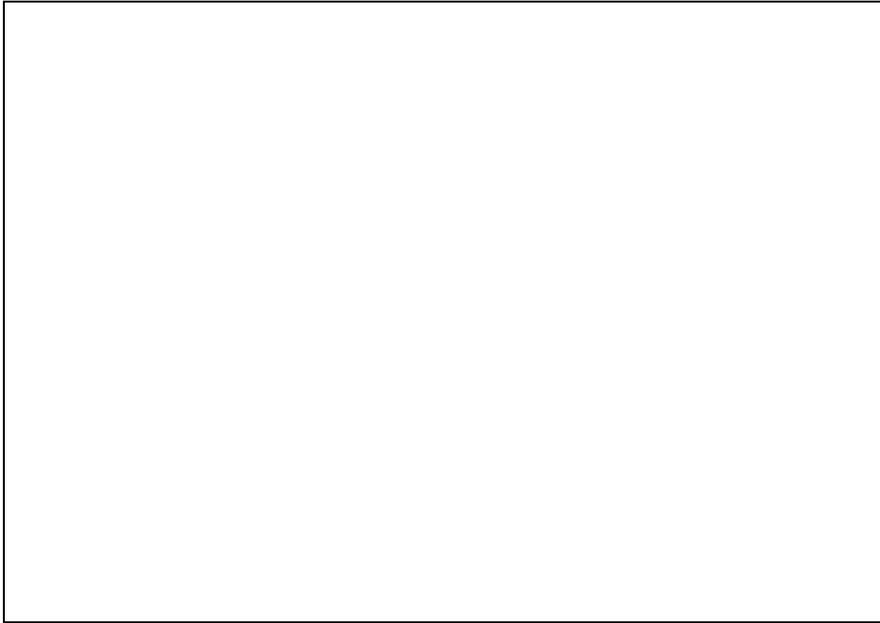


NOTE TO THE READER regarding this National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) Scoping Report:

Scoping is a public process under NEPA and CEQA intended to assist the lead agencies in the development of an Environmental Impact Statement and Environmental Impact Report (EIS/EIR). Information gathered from the public and responsible agencies helps determine the scope of an EIS/EIR and identify significant issues related to the proposed project or action. The objectives of scoping are to:

- Invite participation by interested parties, including the public, non-government organizations, and federal, state, and local government agencies;
- Identify a preliminary list of environmental and socioeconomic issues to address in the NEPA/CEQA document utilizing, in part, the feedback received from agencies and the public;
- Assist the action agencies to formulate a range of alternatives to analyze in the NEPA/CEQA document, and;
- Streamline the overall process by ensuring that significant and relevant issues are addressed.

This purpose of this Scoping Report is to organize and summarize concerns and issues that were raised during the initial scoping conducted for this project.



Scoping Report

for the proposed Mendocino Redwood Company HCP/NCCP Environmental Impact Statement and Environmental Impact Report

Prepared for
US Fish and Wildlife Service
National Marine Fisheries Service
California Department of Fish and Game

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1 SUMMARY

The U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NOAA Fisheries), and California Department of Fish and Game (CDFG) are the co-lead agencies responsible for preparation of an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to evaluate the impacts of the proposed Mendocino Redwood Company (MRC) Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). Scoping is an important part of the EIS/EIR process under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). To initiate the development of the EIS/EIR, the lead agencies and MRC held three public scoping meetings to provide information to and solicit comments from the public on the proposed HCP/NCCP and EIS/EIR. Verbal comments were recorded at the meetings, and written comments were submitted to the lead agencies.

The state and federal lead agencies will use the feedback received from other agencies and the public to identify a preliminary list of environmental and socioeconomic issues to address in the EIS/EIR, and will begin to formulate a range of alternatives to be analyzed in the EIS/EIR.

