

Re: GDRCo Moore Tract Bridge, 1-20EM-00126-DEL

Johnson, Chad@Waterboards <Chad.Johnson@Waterboards.ca.gov>

Wed 12/2/2020 10:30 AM

To: Curtis, Chris@CALFIRE <Chris.Curtis@fire.ca.gov>; Rodgers, Brandon@CALFIRE <Brandon.Rodgers@fire.ca.gov>
Cc: Fortescue, Forest@Waterboards <Forest.Fortescue@waterboards.ca.gov>; Simpson, Nicholas@wildlife <Nicholas.Simpson@wildlife.ca.gov>

Brandon,

Thank you for your thorough and thoughtful reply. It is very helpful.

We will keep you informed of any further action we take on this project.

Chad

From: Curtis, Chris@CALFIRE <Chris.Curtis@fire.ca.gov>

Sent: Wednesday, December 2, 2020 8:52 AM

To: Rodgers, Brandon@CALFIRE <Brandon.Rodgers@fire.ca.gov>; Johnson, Chad@Waterboards <Chad.Johnson@Waterboards.ca.gov>

Cc: Fortescue, Forest@Waterboards <Forest.Fortescue@waterboards.ca.gov>; Simpson, Nicholas@wildlife <Nicholas.Simpson@wildlife.ca.gov>

Subject: RE: GDRCo Moore Tract Bridge, 1-20EM-00126-DEL

EXTERNAL:

All

I think Brandon has responded to this correctly. This crossing work should have been permitted through another process other than the Forest Practice Rule programmatic CEQA process.

Emergency notices are exactly what they are titled - a non-discretionary "Notice" to the Department. We review them as complete and accept them, or incomplete and reject them. Relative to the other ministerial harvest documents, they are a little weird in that they provide an avenue of preconsultation and consideration for specific situations where public safety may be in jeopardy.

CHRIS CURTIS

Forester II, RPF 2541

CAL FIRE

Humboldt/Del Norte Unit

Crescent City Resource Management

Cell 707 499-8699

Office 707 464-4969

Chris.Curtis@fire.ca.gov

----- Original message -----

From: "Rodgers, Brandon@CALFIRE" <Brandon.Rodgers@fire.ca.gov>

Date: 12/1/20 12:50 PM (GMT-08:00)

To: "Johnson, Chad@Waterboards" <Chad.Johnson@Waterboards.ca.gov>

Cc: "Fortescue, Forest@Waterboards" <Forest.Fortescue@waterboards.ca.gov>, "Curtis, Chris@CALFIRE" <Chris.Curtis@fire.ca.gov>, "Simpson, Nicholas@wildlife" <Nicholas.Simpson@wildlife.ca.gov>

Subject: Re: GDRCo Moore Tract Bridge, 1-20EM-00126-DEL

Good Morning,

I apologize for the late response. I will echo Nick Simpson's answer to your original email that went out to Doug and Dominik on the 3rd. The Forest Practice Rules are not explicitly clear on the subject and I am continually seeking further clarification. If anyone on the CC list feels like I am incorrect or something needs clarification, please let me know.

Because Emergency Notices do not require environmental review and are ministerially reviewed, CALFIRE cannot approve watercourse crossing construction. Therefore, if a watercourse crossing is necessary to access an ownership, the watercourse crossing needs to be reviewed and approved by CDFW through their separate 1600 agreement process. Two separate permits would be necessary - the Emergency Notice allows limited timber operations and a Streambed Alteration Agreement, or MATO in this case, allows for the crossing construction. Generally, I would expect to see an approved 1600 Agreement attached to the submitted Emergency Notice for clarification and disclosure, but I do not think it is required. Because the MATO and the Green Diamond Annual Road Work Plan satisfy the 1600 Agreement process, I believe the Moore Tract crossing work is separate from the Moore Tract timber operations. I do not consider the Moore Tract crossing work part of the Moore Tract Emergency Notice.

CDFW's report, dated 11/18/20, states CDFW is concerned with the armoring size and recommended monitoring and reassessment of the bank reinforcement. I believe the site is potentially in violation of the MATO but not the Forest Practice Rules. There could be a separate Forest Practice Rule violation such as significant sediment discharge, erosion control, etc. regarding road use, but specific to the construction, I would defer to the permitting agency.

The expediency of Emergency Notice is a necessary tool for landownerships impacted by wildfire and it comes with its limitations. With CDFW separately reviewing watercourse crossing work, I believe there is an appropriate environmental review to prevent your scenario of any work being conducted on any appurtenant road without environmental oversight. The lack of review and paperwork associated with an Emergency Notice does not excuse the landowner, RPF and LTO from the applicable Forest Practice Rules. CALFIRE will continue to provide oversight and pursue enforcement actions where appropriate to protect the resources. I expect there is a large push of Emergencies coming through our Unit with the fires that impacted our counties and the process will continue to evolve. Please keep me informed with both your enforcement actions and concerns.

Thanks

Brandon Rodgers

Forester I, Humboldt-Del Norte Unit

CAL FIRE

Crescent City Resource Management

1025 N. Hwy 101, Crescent City, CA 95531

office: 707-464-4969

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From: Johnson, Chad@Waterboards <Chad.Johnson@Waterboards.ca.gov>

Sent: Monday, November 23, 2020 3:39 PM

To: Rodgers, Brandon@CALFIRE <Brandon.Rodgers@fire.ca.gov>

Cc: Fortescue, Forest@Waterboards <Forest.Fortescue@waterboards.ca.gov>

Subject: GDRCo Moore Tract Bridge, 1-20EM-00126-DEL

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

Hello Brandon,

I hope you are well and enjoying a respite from the fire season. I know its bad luck to send a substantive email right before a holiday, but the Water Board is considering enforcement action on this project and needs CalFire feedback. As you have probably seen, CDFW and CGS were not satisfied with Green Diamond's repairs to the bridge identified

as RP1 on the MT-10 road. The Water Board is very concerned about substandard crossing construction being conducted under Emergency Notices and we are not clear what work CalFire considers to be part of a project that is enrolled under an Emergency Notice. This is the question I first asked you in an email on November 3rd. Does CalFire consider construction projects identified in the Green Diamond Annual Road Work Plan automatically approved for enrollment under an Emergency Notice? The Emergency Notice application for this project never identified permanent bridge construction as part of the project, nor did it reference the Annual Work Plan. This suggests that, in the extreme, under an Emergency Notice any work can be conducted on any appurtenant road without environmental oversight. Please let us know that this is not the case.

Thank you for your time and consideration of this matter,
Chad

Chad Johnson
Environmental Scientist
North Coast Regional Water Quality Control Board
Non Point Source Division – Northern Timber Harvest Unit