

An article, titled “Still Uncertainty on Measure V” by Sarah Reith, was published in the Willits News on August 23, 2016.

Mendocino Redwood Company found a number of comments that would benefit from additional correction, clarification or commentary which are presented on the right side of the page.

Substantial factual information on Mendocino and Humboldt Redwood forests and its practices are available at www.mrc.com. Wherever possible we have provided direct links to specific material on our website to help the readers have easy access.

<p style="text-align: center;">Text of Article</p> <p><i>Text of article begins below, spaces placed to allow facts to line up with text of article.</i></p>	<p style="text-align: center;">Facts about Mendocino Redwood Company</p>
<p style="text-align: center;">[BEGINNING OF ARTICLE BELOW]</p>	<p>Mendocino Redwood Company (MRC) was created in 1998 from lands purchased in Mendocino and Sonoma county with the publicly declared mission to be good stewards of the forest and at the same time run a successful business. We have made significant progress in that regard:</p> <ol style="list-style-type: none"> 1. Adopting policies to make MRCs forestlands FSC certified (since November 2000); 2. Adding more than <u>1 billion board</u> feet of redwood and Douglas fir trees by lowering the rate of harvest; 3. Defining of old growth down to the level of an individual tree, along with implementation of a policy to protect all individual old growth trees across our property; 4. Elimination of traditional clear cutting from our property; 5. Long term investments to improve habitat for fish across the property by controlling or holding back more than 1 million cubic yards of sediment (more than 100,000 dump trucks of dirt) from the coastal streams flowing through our forest; 6. Removal of more than 36 long time fish barriers, increasing fish bearing streams by more than 20 miles. 7. Operating as an open and transparent

[BEGINNING OF ARTICLE]

Still Uncertainty on Measure V

The future of Measure V is uncertain, with hints of lawsuits and demonstrations, an upcoming recertification, and a lack of confidence in the strength of the ordinance.

Early this month, a letter from the Mendocino Redwood Company to county CEO Carmel Angelo surfaced on the Humboldt Redwood Company's website. It was subsequently publicized by the Bay Area Coalition of Headwaters, which includes Save our Little Lake Valley, the Coyote Valley Band of Pomo Indians, and Earth First!

The letter asserts that timber operations are exempt from public nuisance determinations. It cites California law stating that "No agricultural activity...maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards...shall be or become a nuisance, private or public...after it has been in operation for more than three years if it was not a nuisance at the time it began."

It points to language in the California Civil Code that declares that "This section shall prevail over any contrary provision of any ordinance or regulation of any city, county, city and county, or other political subdivision of the state." It defends the silvicultural practice known as "Hack and Squirt," or "Frilling," as "an accepted forest management treatment, practiced throughout the U.S."

[ARTICLE CONTINUES]

business; including an open invitation to take interested individuals anywhere in the forest;

8. Completing a substantial rebuild of our Ukiah sawmill, assuring that Mendocino County will have infrastructure in the processing of wood products for many years to come; and
9. Employing about 300 skilled employees in Mendocino County earning family-level wages and benefits.

Mendocino Redwood Company and Humboldt Redwood Company have a joint website where this letter is located. The letter can be found at http://www.hrcllc.com/wp-content/uploads/2016/06/Ltr.-CAngelo_MendoCo_7-6-16.pdf.

The County code provides much the same protections as State law. However it provides additional language in Section 10A.13.060 regarding future ordinances that deem agricultural operations a public nuisance:

It is the finding of the Board of Supervisors that this Ordinance is to take precedence over all ordinances or parts of ordinance or resolutions or parts of resolutions in conflict herewith and same are hereby repealed to the extent of such conflict and no further.

The letter is dated July 6. Angelo said she gave it to County Counsel Katharine Elliott a few days after receiving it, but that she did not realize at the time that the Board of Supervisors had not also received copies of the document.