This report summarizes both the written and verbal comments received during scoping, including approximately 840 written and 175 verbal comments. The issues, concerns, alternatives, and recommendations were organized within the following broad categories:

- Abiotic
- Biotic
- Human Environment
- NEPA/CEQA
- HCP/NCCP
- Implementation
- Management Practices and Land Use
- Agency Participation
- Public Involvement
- Regulatory Issues
- Agency Comments

Comments within each category listed above were then placed into more specific topics (see Section 4.2). The comments were then reviewed and discussed to determine whether the comment may warrant a detailed analysis in the EIS/EIR, and were summarized in this report.

2 INTRODUCTION

MRC is seeking Incidental Take Permits (ITPs), which would permit incidental take of species listed under the federal or state Endangered Species Acts (ESAs). As part of the permit process, MRC is preparing an Habitat Conservation Plan and Natural Communities Conservation Plan (HCP/NCCP), which is designed to minimize and mitigate the impacts of the incidental take. The HCP/NCCP will contain provisions to protect habitat for sensitive species and communities, and will minimize and mitigate any take that would be expected to occur under the plan.

Mendocino Redwood Company (MRC) is preparing a HCP/NCCP for approximately 232,500 acres of timberland in coastal Mendocino and Sonoma Counties, California. The land, acquired by MRC, includes important habitat for a variety of sensitive species, such as the federally listed threatened and state listed endangered marbled murrelet (*Brachyramphus marmoratus*

marmoratus), the federally listed threatened northern spotted owl (*Strix occidentalis caurina*), and the federally listed threatened and state listed endangered coho salmon (*Oncorhynchus kisutch*). The HCP/NCCP is expected to provide formal protection for sensitive species and their habitats and allow MRC to harvest timber in an ecologically and economically sustainable manner. More information about HCPs and incidental take permits under the federal ESA can be found at <http://endangered.fws.gov/hcp/index.html>. More information about the State of California's NCCP program can be found at <http://www.dfg.ca.gov/nccp/index.html>.

The US Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NOAA Fisheries), and the California Department of Fish and Game (CDFG), as lead agencies, are preparing a joint Environmental Impact Statement and Environmental Impact Report (EIS/EIR) to analyze the expected environmental impacts of the actions proposed in the HCP/NCCP.

Scoping is an important part of the EIS/EIR process under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The scoping process was initiated to seek input on the proposed actions from the public and responsible agencies. This report summarizes both the written and verbal comments received during scoping.

2.1 NEPA/CEQA Overview

MRC is developing an HCP/NCCP as part of an application for incidental take permits from both the federal and state governments. Issuance of an ITP for MRC's proposed activities as described in their HCP/NCCP is the action that invokes NEPA and requires an assessment of environmental impacts.

Authorization by CDFG for incidental take, pursuant to Section 2081(b) of the California Endangered Species Act (CESA) and/or Section 2835 of the California Fish and Game Code (NCCPA), triggers a required environmental analysis under CEQA. As the state lead agency, the CDFG is required by CEQA to analyze the environmental impacts of the proposed NCCP.

As the CEQA lead agency, CDFG will be responsible for ensuring that the EIR/EIS complies with CEQA and the CEQA Guidelines. The USFWS and NOAA Fisheries, as the co-lead agencies under NEPA, will be jointly responsible for ensuring that the EIR/EIS complies with NEPA and the Council on Environmental Quality (CEQ) regulations. The CDFG, USFWS, and NOAA Fisheries are responsible for the scope and content of the EIR/EIS, and must ensure that all pertinent environmental issues and impacts, and reasonable alternatives and their impacts, are addressed in the EIR/EIS.

2.1.1 NEPA

The NEPA requires federal agencies to consider the environmental impacts of "major federal actions significantly affecting the quality of the human environment". Approval of an HCP and issuance of an ITP is such a major federal action requiring NEPA review. NEPA requirements include the designation of a federal lead agency (or co-lead agencies) and determining whether NEPA applies to a proposed action. An EIS is required if the proposed federal action has the potential to significantly affect the quality of the human environment. The lead agency is responsible for determining if an EIS is required and, if so determined, for initiation of the scoping process to inform and seek input from the public and responsible agencies. In this case USFWS and NOAA Fisheries, serving as joint lead agencies, have determined that an EIS is warranted for the project.

