

Scoping Meeting Summary
on the
Program Timberland Environmental Impact Report
for the
Mendocino Redwood Company's
Proposed Timber Operations and Forest Management
in Mendocino and Sonoma Counties

California Department of Forestry and Fire Protection
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Mendocino Redwood Company Program Timberland Environmental Impact Report

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 two public scoping meetings conducted for the proposed Mendocino Redwoods Company (MRC) timber operations and forest management in Mendocino and Sonoma Counties. A separate report summarizes the written public comments received to date on the proposed MRC project (will be available under separate cover).

Background

On June 17, 2002, the California Department of Fish & Game (CDFG) distributed a Notice of Preparation for an environmental impact report regarding CDFG's issuance of a take permit in association with a natural community conservation plan for MRC's forest management in Mendocino and Sonoma Counties (SCH# 2002062055). Information was gathered for an environmental impact report, but an environmental impact report was not prepared pending further development of the natural community conservation plan. Since that time, California Department of Forestry and Fire Protection (CDF) has elected to prepare a program timberland environmental impact report (PTEIR) for MRC's timber operations and forest management activities. As a result, CDF

must assume the role of CEQA lead agency. The PTEIR will address the same general scope of activities as was initially contemplated for the environmental impact report and will replace it. However, the PTEIR will also analyze the impacts of those activities for purposes of compliance with the Forest Practice Act and the Forest Practice Rules. The PTEIR will therefore meet certain requirements of the Forest Practice Act and the Forest Practice Rules, as well as CEQA requirements. The Notice of Preparation released by CDF on March 10, 2006 supplements and updates CDFG's June 17, 2002 Notice of Preparation and reflects these changes.

Project Description

CDF intends to gather information necessary for the preparation of a PTEIR that will analyze MRC's timber operations and forest management in Mendocino and Sonoma Counties. MRC's timber operations include the cutting and removal of timber and other solid wood forest resources from timberlands for commercial purposes and related activities, such as the construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, beds for the falling of trees, fire hazard abatement, and site preparation that involves the disturbance of soil or burning of vegetation following timber harvesting activities. MRC's forest management involves additional activities on MRC lands, including measures to: control the establishment, composition and growth of forests; conserve and restore fish, wildlife, and natural communities (i.e., habitat); protect water quality; and remediate existing, environmentally degraded conditions (such as old, poorly designed roads that cause erosion).

MRC will submit to CDF a draft timberland management plan (TMP) that will describe MRC's proposed timber operations. MRC will also prepare and submit to the CDFG, the USFWS, and the NMFS, a draft joint habitat conservation plan and natural community conservation plan (HCP/NCCP) and will submit to CDFG a draft Master Streambed Alteration Agreement. The HCP/NCCP and Master Streambed Alteration Agreement will describe MRC's forest management activities and will provide additional detail about MRC's timber operations that is relevant for conservation planning and fish and wildlife resource protection purposes. MRC's timber operations and forest management as described in the TMP, the HCP/NCCP, and the Master Streambed Alteration Agreement comprise the project that will be analyzed in the joint PTEIR/EIS for purposes of the State and Federal regulatory actions identified above.

MRC's TMP will include the performance standards and objectives MRC proposes to use for timber operations on its land, identify specific resource protection measures MRC proposes to implement, and identify how MRC proposes to achieve "maximum sustained production of high quality timber products," as required by the Forest Practice Rules. The PTEIR/EIS will analyze the draft TMP, inform CDF and the public

generally of any significant environmental effects of MRC's proposed timber operations, identify possible ways to minimize the significant effects, and evaluate reasonable alternatives to the way MRC proposes to conduct timber operations under the TMP.

In addition, the PTEIR/EIS will analyze the draft HCP/NCCP and inform CDFG of the potential effects associated with CDFG's approval of the HCP/NCCP pursuant to section 2820 of the Fish and Game Code and issuance of a take permit pursuant to section 2835 of the Fish and Game Code. The take permit would authorize adverse impacts to certain species, including threatened species and endangered species, resulting from MRC's timber operations and forest management. MRC's proposed 80-year HCP/NCCP will encompass MRC's ownership and will include a conservation strategy for endangered species, threatened species, and other sensitive species and natural communities.

The PTEIR/EIS will also analyze MRC's draft Master Streambed Alteration Agreement and inform CDFG of the potential effects associated with CDFG's issuance of a final Master Streambed Alteration Agreement pursuant to section 1602 and section 1605(g).

CDF expects MRC to apply for waste discharge requirements from the North Coast Regional Water Quality Control Board for its timber operations and forest management. The PTEIR/EIS will include an analysis of the potential water quality impacts of MRC's activities that the Board may use for that purpose.

