

Scoping Meeting Summary
for the
Mendocino Redwood Company
Habitat Conservation Planning Process

Prepared for:

U.S. Fish and Wildlife Service and
National Marine Fisheries Service –
Federal Co-Lead Agencies
California Department of Fish and Game –
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Scoping Meeting Summary

Mendocino Redwoods Company Habitat Conservation Planning Process

Introduction

Scoping is the process of determining the coverage, focus, and content of an environmental impact statement (EIS)/environmental impact report (EIR) as prescribed in the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) respectively. Scoping helps to identify the range of actions, alternatives, environmental effects, and mitigation measures to be analyzed in depth, to select methods of assessment, and to eliminate from detailed study those issues that are not important to the decision at hand. Scoping is also an effective way to bring together and resolve the concerns of a project's proponents; interested federal, state, and local agencies; and other interested parties, including opponents of the project.

This report summarizes the results of three public scoping meetings conducted for the proposed Mendocino Redwoods Company (MRC) joint Habitat Conservation Plan (HCP)/Natural Resources Conservation Plan (NCCP) project. This report, along with another document that summarizes the written public comments received to date on the proposed MRC project, will comprise the Scoping Report for the project.

Public Scoping Meetings

Three public scoping meetings were held over consecutive nights to solicit comments to help determine the scope of the HCP/NCCP and EIS/EIR. The meetings were held on June 25, 2002 in Santa Rosa; June 26, 2002 in Ukiah; and June 27, 2002 in Fort Bragg. A joint Notice of Intent and Notice to Proceed for the EIS/EIR was published in the Federal Register on June 6, 2002. A Notice of Preparation was also circulated to state agencies and was also forwarded to interested public. In addition, public information was sent to various local radio, and print media. As a result, information was broadcasted and printed regarding the time, date, location, and purpose of the meetings. The Mendocino *Beacon*,

Santa Rosa *Press Democrat*, and Ft. Bragg *Advocate* all ran articles announcing the meetings.

The public outreach and facilitation services of the consulting firm Jones & Stokes were retained to facilitate the meetings and to acquire neutral recording of comments received at the meetings.

Meeting Structure

At each meeting, the Jones & Stokes facilitator presented the meeting agenda, described the purpose of the meeting, the proposed process for the meeting, and the role of the facilitation team (facilitator and recorder). The facilitator also explained that Jones & Stokes would prepare a report summarizing the issues raised during the meetings and that this summary would be available to the public in hard copy format and from the Mendocino Redwood Company's website (www.mrc.com). Following this discussion, the facilitator introduced representatives from USFWS, NMFS, and DFG. Agency representatives provided presentations on the federal HCP and state NCCP processes and associated NEPA/CEQA issues. Following the agency presentations, a representative from MRC presented MRC's Landscape Planning Model. The model has been developed by MRC as a means to enhance management and conservation efforts on their lands. Following these presentations, a short break was held.

After the break, a moderated question and comment period was conducted. The intent of scoping is to hear the public and agencies' environmental concerns and issues, and not to provide answers. Thus, during that time, federal and state staff, project staff and members of the facilitation team responded to audience questions concerning planning process, but did not answer specific project-related questions. The facilitator and his assistant recorded all verbal comments on a series of flip charts. Interested parties were also encouraged to provide comments in writing either on the blank comment cards that were distributed at the meetings or by U.S. mail after the meetings.

Attendees at the meetings received several handouts, including a meeting agenda; meeting operating rules; a project summary sheet; a copy of the NOI/NOP; a proposed schedule of the process, and a blank comment sheet.

Participating Staff

The following representatives from MRC, USFWS, NMFS, DFG, and the facilitation team participated in the scoping meetings.

- Mike Jani, MRC
- John Hunter, USFWS
- Jon Woessner, MRC
- Dave Ceppos, Jones & Stokes

- John Nickerson, MRC
- Eric Shott, NMFS
- Brad Valentine, DFG
- Austin McInerny, Jones & Stokes

Meeting Attendance

Eight citizens provided contact information on an attendance sheet for the Santa Rosa meeting. Nine citizens provided contact information on an attendance sheet for the Ukiah meeting. Twenty-seven citizens provided contact information on an attendance sheet for the Fort Bragg meeting. However, at all three meetings, a number of attendees did not sign-in and, thus, meeting attendance was higher than reported.

