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Re: MRC 80-Year HCP/NCCP/TMP

Gentlemen:

I write the following comments on behalf of myself and my family. My comments are informed by the knowledge I have gained by living in Anderson Valley since 1971 within eyeshot of much of the property now owned by the Mendocino Redwood Company. I have also reviewed the proposed MRC 80-Year Plan (MRC HCP) from the perspective of someone who has, since the late 1970s worked in the field of forest conservation, first as a coordinator for the successful 1979 Mendocino County voter initiative that banned the aerial spraying of Agent Orange when the Masonite Corporation owned the property within the HCP Plan Area; then as a founding member of Forests Forever, when Louisiana-Pacific owned the same property; and later as the long-time Forest Conservation Chair for California Sierra Club, a time that includes the ownership tenure of the Mendocino Redwood Company. Various administrations, both Republican and Democratic have appointed me to forest-related advisory boards. These include the Coastal Salmon Initiative Policy Panel under former Resources Secretary Doug Wheeler, and at least three committees charged with oversight of the Demonstration State Forest system appointed by three different Directors of the California Department of Forestry and Fire Protection. Currently, I am serving my second term on CalFire's Jackson Forest Advisory Group. While I have retired from officially representing Sierra Club, at the time I attended the original scoping meeting for the PTEIR for this project, back in 2001, I was representing Sierra Club.

Having been deeply involved in forestry issues in Mendocino County over the last 40 years, I can appreciate the MRC HCP as another step on the road of the evolving attempt to come to grips with how to manage a vast privately-owned landscape with both highly

significant public trust resource values and huge economic value. So much has changed in that period in the landscape, the viability of species, the science of what we hope to achieve, and in the technical ways we have to evaluate data! By way of example, we have gone from two dimensional maps, to shaded relief, to Google Earth and LIDAR to mention a few of the tremendous innovations in mapping alone.

The evolution of forest planning has many of its roots here in Mendocino County. The Redwood Coast Watersheds Alliance, founded by my neighbors Chris and Stephanie Tebbutt, were instrumental, along with their attorney Sharon Duggan, in establishing in California the legal requirement to demonstrate maximum sustained production of high quality timber products. The 1990 state-wide Forests Forever initiative, which failed by 18% points, called for Sustained Yield Plans that would have considered both the ecological and productive capacity of state-regulated forestlands. The California Board of Forestry eventually adopted Sustained Yield Plan regulations and used their existence as a reason to deny approval of Local Forest Practice Rules for Mendocino County, which had been arduously crafted over several years by a group of what we would now call "stakeholders." The Sustained Yield Plan that the CDF Director at the time ordered Louisiana-Pacific Corporation to submit was a 6-volume tome that we naively thought would set the standard for a "large" document. That SYP effort was dropped some time prior to MRC purchasing the L-P property 15 years ago. Meanwhile, Charles Hurwitz' Pacific Lumber Company made a Deal with the federal government that involved selling Headwaters Forest and creating a Habitat Conservation Plan and Sustained Yield Plan. I was co-coordinator of the technical/legal review of that document by Sierra Club and the Environmental Protection Information Center (EPIC). After a huge effort that resulted in a much better (though deeply flawed) document than originally submitted, that transaction and HCP was completed in March 1999. As fate would have it, the owners of MRC now also own the former Pacific Lumber landscape as the Humboldt Redwood Company and are implementing that HCP as best they can. I go over this bit of history for a reason: In the 23 years since we at Forests Forever proposed long-term forest planning by way of a Sustained Yield Plan, so very much has changed and our understanding of what to plan for and how to do it is light-years advanced from our crude efforts a mere 23 years ago. Although much of the Pacific Lumber HCP was tainted by politics and the desperate effort to gain approval before the purchase transaction for Headwaters Forest turned into a pumpkin when purchase authorization expired on March 1, 1999, it was still a massive effort on the part of state and federal Wildlife Agencies and the environmental community to come up with something credible. That was only 14 years ago and now I hear that the parties directly involved are frustrated with how it is working today. The permits still have 36 more years to run.

So what in this history suggests that it is a good idea to approve an HCP document for the MRC landscape in which the provisions are locked-in for 80 years by the "No Surprises" policy? I don't see it, myself. "No Surprises" binds the Agencies and the Public to live with the provisions of the approved document but does nothing to guarantee the company will continue to sustainably harvest timber for 80 years, nor does it even guarantee the company will own the property substantially undivided in

that period of time. The company gets “No Surprises,” but the Public and the endangered species are subject to whatever surprises happen to come along either through the operation of the HCP or otherwise.

And all of the above is only in light of relatively recent history, and does not even take into account Global Climate Change, which has gone from being a fringe idea back in the days of the Forests Forever Initiative to being a well-supported theory at the time of the PL HCP approval to being an almost universally accepted and dire fact as we consider the MRC HCP.

In brief, I strongly support the idea of long-term planning for the forested landscape, but cannot support 80-year No Surprises Incidental Take Permit terms that do not, and realistically cannot, provide for the evolution of scientific understanding or respond to species' actual needs in a changing environment.

What we do know about Global Climate Change is based on educated speculation and modeling. Attached are two papers that document the likelihood that changes in the climate in California over the next century is highly likely to result in changes in the environment, including the landscape covered in the MRC HCP.