CDF expects MRC also to apply to the USFWS and the NMFS for incidental take permits based on the HCP/NCCP pursuant to Section 10(a)1(B) of the of the Endangered Species Act (16 U.S.C.A. §1539(a)(1)(B)).

Project Location

MRC's TMP and HCP/NCCP will cover lands that include mixed conifer forest and habitat important to the conservation of threatened and endangered species in the central California coast and northern California region. The TMP and HCP/NCCP area includes timberlands west of State Highway 101. Redwood is the dominant or co-dominant tree species. A map showing the areas under consideration in greater detail is available from MRC's website at: www.mrc.com/maps_charts.html.

Scoping Process

The federal Council on Environmental Quality's (CEQ's) NEPA Regulations and the State of California's CEQA Guidelines provide guidance for the scoping process. Scoping has the following specific and fairly limited objectives.

- To identify the concerns of the affected public and agencies.
- To facilitate an efficient EIS/EIR preparation process by assembling the cooperating agencies, assigning EIS/EIR writing tasks, ascertaining all the related permits and reviews that must be scheduled concurrently, and establishing time or page limits.
- To define the issues and alternatives that will be examined in detail in the EIS/EIR while simultaneously devoting less attention and time to issues that cause no concern.
- To save time in the overall process by helping to ensure that draft statements adequately address relevant issues, reducing the possibility that new comments will cause a statement to be rewritten or supplemented.

NEPA, CEQ's NEPA Regulations, nor the CEQA Guidelines require formal scoping meetings. However, an amendment to CEQA requires that a scoping meeting be conducted for a project of statewide, regional, or areawide significance.

Public Scoping Meetings

Three public scoping meetings were held in 2002 to solicit comments to help determine the scope of the HCP/NCCP and EIS/EIR. More recently, two meetings were held on March 23, 2006 in Fort Bragg and March 28, 2006 in Ukiah. A Notice of Preparation for the EIR was filed with the State Clearinghouse on March 10, 2006. In addition, public information was sent to various local radio, television, and print media, and as a result information was broadcasted and printed regarding the time, date, location, and purpose of the meetings. To ensure the neutral facilitation of the meetings and neutral recording of comments received at the meetings, MRC retained the public outreach and facilitation services of Austin McInerney, who facilitated the meetings held in 2002. A summary of the earlier scoping meetings is available at: http://www.mrc.com/habitat_conservation.html#sessions.

Meeting Structure

At each meeting, the 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 a report summarizing the issues raised during the meetings and that this summary would be available to the public in hard copy format and for download from the MRC website. Following this discussion, the facilitator introduced Mike Jani from MRC who provided a description of the project's background and its relationship to the Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP). He also provided an overview of MRC's proposed timber operations and management strategies. The facilitator then provided a very brief summary of comments and issues identified during the 2002

scoping process and introduced Allen Robertson from CDF who summarized the CEQA and NEPA process and described a “Program Timberland Environmental Impact Report”. Following these presentations, a short break was held.

After the break, a moderated question-and-answer and comment period was conducted. During that time, CDF staff, project staff and members of the facilitation team responded to audience questions and attempted to clarify aspects of the project. 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 copy of the NOP; a proposed schedule of the process; a diagram showing the relationship between all the necessary permits and environmental review; and a blank comment sheet.

Participating Staff

The following representatives from MRC, CDF, and the facilitation team participated in the scoping meetings.

- Mike Jani, MRC
- Jon Woessner, MRC
- Sarah Billig, MRC
- Allen Robertson, CDF
- Austin McNerny, facilitator
- Greta Kirschenbaum, recorder

Meeting Attendance

Approximately twenty citizens attended the Fort Bragg meeting and approximately twelve citizens attended the Ukiah meeting. Attendee sign-in information will be added to the project mailing list for future notifications.

Verbal Comments from Scoping Meetings

All public comments received at the meetings are listed below as they were recorded at each respective meeting. Participants were routinely asked whether the written summary on the flipchart accurately represented their comment. Requests to revise written summaries were done at the time of the request and were made directly onto the flipchart during the meeting. 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 at the 2002 scoping meetings, the facilitation team created the following set of issue categories, which were used to summarize the comments received at the 2006 meetings.

- Monitoring and Adaptive Management
- Ecology and Hydrology of MRC land
- Endangered Species Act Decision – Making, Enforcement, and the HCP Process
- MRC Landscape Planning Model/Timber Operations
- Independent Scientific Review Teams
- Public Access
- Collaborative Data: Collection, Assessment, and Decision-Making
- Land Use/Land Management Practices
- Cumulative and Cultural Impacts
- Water Quality
- Multiple Agency Coordination
- NEPA/CEQA Alternatives Development and Approval Process
- Public Involvement in the Plan Development Process
- Other Issues

Comments are organized under these issue categories to facilitate future use of the input in the development and review of project alternatives, and to inform decisions about key topics for future public workshops sponsored that may be held by MRC. While some comments may fall into more than one issue category, the facilitation team has only listed each item once in the most appropriate category. During the meetings, participants also raised several questions. Not all the questions that were raised could be answered during the public meetings however, these questions will be the basis of continued discussion at future public workshops. Questions raised are also included below.

