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Mr. Chris Browder
Resource Management
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Mr. Eric Shott
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NMFS - Southwest Region
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Re: MRC 80-Year HCP/NCCP/TMP

Dear Messrs. Browder and Shott:

The Mendocino Group of Sierra Club (Sierra Club) hereby requests additional information and actions regarding the Mendocino Redwood Company 80-Year Habitat Conservation Plan/Natural Communities Conservation Plan/Timber Management Plan (Plan) and associated documents. Additionally, Sierra Club requests at least a 90-day extension of the Plan's public comment period, beginning once the requested actions are taken and the requested information is provided.

Reconvene the Mandated Science Panel:

Under the Natural Community Conservation Planning Act (NCCPA or Act), a plan's participants must "establish a process for the inclusion of independent scientific input." (Fish & Game Code, §§ 2801, subd. (b)(5).)[1] The Department of Fish and Game (DFG) shall not approve a plan unless the plan was developed according to that process. (§ 2820, subd. (a)(1).)

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[1] Unless otherwise noted, further statutory references are to the Fish and Game Code.

In this case, a Scientific Panel was convened, but has not been consulted for ten years. Its most recent action was a report in August 2003. "The Natural Community Conservation Plan Act (NCCPA) mandates that an independent science panel analyze and review the plan prior to completion. The intent of this process is to ensure that the plan is grounded in scientifically defensible principles and methods. MRC wishes to thank the distinguished group of science advisors who reviewed the *first draft* of our HCP/NCCP. Subsequent to that review, the advisors conducted a workshop in May 2003 and later prepared a report that was submitted to MRC in *August 2003*. MRC used this report in revising our HCP/NCCP." (HCP/NCCP Volume I, p. vi, emphasis added.)

The Plan that the Science Panel reviewed is not the Plan the public is being asked to review. "There were 8 drafts of the HCP/NCCP from 2002 to the Pubic Draft in 2011." (HCP/NCCP, Volume I, p. iii.) And the 2011 draft was not released for public review until November 2012. Thus there have been 7 additional drafts since the Science Panel reviewed the Plan ten years ago. The Plan therefore has *not* been prepared according to a process that ensures "the inclusion of independent scientific input." (§§ 2801, subd. (b)(5); § 2820, subd. (a)(1).)

One can only assume that, since 2003, significant changes have been made to the Plan and new scientific information has come to light, both of which are supposed to be reviewed by the Science Panel. Particularly, climate change has evolved from a well-supported theory to an established fact. Additionally, new scientific information is establishing the importance of mycohrrizal relationships and forest productivity. In another significant development, barred owls have greatly expanded their territories, with still uncertain effects on Northern spotted owls, a covered species under the Plan. The reconvened Science Panel should be asked to review the current draft, with particular emphasis on how new scientific information and changed circumstances may threaten covered species. In particular, it should assess the biological risks of approving an 80-year Plan and associated incidental take permits in light of the uncertainty regarding the response of covered species and natural communities to the effects of climate change.

Engage in Stakeholder Consultation

The Act mandates ongoing public participation throughout the development of a plan. Indeed, the statute is remarkable for its emphasis on public participation:

> The department shall establish, in cooperation with the parties to the planning agreement, a process for public participation throughout plan development and review to ensure that interested persons, including landowners, have an adequate opportunity to provide input to lead agencies, state and federal wildlife agencies, and others involved in preparing the plan. The public participation objectives of this section may be achieved through public working groups or advisory committees, established early in the process.

(§ 2815, subd. (a).) Besides a call for public working groups or advisory committees, the Act requires public availability of "all draft plans, memoranda of understanding, maps,

conservation guidelines, species coverage lists, and other planning documents associated with a natural community conservation plan." (§ 2815, subd. (b).) It also mandates the formation of an "outreach program" to disseminate information to the public and interested parties. (§ 2815, subd. (d).)

Unfortunately, the public has not been made as much a part of the process as the Act requires. The public has not been invited to "participat[e] throughout plan development." (§ 2815, subd. (a).) No "public working groups or advisory committees" have been formed. (*Ibid.*) And we are unaware of any "outreach program to provide access to information" to interested members of the public. (§ 2815, subd. (d).)

Accordingly, we request a series of public consultation meetings with a proper 30-day notice.

Provide updated NSO Population and Territory information

The most recent information in the Plan about Northern spotted owl populations and territories in the Plan Area and nearby is for 2007. Please provide this information through 2012 and provide the updates for what the current information means in terms of Baseline Distribution both Plan-wide and by Inventory Block, as per HCP Tables 10-5 and 10-7.

Resolve discrepancy between figures provided for NSO Nesting/Roosting habitat in Table 10-10 on HCP page 10-39 and information provided in the DEIS Appendix Q

There is a very significant discrepancy between the figures provided in the HCP itself for Northern spotted owl nesting/roosting habitat and the figures provided in the DEIS Appendix Q for the same habitat. The year 0 nesting/roosting habitat is somewhat in the ballpark with HCP = 44,137 acres and Appendix Q = 47,357.87. However, ***at year 40 there is a dramatic difference: HCP = 48,214 acres and Appendix Q = 76,893.94 acres.*** At Year 75 in the HCP, the nesting/roosting acreage has increased (compared to Year 40 HCP figures) to 52,287, while the Year 80 Appendix Q figure has decreased (compared to Year 40 in Appendix Q) to 62,903.94 acres. Please provide the correct figures for this key aspect of the Northern spotted owl management plan.

Navarro River Watershed Maps

Almost all of the maps split up the Navarro River watershed in such a way that it is impossible to visualize the Plan as it will play out in the Navarro River watershed. Having a clear understanding of how the Plan will affect the Navarro River watershed is important for two reasons. 1- This watershed is the largest watershed in the Plan area and thus the effects of the Plan in the watershed will have a large impact on the total success of the Plan in conserving covered species; and 2- This watershed currently has the largest proportion of Northern Spotted Owl Level 1 Territories in the Plan Area and the Plan proposes to dramatically reduce the number of those Territories over the life of the Plan, which implies a dramatic degradation of the quality of the existing forest stand. Without being able to adequately visualize the effects on the watershed as a whole, it is difficult to adequately

analyze and comment on the Plan. Therefore, at a minimum, please provide the following maps in such a way that the entire Navarro River watershed is displayed on a single map:

HCP Map 13: Vegetation Structure Class
HCP Map 26: Coho Core Areas
DEIS Map 4 b & c: CWHR Habitat Types
DEIS Map 15 b & c: Projected NSO habitat Year 0
DEIS Map 22 b & c: Projected NSO habitat Year 40 – Proposed Action
DEIS Map 23 b & c: Projected NSO habitat Year 80 – Proposed Action

Extend Public Comment Period

In light of the above, we request that the public comment period be extended at least 90 days from when the above information is provided and the updated Science Panel report is published. While we can understand the Plan proponent's desire to complete this protracted process, the delays have all occurred prior to public review. The Plan was created by teams of company and agency paid professionals. It is only fair that the unpaid volunteers representing the public receive complete and consistent information, and a reasonable amount of time to consider a Plan that proposes to lock in management of a significant portion of the coast redwood ecosystem for the next 80 years.

Very truly yours,

Paul V. Carroll