dollinger@fire.ca.gov>; Dysthe,

James@CALFIRE < James. Robbins@fire.ca.gov>; Strong, James@CALFIRE <Shawn.Headley@fire.ca.gov>; Howard, Valerie@CALFIRE <Valerie.Howard@fire.ca.gov>; Robbins,

Katrina@CALFIRE <Katrina.Smith@fire.ca.gov> <James.Strong@fire.ca.gov>; Schwab, Dominik@CALFIRE <Dominik.Schwab@fire.ca.gov>; Smith,

Subject: 1-21EM-00205-NAP Mund Road Emergency Notice

the CAL is uploaded in RTEAMS.  $1 ext{-}21 ext{EM-}00203 ext{-NAP}$  was submitted 05/14/21 and is due 05/21/21. The paper copy is in your box and

# Traci Burgess



Program Technician II (707) 576-2948