Once the lead agency is determined and the need for an EIS is established, a Notice of Intent (NOI) must be published in the Federal Register. The NOI serves as official legal notice that a federal agency is preparing an EIS. The NOI for the MRC EIS/EIR was published by the USFWS and NOAA Fisheries on June 6, 2002 (Federal Register 67:38932–38934). As part of the USFWS and NOAA Fisheries tribal trust responsibilities, the USFWS and NOAA Fisheries sent a joint letter in October 2002 to 16 local tribal groups to solicit their input on how this project could affect Tribal trust resources or the exercise of Native American rights.

The next step in the EIS process under NEPA is initiation of scoping. NEPA requires the lead agency to solicit information from the public and consult with appropriate federal agencies regarding the proposed action. Scoping helps determine the scope, focus, and content of the EIS.

2.1.2 CEQA

CEQA is initiated when a California public agency engages in, funds, or grants a permit for a project that may have environmental effects within the state of California. An EIR is required if the proposed project could result in significant environmental impacts. The lead agency under CEQA must determine whether an EIR will be needed, and is responsible for the scope and content of the EIR. As the state lead agency, the CDFG has determined that MRC's proposed NCCP warrants preparation of an EIR.

Scoping, though not required by CEQA, is encouraged to help the lead agency identify the concerns and issues of the public and interested federal, state, and local agencies, and to determine the scope and content of the EIR. The scoping process under CEQA includes publication of a Notice of Preparation (NOP) in the State Clearinghouse to notify parties and responsible agencies of the proposed action. The CDFG published the NOP for the MRC EIS/EIR on June 17, 2002 (OPR State Clearinghouse, SCH No. 2002062055).

2.2 Public Involvement Process

Public involvement is an important part of the NEPA and CEQA processes. Public input is sought during the scoping process by means of scoping meetings and through written comments submitted to the federal and state lead agencies. Verbal comments voiced at the scoping meetings and written comments submitted during the public scoping period are summarized and considered during development of the EIS/EIR. Opportunity for public input is also required later in the process as part of the public review and comment period for the draft EIS/EIR.

In addition to the public scoping meetings, MRC held four public information workshops. Although not part of the scoping process under NEPA and CEQA, they are a part of the public outreach required under the Natural Community Conservation Plan Act. These workshops were conducted by MRC to provide interested parties with additional information on the HCP/NCCP process, MRC's approach to landscape management, and the existing conditions on MRC's forestlands.

3 PUBLIC SCOPING ACTIVITIES

Scoping is a public process that helps the lead agencies develop the scope of issues and alternatives to be addressed in the EIS/EIR. Information gathered from the public and

responsible agencies helps determine the scope of the EIS/EIR and identify significant issues related to the proposed actions under the HCP/NCCP. The objectives of scoping are to:

- Invite participation by interested parties, including the public, non-government organizations, and federal, state, and local government agencies;
- From the feedback received from agencies and the public, identify a preliminary list of environmental and socioeconomic issues to address in the NEPA/CEQA document;
- Help formulate a range of alternatives to analyze in the NEPA/CEQA document; and
- Streamline the overall process by ensuring that significant and relevant issues are addressed.

The federal and state lead agencies initiated the scoping process by publishing the NOI and NOP and advertising the scoping meetings in local media.

3.1 Press Releases and Announcements

Press releases were submitted to several newspapers and two radio stations in the vicinity of the project area to announce the public scoping meetings for the EIS/EIR. The press releases included a brief description of the proposed plans, as well as the date, location, and time of the meetings. The following media points received the press release:

- The Ukiah Daily Journal (June 20, 2002);
- The Mendocino Beacon (June 20 and 27, 2002);
- The Fort Bragg Advocate News (June 20 and 27, 2002);
- KZYX and Z, 88.3, 90.7, and 91.5 FM (Mendocino County Public Broadcasting); and
- KMUD 91.1, 88.3, and 88.9 FM (Redwood Community Radio, Humboldt County).