Ft. Bragg – May 23, 2006

Monitoring and Adaptive Management

- What are checks and balances that exist to make sure mitigation is implemented correctly and how will follow-up happen?

- If you realize that PTHP is not appropriate, is there a feedback loop that would require a THP?
- What happens when something not associated with a THP happens (e.g., landslide, fire) – is a new plan required?

Ecology and Hydrology of MRC Land

- Concerns about spotted owl. The northern spotted owl feeds on flying squirrels while the southern owls feed differently. Have major studies on spotted owls been done in northern range or down in the southern areas? If not, speaker has concern that information is inadequate on spotted owls.
- What about owls in Albion?
- How many acres of pygmy forest are on MRC's lands?

Endangered Species Act Decision – Making, Enforcement, and the HCP Process

- Entire life cycle of spotted owl should be considered; not just reproductive life.
- What are the impacts of the HCP on wildlife?
- How is the HCP actually completed and by whom?
- How long can the species decline before you try and mitigate for loss?
- Is the HCP revocable? Does it necessarily last for 80 years?
- Concerned about issuance of incidental take permits.
- How are various lifecycles of species being accounted for in HCP?
- Would like to see threat of barn owl to spotted owl addressed in plan.
- How is use of herbicide addressed in the plan?
- Are you going to analyze the effects of herbicides in the EIR/PTHP?
- Would like to see plan include provisions in place to prevent accidental effects on plants not targeted by herbicide use.
- How will biological and botanical resources be addressed?
- Would like to hear about MRC's ideas about making this a habitat development plan versus a habitat conservation plan. Where will this be covered? Can it be illustrated such that public can see it before the end of the scoping comment period?
- Do you have your list of species to be covered together?
- How many acres of MRC lands will be covered by plan?
- Will HCP cover lands other than MRC-owned land?

- Why in this political climate should MRC or the public trust that habitat will be protected through federal involvement?
- Process should be approached with great skepticism given the degree to which laws have been watered down.
- Building something programmatic over such a diverse, complex geographical area seems problematic.

Independent Scientific Review Teams

- Will there be research projects associated with plan and if so will they be peer reviewed?
- What happened with the science review team that was discussed during the earlier scoping process?

Collaborative Data: Collection, Assessment, and Decision-Making

- What about invertebrates? Not many volunteers qualified to survey for species.
- Find checklist to be woefully inadequate in providing public information.
- How can you get a complete biological inventory through using volunteers? How valid are these surveys?

Land Use/Land Management Practices

- Historically, how many management companies have owned/operated the property in question?
- How do changes in planning process affect MRC interaction with contiguous landowners?
- Would existing easement agreements with contiguous landowners change?
- How can we rest assured that MRC will honor existing easement/agreements with contiguous land owners/managers?
- What actions regarding actions on other landowners' lands would be covered in the plan?
- Can you run your forest without the HCP?

Cumulative and Cultural Impacts

- How do you address offsite impacts on species?
- How can you do a thorough cumulative impact analysis unless you have adequate baseline data?

Water Quality

- Are you dealing with the Environmental Protection Agency (EPA) in addressing Total Maximum Daily Loads (TMDL)?
- Who is water quality memorandum of understanding (MOU) with? Is this a separate document from the EIR?

Multiple Agency Coordination

- How will you ensure that the EIR will cover concerns raised by all agencies?
- Where are other agencies during the scoping process? It appears as if there is always someplace else you have to go for answers.

NEPA/CEQA Alternatives Development and Approval Process

- Will there be an implementation plan for Albion?
- Under what circumstances is the programmatic EIR no longer valid?
- How long does PTEIR last? Does it last beyond current owner's management of property?
- Would additional permits be required during PTHP process?
- How much is MRC paying for and how much are taxpayers paying for?
- Who is the consulting group preparing the EIR?
- Did the lead agency change? What caused the change?
- What happens to lands that MRC owns currently that get sold later?
- Will CDF do scoping in Sonoma County?
- Will this plan cover things outside of THPs like herbicide use?
- Does one CEQA document include the HCP?
- Are forest practice rules still adhered to in a PTHP? Are these equivalent of mitigation under CEQA?

Public Involvement in the Environmental Review Process

- If something is not documented in a master document, how will the public know that those things exist to be looked at?
- Can the public propose that a THP is out of the scope of the PTEIR?
- Will the public be able to review proposed mitigation?
- If a member of the public believed that there was new information not taken into account in the PTEIR, is there opportunity to comment?
- Are results of monitoring going to be made public?
- What is the public notification process that would occur regarding activities on the ground?
- Are you soliciting input through newspapers?
- If you were really interested in involving the public in this process, it seems that you would give us answers as we go along.