Measure V does not prohibit or curb the practice of killing unwanted tree species in a commercial forest. Nor does it prohibit or curb the use of chemicals to do it. What it does to discourage the practice is declare any tree larger than 5 meters that was killed this way and left standing in the forest, a public nuisance, forcing companies to go in and harvest those species at their own expense. The measure applies to all timber owners, not just MRC although its effect is primarily aimed at that company.

[ARTICLE CONTINUES]

The treatment of tanoak to restore the natural balance of conifer to hardwood is a tool used for at least 25 years. Small private landowners, industrial landowners, and state landowners all use this tool to achieve this goal in a careful and controlled manner according to state regulations.

MRC was created in 1998 from lands purchased in Mendocino and Sonoma county with the publicly declared mission to be good stewards of the forest and at the same time run a successful business. This set a different, sustainable and better path from the legacy of previous owners. This legacy includes tens of thousands of acres of redwood and Douglas fir forest that are now dominated by tanoak. MRC is committed to restoring these forestlands to the natural balance of conifer and hardwood.

Treated tanoak is left standing for three reasons:

1. The filtered shade provided by the standing trees significantly increases the survival rate of planted seedlings during hot summer months.
2. If the standing dead trees were felled, a large fuel load would be present on the forest floor. The acreage where tanoak is treated literally contains hundreds of tanoak trees per acre. When left standing, the trees slowly decompose, limiting the amount of fuel on the forest floor in any given year.

<p>At the July 19 Board of Supervisors meeting, County Counsel Katharine Elliott acknowledged that there is “no code direction” for enforcing Measure V, though she emphasized later that “it is the law.”</p> <p>Naomi Wagner, of Earth First! was offended that MRC’s letter appeared to characterize the company as an agricultural producer, put-upon by an encroaching human population. Asked how her organization planned to respond, she said that “Earth First! doesn’t do lawsuits;” but promised the group would “try them in the court of public opinion.”</p> <p>[ARTICLE CONTINUES]</p>	<p>3. Recent fires in Mendocino County show little to no correlation between high fire intensity and tanoak treatment areas. In fact, some wildland fires were stopped in areas where tanoak had been treated. The fuel ladders had been removed prior to tanoak treatment, keeping the fire on the ground.</p> <p>MRC has reviewed its internal policies to encourage fire safety. These include procedures and processes we have used for more than a decade, such as:</p> <ul style="list-style-type: none"> a. Partnering with communities to place dedicated fire-water tanks, improve egress for remote neighbors and coordination of activities with local fire districts. b. Working in Sacramento to encourage investment in Mendocino county infrastructure through the return of taxes paid locally and deployment of CalFire resources. c. Donations of time, equipment and money to Volunteer Fire Departments. <p>MRC strengthened its practices to improve coordinating with local fire districts, fire experts, climate experts and CalFire on pilot projects for fuels hazard reduction and additional road access in the remote parts of the County.</p> <p>From our inception we have encouraged transparency and we have a publicly stated policy of taking anyone to anywhere on the property to see our practices first hand. Please contact John Andersen at 707-272-1177 to arrange for a tour. Additionally, we post our inventory and other forest facts on our website. You can find more</p>
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UC Director and Advisor of Forest and Wildland Ecology Gregory Giusti says there is no evidence to suggest that Imazapyr, the herbicide used to kill tanoaks, affects other life forms. "That doesn't change the fact that people in Mendocino County don't like herbicides," he observed.

But while a political decision has been made, Giusti, too, addressed the fact that there is no mechanism for enforcing the measure.

While Measure V declares that any tree that has been intentionally killed and left standing is a public nuisance, whether it has been killed by herbicides or by having its bark stripped with a chainsaw, with many trees killed by the drought and sudden oak death, Giusti said, a professional forester would have to determine how a tree died before declaring it a public nuisance. The county does not employ a forester at this time.