3.2 Public Scoping Meetings

Three public scoping meetings were held to provide information to and receive comments from the public on the proposed HCP/NCCP and EIS/EIR. Meetings were held in three locations in the vicinity of the planning area during late June 2002 (Table 1).

Table 1. Locations, dates, and attendance of public scoping meetings.

| Location | Date | Time | Attendees |
|--------------|---------------|--------------|-----------|
| Santa Rosa | June 25, 2002 | 7:00–9:00 pm | 10 |
| Ukiah | June 26, 2002 | 7:00–9:00 pm | 19 |
| Fort Bragg | June 27, 2002 | 7:00–9:00 pm | 30 |
| Total | | | 59 |

At the meetings, representatives from the USFWS, NOAA Fisheries, CDFG, and MRC explained the intent of the proposed HCP/NCCP, outlined the NEPA and CEQA requirements and processes, and encouraged the public to express environmental concerns and issues that may result from such an action. Verbal comments were recorded and summarized in a separate Scoping Meeting Summary (JSA 2002), and are also included in this report. Meeting attendees were given the opportunity to submit written comments at the meetings and given information on how to later submit written comments to the lead agencies.

3.3 Method of Comment Collection and Analysis

Written comments on the proposed plan were submitted to the federal and state lead agencies and forwarded to Stillwater Sciences for review and analysis. All letters received were cataloged, copied for archiving, entered into a database, and reviewed to determine the subject or subjects of the comment. Comments were recorded and tracked using a two-part system, wherein (1) each comment letter was given a unique number, and (2) each individual comment within a letter was assigned a unique code.

Verbal comments recorded at the scoping meetings and summarized by Jones and Stokes (2002) were also cataloged with a unique identifier, entered into the same database, and reviewed in a similar fashion. It is important to note that in some cases, verbal comments in Jones and Stokes (2002) were repeated under several different “issue categories.” However, for the purposes of this Scoping Report, each unique verbal comment has been catalogued only once.

The comments listed in this report are largely reproduced verbatim; however, for efficiency and ease of analysis, some of the comments presented below have been paraphrased or summarized. In all cases every effort was made to retain the original nature and intent of each comment.

3.4 Determination of Depth and Need for Analysis in the EIS/EIR

Although all comments were reviewed by the lead agencies, statements of opinion or conjecture that do not provide information or otherwise raise issues that inform impacts or impact assessment pertinent to the activities considered in this EIS/EIR, environmental impacts of the proposed project, and development of alternatives, are not included in this report. Similarly, requests for information that do not enable impact assessment or facilitate decision-making among alternatives are not likely to be satisfied in the EIS/EIR, although many of them will be satisfied in the HCP/NCCP and associated documents (e.g., the Implementation Agreement).

Comments were first categorized into themes and topics (see Section 4.2 Categories and Topics) to organize the comments and concerns expressed by interested parties. The comments were then reviewed to tentatively determine whether they warranted detailed, general, or any consideration in the EIS/EIR. The depth to which these comments will be addressed in the EIS/EIR is dependent on several factors, primarily (1) what specific activities are proposed for final coverage under the HCP/NCCP (the HCP/NCCP has not been finalized at this time), (2) the quantity, quality, and availability of obtaining data and information, (3) the depth, specificity, or ambiguity, of the issue or comment, (4) the degree of speculation that would be required to address the issue, and (5) the necessity for such an analysis to facilitate decision-making among alternatives (i.e., would the analysis produce information that would clarify differences in environmental impacts among the various selected alternatives). Certain issues may shift between levels of coverage as details of the HCP/NCCP materialize (e.g., changes in covered activities or species).

The comments are presented in Section 4.3 (Comments Received). For comments that may not receive detailed analysis in the EIS/EIR, and for other selected comments warranting additional explanation, italicized explanations are provided.