Verbal Comments from Scoping Meetings

All public comments received at the meetings are listed below as they were recorded at each respective meeting. Flipchart notes were revised immediately if the commenter noted that their issue was not captured correctly. All participants were informed that comments would be presented in this summary document and that participants were responsible for informing the facilitation team of any revisions during the meeting.

Based on the range of comments received, the facilitation team created the following set of issue categories.

- Monitoring and Adaptive Management
- Ecology and Hydrology of MRC lands and waters
- Endangered Species Act: Decision-making, Enforcement, and the HCP Process
- MRC Landscape Planning Model
- Independent Scientific Review Teams
- Public Access
- Collaborative Data: Collection, Assessment, and Decision-Making
- Land Use/Land Management Practices
- Cumulative Impacts and Cultural Impacts

- Water Quality
- Multiple Agency Coordination
- NEPA/CEQA Alternatives Development and Approval Process
- Public Involvement in the HCP Process
- Other Issues

Comments are organized under these issue categories to facilitate future use of these comments in the development of project alternatives, and to inform decisions about key topics for the future public workshops sponsored by MRC. Comments that fall into more than one issue category are repeated for each appropriate issue. During the meetings, participants raised several questions. Questions raised will be the basis for preparing the EIS and EIR, and will focus continued discussion at the forthcoming public workshops.

Santa Rosa – June 25, 2002

Monitoring and Adaptive Management

- Suggestion that no action be taken until global temperature change is better understood.
- What is the “baseline” for undertaking this analysis?
- Massive rapid change is resulting from global warming – vectors/ diseases need to be studied for 2-3 decades before action can occur on MRC lands.
- Global warming – what are the results on species?
- What is the monitoring process for determining the success/failure of the HCP? – Who is involved in this?
- Global warming must be recognized – how is future ecological uncertainty addressed in HCP/NCCP process?
- Sudden Oak Death/other diseases need to be included in the analysis.

Land Use / Land Management Practices

- Suggestion that existing highest quality/density stands should be preserved/maintained until other stands can develop higher value habitat.

- How much of these lands will be eventually developed?

Ecology and Hydrology of MRC Lands and Waters

- Restoration needs to be pursued as part of the project.
- What are the specific impacts to salmonids and their specific watercourses?
- Is there species distribution/biological/ecological data for each of the stands. Does this data exist in a geographic information system?
- What are the assumptions used in defining stands and their ecological change over time?

Endangered Species Act: Decision-making, Enforcement, and the HCP Process

- Does DFG have a handbook on the NCCP process?
- Why is the planning period 80 years?
- How can the public be assured that the property will be restored after the 80 year period?
- Will the HCP/NCCP process result in better quality wood products?
- Request that federal agencies pursue species recovery plans without waiting for presidential orders and state agencies.
- If all stands are eventually harvested, what are the impacts to threatened and endangered species?
- Why are we undertaking a planning process without knowing the best available data?
- “Incidental” and “take” do not appear to go together.
- Can the HCP be revoked if it does not work?
- Does the HCP go with the land or with the owner?
- What is the monitoring process for determining success/failure of the HCP? Who is involved in this?
- If HCP goals are not met, then the HCP should be revoked
- What triggers the federal register process?

- All plans related to this effort need to be publicly disclosed and reviewed.
- How can the public be guaranteed of no surprises
- How can all related planning materials be made available?
- The HCP relationship to Timber Harvest Plans (THP) needs to be disclosed.
- What data/information is required for agencies to allow/permit incidental takes? How can this information be made available?
- Federal and state employees need to do their jobs!
- Which of the specific/individual species will be taken?

MRC Landscape Planning Model

- What is the timeline for creating forest stand inventories?
- What inventory data has been withheld from the public to date?
- Was all inventory data required for the Forest Stewardship Council (FSC) reviewed?
- Need to clearly describe the inventory collection process.
- Suggestion that existing highest quality/density stands should be preserved/maintained until other stands can develop higher value habitat.
- Restoration needs to be pursued as part of the project.
- What is “variable retention”?
- Why is tanoak being removed?
- How much of these lands will be eventually developed?
- If all stands are eventually harvested, what are the impacts to threatened and endangered species?
- What are the specific impacts to salmonids and their specific watercourses?
- Is there species distribution/biological/ecological data for each of the stands. Does this data exist in a geographic information system?
- What are the assumptions used in defining stands and their ecological change over time?

