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Comments on the *Draft Environmental Impact Statement/Program Timberland Environmental Impact Report for Authorization of Incidental Take and Implementation of the Mendocino Redwood Company Habitat Conservation Plan/Natural Community Conservation Plan and Timber Management Plan* [hereinafter DEIS/PTEIR], October 2012; including comments on the *Habitat Conservation Plan and Natural Community Conservation Plan* [hereinafter HCP/NCCP], Public Draft, November 2012.

Mendocino Coast Audubon Society (MCAS) is concerned with any activities in the Mendocino Coast region that may alter bird habitat, especially those that may affect threatened or endangered species. We are pleased to offer these comments, and hope for additional opportunity to work with Mendocino Redwood Company (MRC) and the agencies before a final decision is reached.

We welcome the long-term thinking represented by the HCP/NCCP, which sets goals and objectives for an 80-year period of forest management. Even this time span is brief compared to the lives of the trees who are the principal direct subjects of such management, and the ecosystem of which they are part. Forests can be damaged at much faster rates than they can recover, and species dependent on intact ecosystems can be irreversibly harmed by human activities that disregard the long-term impacts. It is therefore refreshing to see a landowner taking a more long-term view of forest and ecosystem health, even if this involves great uncertainty. We are, however, deeply concerned over the proposal to issue an 80-year permit for incidental take of protected species, and recommend additional time be allowed for public review and scientific examination of the Proposed Action as well as the Alternatives considered in the DEIS/PTEIR.

MCAS notes with approval the proposed shift away from clear-cutting, and the incorporation of management practices such as: protection of old-growth trees, retention and recruitment of snags, retention of downed wood, and retention of hardwoods within conifer stands. Several different bird species stand to benefit from these practices in both the short and long term. In addition, the Proposed Action includes substantial protections for the extremely limited remaining habitat for Marbled Murrelet in Mendocino County.

According to information presented in the HCP, MRC land currently includes approximately one-third of the known Northern Spotted Owl (NSO) population in Mendocino County. Our concerns with the HCP/NCCP center on the proposals to limit protections for a substantial part of this population, and in particular to reduce the territories of existing productive owls within certain inventory blocks¹. While we recognize and approve of the objective to improve habitat values overall, in particular to increase the proportion of nesting/roosting habitat across all of the MRC blocks, we believe this effort should precede the taking of NSO that have already demonstrated reproductive success.

¹ See HCP/NCCP p. 10-29 Table 10-7, *Distribution of NSO Territories to Meet Distribution Objectives*.

MRC should not be permitted to reduce the populations of successfully reproducing owls (Level 1 and Level 2 owls, as defined in the HCP) before new or replacement populations have been established with documented reproductive success. As is made clear in the HCP, there is substantial uncertainty as to whether the proposed forest management practices will result in new Level 1 and Level 2 owl territories in areas where they are currently deficient. If existing populations are reduced before new replacement populations are established, irreversible harm to the NSO population could result.

MCAS therefore urges you to require MRC to revise and reissue the draft HCP/NCCP to address the question of timing between take and restoration of the NSO population. It is our position that a population increase, and in particular the establishment of new successful reproductive territories, should be documented before considering take of any existing Level 1 or Level 2 owls.

In general, the HCP offers to protect and maintain the existing numbers of Level 1 and Level 2 owls (and some Level 4), while reducing protection for the Level 3 owls, for the next 60 years; after that time, the objective is a 20% increase in population of Level 1 and Level 2 owls. There is no population objective for Level 3 owls. Although there are several statements indicating a goal of "contributing to overall population increases... in northern California," nowhere in the HCP did we find an explicit goal of increasing the overall population of NSO on MRC lands, and there are indications that population *reductions* may occur during the early decades of implementation.

The HCP/NCCP presents a number of contingency measures and adaptive management strategies in the event that monitoring and verification programs indicate outcomes that are significantly different from those predicted. This is appropriate, given the high level of uncertainty surrounding restoration efforts for threatened species in general, and the NSO in particular. Three of the monitoring programs are optional, and in six the "adaptive management" consists of meeting with agencies; in the three cases where a specific response is declared, it consists of approximately 10% adjustments to the existing conservation measures. It is far from clear that MRC will change course in any significant way if its activities are causing harm to threatened species populations. The HCP/NCCP and the DEIS/PTEIR should be revised to strengthen the adaptive management aspects, indicate commitments by agencies and MRC to undertake meaningful change (including revision of conservation strategies and/or forestry practices) if results are not developing as planned, and include specific provisions for public input when evaluating the monitoring results for conformity with the Plan.

The DEIS/PTEIR does not mention the redistribution objective that is a key aspect of the conservation strategy for NSO as presented in the HCP. The DEIS/PTEIR thus fails to acknowledge the potential harm to NSO populations that may occur if MRC is permitted to take or otherwise impair owls that are currently producing offspring, before offsetting populations of reproductively successful owls are established in other areas. This omission potentially invalidates the finding of "beneficial effects" (p. 3-359) for the Proposed Action. Accordingly, we request the DEIS/PTEIR be withdrawn, amended to identify the potentially significant impact of take on NSO populations, recommend mitigation measures (including restricting take until successful colonization of new territory by reproductively successful owls has been demonstrated), and reissued for public comment.

As presented in the DEIS/PTEIR, Alternative A consists essentially of the Proposed Action with enhanced conservation measures for aquatic and riparian habitats. Protections for the threatened NSO and Marbled Murrelet populations would be essentially the same as in the Proposed Action, so we have the same concerns for Alternative A. Many other bird species would likely benefit from the riparian habitat conservation measures, therefore, MCAS prefers Alternative A to the Proposed Action.

MCAS does not support Alternative B, which would restrict habitat conservation and threatened species protections to Terrestrial Reserves while allowing significant habitat degradation and incidental take over most of MRC property.

MCAS requests additional time for review and evaluation of these large and complex documents. Although the documents have been in preparation for many years and have gone through several iterations, this is the first opportunity the public has been given to review them, and we urge you to extend the public comment period. There is a great deal at stake, particularly for the threatened species for which 80-year take permits are contemplated, and interested persons should have more time to work through the science and policy implications presented in these documents.

Thank you for your consideration.

Respectfully submitted on behalf of and with the unanimous approval of the Mendocino Coast Audubon Society Board of Directors by:

Tim D. Bray, Board Member
Mendocino Coast Audubon Society

