

# California Department of Forestry and Fire Protection

*Writing Mitigation  
Measures and  
Implementing  
Recommendations*

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# Our Mission:

The Department of Forestry and Fire Protection protects the people of California from fires, responds to emergencies, and protects and enhances forest, range, and watershed values providing social, economic, and environmental benefits to rural and urban citizens.

# Mitigation Measures & Recommendations.....

- Are practices included in a plan to bring it into conformance with laws and rules. These measures can already be in the plan submitted to the department or added during review .

**California Forest Practice Rules (14 CA Code of Regulations (CCR) 896(a), 897(a) & 898) & the Public Resources Code (PRC) 21002 & 21002.1(a)) require that.....**

- The plan must identify and analyze all potentially significant environmental effects of activities proposed under the plan, and to adopt feasible mitigation measures or alternatives that will “substantially lessen or avoid” the significant adverse environmental effects of these activities.

# Definitions.....

(14 CCR 895.1)

- **Plan** means THP, NTMP or Program THP
- **Feasible** means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technical factors. With regard to economic feasibility, the issue shall be whether the plan as revised could be conducted on a commercial basis within 3 years of the submission of the plan.....

One more.....

- **Significant adverse impact** on the environment means a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project.....

# Alternatives vs. Mitigations

- An alternative is a description of a another activity or project that responds to the major environmental issues identified during the planning process. CEQA requires that plans contain a discussion and evaluation of alternatives (14 CCR 898).

# Examples: Alternatives

- No project or relocation of project
- Use of an existing road vs. new road construction
- Use of a different appurtenant road

# Mitigations (14 CCR 15370)

- Avoid impact by not taking a certain action.  
(Seasonal timing of operations)
- Minimize the impact by limiting the degree or magnitude of the action.  
(Silvicultural systems, watercourse classification)
- Rectify the impact by repair, rehabilitation or restoration.  
(Replacement of a culvert with a bridge)
- Reduce the impact over time by preservation & maintenance during the operation.  
(Buffer zone around rare plants)
- Compensate by replacing or providing a substitute resource or environment.  
(On or off-site habitat protection)

# Writing Mitigations and Dealing with Recommendations

## Topics:

- Who-What- When -Where -Why and How of Mitigations
- Rules of Thumb
- Where to put Mitigations and Recommendations in the plan
- Dealing with Recommendations and Mitigations in the THP and at Work Completion Report time

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# WHO

- The individual responsible for implementing an act or omission and has legal responsibility to perform the work. The individual may be the RPF, LTO, plan submitter or timberland owner.

(14 CCR 1035)

# What

- The item that is to be performed. It may be amendments, notification, operational work, informational documents, or completion and stocking reports.

# When

- The timing of the event to occur. Will it be prior to plan approval or prior to operations; during a specified event, on or after a calendar date, during the life of the plan, or prior to the signing of the completion and/or stocking report?

# Where

- The specific location that an action is to occur. Is it a *map point*, logging unit, watercourse, road, winter operating area, or entire plan area?

# Why

- The reason requiring the action. Articulate the reasoning that supports your mitigation.

# How

- Provide information in sufficient detail to ensure that your mitigation is implemented to the desired minimum standard, which may be higher than prescribed by the Forest Practice Rules. Set your standard as per the desired results. This could include whether work is done by hand or mechanically, depth of compacted rock, size and distribution of rock armoring, endhauling of fill material, placement of culverts, etc. Be specific. **How** is very closely related to **What**.

- The writing of an enforceable recommendation or mitigation is simply stringing the 5 Ws & H into a clear sentence or paragraph. The order of the 5 Ws & H usually is not important.

### **Example:**

For the identification, disclosure & protection of aquatic resources, the RPF shall revise the THP maps to show a Class III watercourse extending from CAL FIRE Map Point #1 to CAL FIRE Map Point #2 on the CAL FIRE PHI Map.

- For the identification, disclosure & protection of aquatic resources

**Why**

- the RPF

**Who**

- shall revise the THP maps

**What**

- to show a Class III watercourse

**How**

- extending from CAL FIRE Map Pt. #1 to CAL FIRE Map Pt. #2 on the CAL FIRE PHI Map.

**Where**

- Prior to noon, on the Monday before the scheduled Second Review Team meeting.

**When**

# Rules of Thumb

- State performance limitations and/or liabilities if necessary.
- Use enforceable language. An action “shall” be taken, not “should”.
- If you are in doubt over the wording or clarity of mitigation, have someone else read it.
- Abbreviations used more than once should be spelled out the first time used with the abbreviation in parentheses. Example: "Corrugated Metal Pipe (CMP)".
- Define any key terms not provided in the Forest Practice Act or Rules.
- Evaluate the field-implemented mitigation to ensure the end result is what you wanted. If not, modify future mitigation to ensure the desired result.

# **Where to include Mitigations and Recommendations**

## Section II

- The catch-all is Item #38.
- Mitigations specific to one of the subheadings in Section II should be listed under that subheading.

- For Example: if the plan will include a 1603 Addendum then Item #26 d., should be checked yes and the mitigations and instructions for the LTO should be listed under that item.

The impacts assessment for Section II Items should be included in Section III / IV of the plan. Explanation & justification of an exception or in-lieu practice is required in Section III. This is your opportunity to discuss how proposed mitigation will reduce impacts to a less-than-significant level. Define the link between potential impacts and proposed mitigation.

- Section IV (Cumulative Impacts) topics such as Visual and Traffic do not have Section II subheadings. Any appropriate mitigations that address these impacts should go in Section II, Item #38.

- **The only exception to including mitigations in Section II is Part IX of the Confidential Archaeological Addendum, as per the instructions in Part X .**

# Dealing with Recommendations and Mitigations in the THP and at Work Completion Report time.

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- As per PRC 4514(c), neither the Forest Practice Act or Rules limit the power of any state agency to make recommendations for the purpose of enforcing their own statutes.
- Agency PHI recommendations that propose a higher standard than specified by the Rules should be backed up by explanation & justification of why the THP standard is not sufficient.
- If on-the-ground conditions change following THP approval and the mitigation will no longer accomplish the stated intent:
  - Notify the CAL FIRE Forest Practice Inspector.
  - Modify the mitigation and amend the THP (be sure to note that the Inspector reviewed the amendment).

# And .....

- When a recommendation or mitigation falls within an area that was not operated on:
  - Implementation may be required if the action was intended to reduce a source that contributes to cumulative impacts within the planning watershed.
- Having the LTO involved with development and review of recommendations may save the plan submitter/ timberland owner time and money.



- **END OF PRESENTATION**

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