- Need for assurances that some lands will be preserved.

NEPA/CEQA Alternatives Development and Approval Process

- How can all related planning materials be made available?
- What information is required by both federal and state laws? How is this data made available?
- Federal and state employees need to do their jobs!
- Desire for full disclosure of all MRC/federal agency meetings.

Other Issues

- There has been too much information presented too quickly tonight.
- There is an impressive turnout of federal staff tonight. What is the total cost to taxpayers for developing the HCP? This information needs to be in HCP
- THPs do not include all information.

Ukiah – June 26, 2002

Monitoring and Adaptive Management

- What is “Adaptive Management”?
- Sudden Oak Death, and future uncertainty needs to be included in plan development.
- How is global warming being considered?

Ecology and Hydrology of MRC Lands and Waters

- What is the width of riparian buffers?
- What is the status of species of concern on MRC’s property?
- What is the variation in harvesting on MRC’s property right now and what is the resulting impact on species?
- What are the specific threats to individual species?
- How are stream buffers actually measured and flagged?

- Albion/Greenwood area residents believe certain areas/stands should not be harvested, especially areas adjacent to salmonid refugia.
- Why is so much fir dying on MRC lands?
- What about Class III streams – are they really “recovering Class II streams”?

Endangered Species Act: Decision-making, Enforcement, and the HCP Process

- Is any element of the HCP considering conversion to residences?
- How can agencies even consider “incidental take” knowing the status of declining species?
- Evidence from stakeholder “ground truthing” must be provided and required in HCP development.
- How will ground truthing be incorporated into process?
- How are herbicides being used on properties and how will they be addressed in HCP plan?
- How flexible is the HCP? How can the plan be modified after approved?
- How will invasive species be covered in plan?
- How does the HCP incorporate new scientific data and methods that become available in the future?
- How will future listed species, if any, be covered in plan?
- What is required in the HCP for evaluating presently unlisted species?
- How will the HCP assess cumulative impacts within watersheds?
- How can incidental take support recovery? How can it be considered legal? – How is take compatible with specie conservation?
- We have a desire for no incidental take!

MRC Landscape Planning Model

- What is the size of a stand?
- Why isn't canopy retention used to develop/review plan?
- What is the “pre-commercial development” condition that MRC is planning for?

- What criteria are being used by MRC in evaluating biological data in the landscape plan?

Independent Scientific Review Teams

- Who are the independent scientist that will review the HCP/NCCP and EIS/EIR?
- What role can local stakeholders play in selecting the independent panel?
- Will all specialists be agency staff?
- There is a desire for local veto power on who is on an independent technical review team.

Public Access

- What level of public access will be considered in the plan?

Collaborative Data: Collection, Assessment, and Decision-Making

- The lack of technical data available to the public makes giving informed comments difficult.
- There is a desire for data/reports to be made available – possibly on a website.

Land Use/Land Management Practices

- What exact activities are considered in MRC's application?
- The community does not want land conversion to residences.
- What is the variation in harvesting on MRC's property right now and what is the resulting impact on species?
- There is a concern with how hardwoods are being managed – fire potential exists.
- How are herbicides being used on properties and how will they be addressed in the HCP?
- Albion/Greenwood area residents believe certain areas/stands should not be harvested – especially adjacent to salmonid refugia areas.
- Why 80 years? What is the basis for this timeframe?

- Is any element of the HCP considering conversion to residences?

Water Quality

- How will the HCP address Total Maximum Daily Load issues, particularly sediment?

Multiple Agency Coordination

- What about other state agencies? How will they be included (e.g. Regional Water Quality Control Board, California Department of Forestry and Fire Protection [CDF], California Environmental Protection Agency)?

NEPA/CEQA Alternatives Development and Approval Process

- NEPA/CEQA compliance process needs to be disclosed.

Public Involvement in the HCP Process

- The lack of technical data available to the public makes giving informed comments difficult.
- There is a desire for data/reports to be made available – possibly on a website.
- The July 8 close of comment period is too soon to review data and provide comments.
- What future public opportunities will be provided during the HCP planning process?
- Suggestion to make presentations shorter and focus on status of species instead.
- Evidence from stakeholder “ground truthing” must be provided and required in HCP development.
- How will ground truthing be incorporated into the process?
- There is a lack of community acceptance in FSC’s certification of MRC activities.
- How does community confidence play into the development/approval of the HCP?
- What actions/process will build public confidence?
- Thank you for this process that is being undertaken.