MRC Forest Policy Director and media contact John Andersen said, "at this point we feel we're exempt" from Measure V, for reasons outlined in the letter. He assumes the county agrees, because, he stated, the company has not had a response from the county. Asked what strategy the company would pursue if the county tried to codify and enforce Measure V, he said they would "cross that bridge when we get there;" but that he "can't imagine that would happen."

Andersen acknowledged that MRC "worked hard to get" a certification from the Forest Stewardship Council. The first principle of the FSC's Forest Management Standard is "adherence to international treaties and agreements and national, state and local legal requirements, including legislation..." The document requires that "Forest management plans and operations demonstrate compliance with all applicable federal, state, county, municipal, and tribal laws, and administrative requirements..."

Rainforest Alliance, a third-party FSC certification organization, will audit MRC for recertification on

information at www.mrc.com.

As of the writing of this document, MRC has not received a response from the county.

September 27 and 28. According to Forest Certification Coordinator Jamie Overton of the Rainforest Alliance, auditors plan to review all the information regarding Measure V, including MRC's letter. She said the Alliance would also consult with those involved in crafting the measure and those who are enforcing it (though there is no enforcement at this time). She declined to speculate on the company's compliance until auditors have had "the opportunity to do our due diligence."

The audit will take place in Ukiah at multiple locations which have yet to be disclosed, though some will be on timberlands owned by MRC. A decision will be available on November 28. Overton is taking public and stakeholder comments on MRC's forest management at:
file:///C:/Users/TWN%20reporter/Downloads/Mendocino%20Redwood%20Company,%20LLC%20FSC%20FM%20%20Stakeholder%20Notification%2016%20(3).pdf

Fifth District Supervisor Dan Hamburg said in an email that "There is no legal challenge yet, but depending on Board action, it seems clear that there could be." He added that "the matter has not been agendized for closed session at this time," as is often the case with legal challenges. First District Supervisor Carre Brown said in a telephone interview that she expected someone to sue the county, either for enforcing the measure or failing to enforce it, and that she favors taking no action until the matter has been decided in court.

[END OF ARTICLE]

MRC was created in 1998 from lands purchased in Mendocino and Sonoma county with the publicly declared mission to be good stewards of the forest and at the same time run a successful business.

We are working hard to restore the forest we own and set an example for other forest owners, managers and regulators to be good stewards of the forest and at the same time run a successful business. We have made significant progress in that regard:

	<ol style="list-style-type: none"> 1. Adopting policies to make MRCs forestlands FSC certified (since November 2000); 2. Adding more than <u>1 billion board</u> feet of redwood and Douglas fir trees by lowering the rate of harvest; 3. Defining of old growth down to the level of an individual tree, along with implementation of a policy to protect all individual old growth trees across our property; 4. Elimination of traditional clear cutting from our property; 5. Long term investments to improve habitat for fish across the property by controlling or holding back more than 1 million cubic yards of sediment (more than 100,000 dump trucks of dirt) from the coastal streams flowing through our forest; 6. Removal of more than 36 long time fish barriers, increasing fish bearing streams by more than 20 miles. 7. Operating as an open and transparent business; including an open invitation to take interested individuals anywhere in the forest; 8. Completing a substantial rebuild of our Ukiah sawmill, assuring that Mendocino County will have infrastructure in the processing of wood products for many years to come; and 9. Employing about 300 skilled employees in Mendocino County earning family-level wages and benefits. <p>MRC is regulated by seven (7) state and federal agencies, including CalFire. Additionally, MRC voluntarily subjects itself to third part verification of forest practices under the guidelines of the Forest Stewardship Council (FSC) and has done so since 2000. We publish our inventory and many other details of our forest management on our</p>
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	<p>website (www.mrc.com). It is straightforward to find information on our management of the forest.</p> <p>From our inception we have encouraged transparency and we have a publicly stated policy of taking anyone to anywhere on the property to see our practices first hand. Please contact John Andersen at 707-272-1177 to arrange for a tour. Additionally, we post our inventory and other forest facts on our website. You can find more information at www.mrc.com.</p>
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