Other Issues

- How does MRC justify expense of planning process?
- Concern that MRC is trying to complete the HCP in Mendocino County; huge business risk.

Ukiah – May 28, 2006

Ecology and Hydrology of MRC Land

- How many spotted owls do you have on the property?
- What about the spotted owl? Has MRC's operations affected spotted owl?
- What does 120 owl territories translate into terms of number of owls inhabiting properties?

Endangered Species Act Decision – Making, Enforcement, and the HCP Process

- How do you know you're not counting the same owls when you're calling them into assess their numbers?
- Are marbled murrelets included in the incidental take permit request?
- Does plan increase current restricted range of Coho salmon?
- Does the process by which you capture the owls habituate them?

- How do you capture the owls to tag them?
- Is there a commitment to expand the range of Coho?
- Lack of comfort with 80-year incidental take permit.
- What about other species besides spotted owl?
- What is proposed for the marbled murrelet?
- How long of a planning horizon is MRC covering with this process?

MRC Landscape Planning Model / Timber Operations

- Do you try to keep a balance where you cut more than inventory?
- Does spotted owl affect how you harvest timber?
- Does MRC have plans to buy any lands from Hawthorne/Campbell?
- Explain on map where you are cutting – any wilderness areas?
- How do you collect the tree seeds?
- If ages of trees are intermixed, how will you get harvested trees out without disturbing other trees/stands?
- Is cable transport process cost-prohibitive?
- Is there a bottom/basal area that you will not go into for harvesting?
- Outside of special treatment areas, how will you maintain older trees?
- Priority should be give to replanting riparian areas to protect Coho salmon.
- What age redwood are you cutting right now to pay your bills?
- What are “super trees” and does MRC grow them?
- What is the number for your current inventory?
- When you estimate percentages of inventory, is the watercourse zone included?
- Why is availability of redwood seeds so low in Mendocino County?

Public Access

- Can the public recreate on MRC lands?

Collaborative Data: Collection, Assessment, and Decision-Making

- Interested to see how this process works in conjunction with Mattole Restoration Council’s restoration process.

- What will the role of community liaison groups be in writing/implementing the plan?

Land Use/Land Management Practices

- What is your approach to sustainability?
- Before MRC ownership, property had been clearcut; how do you deal with the state of the land and public perception that land had been over harvested?
- If you were allowed to use fire, would you then be less likely to use herbicides?
- What is our policy with respect to herbicides?
- Why did you not do a sustained yield plan?
- Will MRC consider selling off portions of the property for development?
- What are you doing with the previously clearcut areas of property?

Cumulative and Cultural Impacts

- Cumulative impacts-interesting to see how historical information is incorporated. Curious to see how things came to be on property.
- Frustrating to public that mitigation doesn't cover replanting comprehensively.
- What are the legacy impacts and how do they affect current activities?

Water Quality

- How much larger would stream protection buffers be in special circumstances?
- Is the term watershed included in this process?
- What kind of stream protection measures will be included?
- Will the EIR include the MOU on water quality? With the MOU be analyzed in the EIR?
- Will the MOU come of with the draft plan? Will it function as a permit from the Regional Water Quality Control Board?

Multiple Agency Coordination

- What are state/federal agencies that are in charge of each process (i.e., HCP, NCCP, TMP, etc)?

NEPA/CEQA Alternatives Development and Approval Process

- Are you keeping together harvest plans during the HCP planning process?
- Is there anything inherent in PTEIR process that would mandate sustainability of timber harvesting/management?
- What does programmatic mean?
- Will EIR be done in house at CDF or by a consultant?
- Will Option A be included in PTEIR?
- Will you be analyzing stand distribution in each inventory block and then doubling that inventory?

Public Involvement in the Environmental Review Process

- Hope that given scope/size of document that comment period will be extended beyond 45 days.

Next Steps

The scoping meetings have been held to solicit the concerns of the affected public and agencies. In addition, the public meetings, coupled with the written input received during the comment period, assist the EIS/EIR preparation process by helping to define the issues and alternatives that will be examined in detail in the EIS/EIR while simultaneously determining which issues raise little or no concern.

The State of California's CEQA Guidelines do not require formal responses to each comment/question raised during the scoping period. However, all comments and input received during the comment period are being taken into consideration in developing the EIS/EIR. Additional hearings and another comment period will be held to allow sufficient time for the public and interested agencies and organizations to review the draft EIS/EIR when it is published. At that time, all comments on the draft document will be responded to in writing. Please visit the Mendocino Redwood Company's website for project updates: <http://www.mrc.com/>