

Appendix Y

Termination Mitigation



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Y. TERMINATION MITIGATION

The *Implementing Agreement* (Appendix A) details, in legalese, the mitigation that will take effect if MRC terminates the HCP/NCCP before its full 80-year term. In Appendix Y, we have provided a basic statement of these mitigation measures by category.

Y.1 AMZ Stands

If MRC terminates the HCP/NCCP before the end of its 80-year term, we may not harvest an AMZ stand previously harvested under the HCP/NCCP until it meets its harvest trigger specified in the conservation measures. Once such an AMZ stand does meet its harvest trigger, post termination mitigation for that specific stand is complete. This requirement does not apply to AMZ stands which were never harvested while our HCP/NCCP permit was in effect.

Example 1

An AMZ stand in the inner band of a Site Class I timberland has a basal area of 340 ft²/ac. In 2015, an MRC harvest reduces the basal area to 280 ft²/ac. MRC terminates the HCP/NCCP in 2020. On a 20-year rotation, MRC would normally not harvest this particular stand again until at least 2035. However, if in 2025 the basal area of the specified AMZ stand has rebounded to 300 ft²/ac, which is the pre-harvest condition (C§8.2.3.1.3-1), MRC, under the terms of mitigation, can harvest the AMZ stand in 2025.

Example 2

An AMZ stand in the middle band of a Site Class II timberland has a basal area of 280 ft²/ac. In 2015, an MRC harvest reduces the basal area to 225 ft²/ac. MRC terminates the HCP/NCCP in 2020. On a 20-year rotation, MRC would normally plan to harvest this particular stand again in 2035. In 2035, however, the basal area of the AMZ stand is only 240 ft²/ac. MRC still cannot harvest the stand, under the terms of mitigation, until it rebounds to 260 ft²/ac (C§8.2.3.1.3-2).

 Conservation Measures for Basal Area Retention Inner and Middle Bands Class I and Large Class II AMZ	
Pre-harvest condition: ≥ 300 ft²/ac of conifer basal area	
C§8.2.3.1.3-1	Retain in Site Class I, post harvest , 240 ft ² /ac or 75% of the pre-harvest basal area, whichever is greater.
Pre-harvest condition: ≥ 260 ft²/ac of conifer basal area	
C§8.2.3.1.3-2	Retain in Site Class II or III, post harvest , 200 ft ² /ac or 75% of the pre-harvest basal area, whichever is greater.

Y.2 5% Alternative

The limits of the 5% alternative as stated in section 8.3.4 will remain in effect no more than 10 years after termination of the MRC permit.

Y.3 Roads

If MRC terminates their permit during the first 30 years of the HCP/NCCP, they will remain responsible for treating all controllable erosion sites designated high priority only if the sites are

(1) on roads used by MRC for harvest operations while the permit was in force and (2) identified in the initial MRC road inventory. MRC will treat such sites within 10 years of permit termination. Once this treatment is complete, post-termination mitigation ceases. Post-termination mitigation does not apply to Masonite Road, which is subject to a different time-frame for upgrades; this is covered in an agreement between MRC and the North Coast Regional Water Quality Control Board (NCRWQCB).

Y.4 Snags, Wildlife Trees, and Recruitment Trees

After termination of our permit, MRC will retain snags, wildlife trees, and recruitment trees in a stand for a period of 20 years since the last harvest of that stand.

Y.5 Northern Spotted Owls

Y.5.1 Post termination mitigation measures

Relative to the take-avoidance standards in 2008¹, there are 3 scenarios in which take of northern spotted owls could occur during the term of the HCP/NCCP:

1. Operations within 0.7 miles of an activity center with limited protection result in a reduction of suitable habitat below 500 ac.
2. Harvest within 1000 ft of an activity center with limited protection takes place during the breeding season.
3. Harvest within 500 ft of an activity center with limited protection takes place outside the breeding season.

In each of these cases, MRC biologists will monitor the occupancy, pair status, and reproductive outcomes of the spotted owl territories for at least 5 years following take. If for at least 3 of those 5 years a northern spotted owl occupies any area within 0.5 miles of the activity center where take occurred, the wildlife agencies will not require post-termination mitigation for that territory.

Y.5.2 Post-termination mitigation based on time periods

TERMINATION DURING 2011-2030

1. For operations within 0.7 miles of an activity center with limited protection that either reduce suitable habitat below 500 ac or commence with suitable habitat below 500 ac:
 - a. MRC will include in the annual report on northern spotted owls our data on the amount of pre- and post-harvest acres within 0.7 miles of the activity center.
 - b. MRC will assess all areas for current habitat acreage:
 - If there are more than 500 ac of suitable habitat, MRC will retain at least 500 ac of habitat for 5 years following termination.
 - If there are less than 500 ac of suitable habitat prior to harvest, MRC will
 - › Map all stands within 0.7 miles of the activity center that were suitable habitat prior to harvest.
 - › Restrict harvest in those stands until they grow suitable habitat.
 - › Continue harvest restrictions for 5 additional years once suitable habitat has been established.
2. For operations that harvest within 1000 ft of an activity center with limited protection during breeding season or within 500 ft of such an activity center during any other time:

¹ A letter sent by USFWS to Bill Snyder of CAL FIRE on February 1, 2008 describes take-avoidance requirements for northern spotted owls in timber harvest plans (THPs).

- a. MRC will include in the annual report on northern spotted owls our data on the amount of nesting/roosting and foraging habitat within 500 ft or 1000 ft of the activity center both pre- and post-harvest.
- b. MRC will map any stands that were reduced to foraging or unsuitable habitat as a result of harvest:
 - If the stands have grown habitat equivalent to the habitat that existed prior to the operations, MRC will maintain that habitat for 5 years following termination.
 - If the stands have not grown habitat equivalent to the habitat that existed prior to the operations, MRC will wait until they do so and then maintain that habitat for an additional 5 years.

TERMINATION DURING 2031-2070

- If MRC is meeting both the population and distribution objective for this time period and the habitat objective, no mitigation is required.
- If MRC is not meeting either the population and distribution objective or the habitat objective for this time period, we will follow the mitigation terms detailed for Years 2011-2030.

TERMINATION DURING 2071-2091

- If MRC is meeting both the population and distribution objective for this time period as well as the habitat objective, no mitigation is required.
- If MRC is not meeting (a) either the population or distribution objective or (b) the habitat objective for this time period, we will follow the mitigation terms detailed for Years 2011-2030.

Y.6 LACMA

MRC will maintain LACMA core areas plus connective acreage (i.e., approximately 200-300 ac) for at least 60 years from the issuance of our permit. Currently 6 areas of approximately 228 ac are potential murrelet conservation areas. If any additional acres become occupied by murrelets prior to termination of the plan, MRC will retain a maximum of 200 of these acres for at least 60 years from the issuance of our permit.