Other Issues

- “Ownership” is a challenging term. There is a desire for watershed-wide/specific workshops. What is the health of each watershed?
- Indian cultural uses (modern) need to be included?

Fort Bragg – June 27, 2002

Monitoring and Adaptive Management

- How can an adaptive management process be crafted to allow public review/enforcement in the future?

Ecology and Hydrology of MRC Lands and Waters

- What is the advantage of an HCP for the public, MRC and species?
- No additional cell phone repeater towers should be allowed until effects of low-level radiation on birds/forests are understood.
- Collisions of birds with towers must be evaluated
- Include list of migratory birds from FSC in the review process for this project.

Endangered Species Act: Decision-making, Enforcement, and the HCP Process

- Will species be “taken” if the HCP is approved?
- What is the advantage of an HCP for public, MRC and species?
- Can the public sue the federal agencies for issuing the HCP?
- What is meant by “streamlining” the permit process?
- Why pursue an HCP? What is the benefit to species?
- Is there any mechanism for the HCP/NCCP to survive the ownership of covered timberlands?
- What are the assumptions used in developing the HCP?
- Enforcement – is the HCP a substitute for legal enforcement?

- Is the independent tech team charged with enforcing the success/failure of the HCP and MRC's actions?
- What examples exist of HCP's actually working to improve/conserves species?
- How can public enforcement happen if MRC has "safe harbor"?
- What happens to species if "no action" is pursued at this time?
- HCPs do not seem to work. What is MRC willing to do that goes beyond limits of law? What can MRC do to build public confidence in process?
- The proposed action is to "take" species. Current laws must be enforced.
- 80-year period is problematic. There is no guarantee that MRC will be here. There is a need for strong enforcement.
- MRC is cutting old growth now. Who is enforcing this now?
- Does "take" include driving species away from their habitat?
- Federal agencies must review the entire action before approving/denying MRC's application. Review will result in denial of the proposed action.
- California Native Plant Society feels that state agencies must negotiate on behalf of the public and must approach negotiations with vigor.
- Can MRC walk away from the HCP in the future? What conditions will be in place to assure compliance?
- How does CDF participate in HCP development/enforcement? Will the federal agencies/DFG continue to monitor effectiveness?
- Federal agencies need to be proactive in reviewing the HCP. They must not just approve the permit based on merely following a process.
- What is the track record for approval/denial of HCP's? All sizes and types of actions. We would like this information to be distributed.
- For all approved/implemented HCP's, have the agencies actually monitored success? What is the track record?
- Who/what agencies approve or deny applications?
- If the plan is approved, what penalties will be in effect if goals are not achieved? Who will be charged with ensuring plan compliance? If a violation is found, who is responsible?

- Does the HCP apply to land if MRC sells the property?
- The HCP is meaningless unless it applies to land for the entire duration (80 years or longer).
- What happens if MRC sells lands during a low point in species conservation?
- The HCP should consider other land actions (conservation) as well.
- MRC should be penalized if a violation is determined. It should not be the licensed timber operator's fault.
- How many other large scale HCP/NCCP's are in effect? We cannot see into the future – thus how can we establish management practices for 80 years?
- What happens to the HCP if land is sold?
- Have any past HCP's been denied?
- What is the baseline for developing the HCP? Does it include current THP's?
- When do the federal/state agencies begin their oversight/monitoring of HCP success?

MRC Landscape Planning Model

- Does the landscape model factor in trees lost to harvesting?
- How is MRC measuring tree growth? Girth? Numbers?
- Are habitat corridors being analyzed?
- Who/what specialists participated in developing landscape model?
- Landscape model growth rate is suspect. Need to understand assumptions.