The November 8, 2005 edition of the *Proceedings of the National Academy of Sciences* (PNAS) includes the paper “Modeled Regional Climate Change and California Endemic Oak Ranges” by Lara M. Kueppers, Mark A. Snyder, Lisa C. Sloan, Erika S. Zavaleta, and Brian Fulfroost of the Department of Earth Sciences or Environmental Studies Department, University of California, Santa Cruz. As the following excerpt of the Abstract states, the basic thrust of the paper is:

“Although most efforts to quantify potential shifts in species' ranges use global climate model (GCM) output, regional climate model (RCM) output may be better suited to predicting shifts by restricted species, particularly in regions with complex topography or other regionally important climate-forcing factors.”

This paper is particularly relevant to the future of the MRC landscape because one of its focus species, *Quercus lobata* (Valley Oak) currently has a range near to the MRC HCP Plan area. The maps on page 4 of the paper that project the future range of Valley Oaks clearly show that in both the Global Climate Model (GCM) and the Regional Climate Model (RCM) the range of the Valley Oak shifts dramatically into the MRC HCP Plan Area. This clearly suggests the Plan Area is in for a dramatic climate shift during the proposed term of the HCP. There is no evidence in the HCP that it accounts for this potentially massive change, nor potential responses to it by the species proposed for coverage by the Incidental Take Permits.

The second attached paper is more broadly focused on climate change, but is specific to California and Nevada. “The Geography of Climate Change: Implications for Conservation Biogeography” by D. D. Ackerly, S. R. Loarie, W. K. Cornwell, S. B. Weiss, H. Hamilton, R.

Branciforte, and N. J. B. Kraft (from a wide variety of respected institutions) was published in 2010 in *A Journal of Conservation Biogeography*. The paper reviews the interaction of temperature and precipitation as mediated by topography. The maps on page 6 of the paper show coastal Northern California and illustrate likely dramatic climate changes over the rest of the century, including on the MRC landscape (see Map (c) compared to Map (e)). The paper concludes (excerpt):

“Projecting the ecological consequences of climate change decades in the future is inherently difficult and yet of paramount importance. The complexity of ecological interactions, and gaps in understanding of the underlying mechanisms, pose substantial challenges (Suttle et al., 2007). The appearance of novel climates is particularly important in this regard, as projections of biological response into novel portions of climate space require extrapolation beyond the conditions under which current systems can be studied and models parameterized. Where ecologists and conservation biologists are specifically interested in one or a few species or habitats of special concern, detailed research will be important to fill gaps and address these challenges....”

This paper provides a strong rationale for not locking in today a very long-term regime for threatened and endangered species in the region.

Does this mean that one should not engage in long-term planning? Not at all. Certainly long-term planning is both reasonable and desirable. For decades, the California forest conservation community has been strongly in favor of planning.

Should the idea of “assurances” that are at the heart of the “No Surprises” policy and currently proposed as part of the MRC HCP Implementing Agreement be abandoned? Yes, as it is currently proposed.

However, there are options that may meet the objectives of both the landowners and the conservation community.

1. Continue to plan to a theoretical 80 year horizon, but provide for periodic, for instance 20 year, re-openers to evaluate the accuracy of the assumptions made, assess the changing landscape, and determine the adequacy of the conservation plan as proposed for each covered species, and for sustained yield. This would be substantially beyond what is currently envisioned, which only allows the agencies and public to review monitoring reports without any significant ability to require changes to the plan that result in additional resources being allocated by the Company. Under a revised scenario, there would be a “re-open” period when changes to the Plan could be proposed if needed, reviewed by Agencies and the Public, and approved for the next 20-year period. This would have the benefit of providing operational assurances to the Company for a reasonable period of time while providing parallel assurances to the public and the Agencies charged with protecting public trust resources that the Plan would also benefit

the covered species and assure sustained yield.

2. A second, less desirable alternative would be to plan for a shorter period of time and approve the permits for a shorter period of time. This would be less desirable because making the attempt to project habitat and stand changes over time yields valuable information when validated against reality. This information would be lost if a long time frame was not used as the planning horizon.

By far the worst choice would be to lock in provisions for an 80-year period that will cover a time of unprecedented climate change the dimensions of which researchers are struggling to understand. **Approving permits for an 80-year period under such circumstances would constitute an impermissible abuse of discretion, and I strongly urge the Agencies to deny approval of an 80-year term for the Incidental Take Permits and Timber Management Plan.**

Nevertheless, while disagreeing with a number of provisions in addition to the term of the permits, I do appreciate the tremendous effort the MRC HCP and associated documents represent both on the part of MRC and on behalf of the Agencies and their personnel. It is a complicated and nuanced endeavor to protect public trust resources while allowing for a reasonable degree of timber harvesting in the region's privately owned forestlands. I believe both goals can be accomplished if we commit to continue with the effort and keep remembering the importance of the coast redwood ecosystem.

Best regards,

Kathy Bailey

Attachments:

"Modeled Regional Climate Change and California Endemic Oak Ranges" (6 pages)  
"The Geography of Climate Change: Implications for Conservation Biogeography" (12 pages)

Cc: Linda Perkins, Sierra Club  
Mike Jani, MRC  
Paul Carroll, Esq.  
Kristen Boyles, Earthjustice