Independent Scientific Review Teams

- Who pays for the “independent” scientists and who do they answer to?
- Is the independent tech team charged with enforcing the success/failure of HCP and MRC's actions?
- What is the process for paying the tech team members

Land Use/Land Management Practices

- What other development activities besides timber harvesting does MRC desire as part of the HCP?
- No additional cell phone repeater towers should be allowed until the effects of low-level radiation on birds/forests are understood.
- How can MRC say they are stewards when they want to harvest sensitive areas?
- Why 80 years?
- Previous landowner left because no access was provided to sensitive areas – now MRC wants these lands.
- Variable retention uses chemicals. This needs to be curtailed.
- History shows that no entity has owned land for anywhere near 50 years.
- Planting more trees than the number harvested is not happening. Habitat is not being created in a timely manner – this is counter to what is allowed under law.
- MRC's current road management is not protecting Coho. Why should we allow expanded coverage now?
- Allowing take actually increases the value of MRC land.
- How will MRC work with adjoining land owners and within watersheds?
- MRC should be penalized if a violation is determined. It should not be the licensed timber operator's fault.
- How many other large scale HCP/NCCP's are in effect? We cannot see into the future – thus how can we establish management practices for 80 years?

Cumulative and Cultural Impacts

- Will cumulative study look at impacts across the entire country?
- Federal Reg. (pg.3) – cell towers – what are the cumulative impacts to migratory birds/bats from expanded cell towers?

Multiple Agency Coordination

- Who/what agencies approve or deny applications?

- Will local county government have any say in reviewing the plan? Will the California Coastal Commission review the plan? Will there be more public meetings? What other activities is MRC considering when they say “development”?

NEPA/CEQA Alternatives Development and Approval Process

- What is meant by “streamlining” the permit process?
- What happens to species if “no action” is pursued at this time?
- California Native Plant Society feels that state agencies must negotiate on behalf of the public and must approach negotiations with vigor.

Public Involvement in the HCP Process

- Past experiences have failed. The public must be involved now and throughout the entire planning process.
- HCPs do not seem to work. What is MRC willing to do that goes beyond limits of law? What can MRC do to build public confidence in process?
- There is a need for more public education on HCP/NCCP – how do they mesh? Who is the federal lead agency?
- Where and when will these other workshops happen? We need meetings in both inland/coastal locations. There is a need for adequate noticing 3-4 weeks in advance.
- 1-1 ½ months does not seem adequate to have workshops.
- Will scoping information be publicly distributed?
- Who could pay for public spokesperson?
- The public does not have unlimited time to monitor the process. Agencies must be proactive and enforce public’s deep concerns for the environment. Where will the official record be kept, how can it be accessed, can it be made more available to the public?

Other Issues

- As part of FSC certification, MRC was supposed to produce a management plan – where is it?
- Public trust doctrine – MRC does not “own” the resources on the land. This prohibits DFG from approving the plan.
- What is the status of MRC’s land for sale in Mendocino?

- Do the federal agencies know that Willow Creek might be sold for open space?
- Why not videotape/record the public meetings?

Next Steps

This document is intended not only to provide a portion of the scoping report for the project, but will also provide the concerned public with an account of the issues raised during the public scoping meetings. In preparing for the meetings, MRC determined it was likely that numerous issues – too numerous in fact to discuss in a single evening would be identified. This concern proved to be well founded as evidenced by the above information. Therefore, MRC has decided to sponsor and host a series of public workshops that will be focused on a specific issue or a set of related issues. The purpose of the workshops is to allow a more interactive, focused dialogue to occur than was allowed during the public meetings. Participants are encouraged to bring any information they want to share about the topic relative to the specific proposed HCP/NCCP and associated EIS/EIR. The goal of the workshops is for MRC to have more in-depth information on substantive suggestions regarding how the HCP/NCCP planning process should proceed. All workshops will be held in Fort Bragg at the Tradewinds Lodge, 400 South Main Street. The dates, times, and topics of each workshop are as follows:

- Tuesday, September 24, 4:00-7:00 p.m. – HCP/NCCP Development and Approval Process
- Wednesday, September 25, 4:00-7:00 p.m. – HCP/NCCP Implementation and Monitoring
- Friday, September 27, 4:00-7:00 p.m. – Understanding the MRC Landscape Model
- Monday, September 30, 4:00-7:00 p.m. – Existing Biological and Hydrological Conditions of MRC Lands

Concurrent with these workshops, preliminary work will begin on the EIS/EIR, in particular, development of the no-action alternative. Figure 2 presents a proposed project timeline for the HCP/NCCP and associated EIS/EIR.