Many comments were related to concerns over the implementation and enforcement of the HCP/NCCP. The EIS/EIR will assume that the proposed plan and selected alternatives will be implemented as described, and will compare the plan and alternatives accordingly. The HCP/NCCP must meet all required issuance criteria as defined by applicable law and regulation

in order for agencies to approve the plan. The lead agencies will work closely with MRC to develop an Implementation Agreement (IA) for the HCP/NCCP, which will contain legally binding commitments from MRC to appropriately implement their plan. It is the responsibility of the state and federal agencies to ensure compliance by monitoring and enforcing the provisions of the plan. If MRC fails to meet the provisions of the HCP/NCCP and associated Implementation Agreement, the agencies may revoke the incidental take permit and undertake any remedies described in the IA or otherwise provided for by law.

Many other comments were related to HCP/NCCP development and process issues, and to general Endangered Species Act, HCP, and NCCP issues. For example, many comments expressed opinions about the types of species protection measures that should be included in the HCP/NCCP. Other comments were questions about federal or state laws, regulations, policies and related matters, including the federal "No Surprises" policy for HCPs. Many expressed the opinion that incidental take should not be allowed under the federal endangered species act, or that it should not be allowed for this particular HCP.

Some or all of these issues may be addressed in the HCP/NCCP or accompanying decision documents. Background information on State and Federal Endangered Species Act laws and programs can be found at the web-site addresses above or by contacting the local offices of each agency to request paper copies of background materials. The EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives. It will not address process or implementation comments, or matters that have been previously decided by law, regulation, or policy. It will only analyze the environmental consequences of these decisions.

4 PUBLIC SCOPING RESULTS

4.1 Summary of Comments

All written comments received until August 9, 2002, were included in this analysis. Verbal comments included in this report are those voiced at the three public scoping meetings and recorded by Jones and Stokes (2002).

A total of 53 unique written submissions were received. The number and proportion of written submissions are summarized by affiliation in Table 2. Most submissions contained multiple comments. The total number of comments is therefore greater than the number of submissions. The majority of the written submissions were from private individuals (58%) and non-governmental organizations (32%).

Table 2. Written submissions, by affiliation.

| Affiliation | Number of Submissions | Percent of Total |
|-------------------------------|------------------------------|-------------------------|
| Individual | 31 | 58 |
| Non-governmental Organization | 17 | 32 |
| Federal Agency | 2 | 4 |
| State or Local Agency | 1 | 2 |
| Business | 1 | 2 |
| Tribal Government | 1 | 2 |

All comments originated from within California. Table 3 shows the county of origin of each written submission. A total of eight counties were represented, with the majority (76%) of submissions coming from Mendocino County.

Table 3. Written submissions, by county.

| County | Number of Submissions | Percent of Total |
|---------------|-----------------------|------------------|
| Mendocino | 39 | 76 |
| Humboldt | 3 | 6 |
| San Francisco | 2 | 4 |
| Santa Clara | 2 | 4 |
| Sonoma | 2 | 4 |
| Alameda | 1 | 2 |
| Mono | 1 | 2 |
| Sacramento | 1 | 2 |

4.2 Categories and Topics

The comments were categorized into 11 subject areas, as follows (total number of comments received precedes each subject category and topic). Comments received by government agencies were incorporated into appropriate subject categories, and are also summarized in Section 4.3.11.

- (58) Abiotic**
 - 3 Air quality
 - 12 Climate and global warming
 - 4 Hydrology
 - 1 Large woody debris
 - 22 Soils/erosion/sedimentation
 - 16 Water quality/quantity
- (239) Biotic**
 - 15 Biodiversity
 - 1 Coastal zone impacts
 - 2 Ecosystem effects of HCP/NCCP
 - 18 Environmental baseline
 - 14 Habitat connectivity/fragmentation/loss
 - 9 Historical conditions
 - 3 Invasive species
 - 8 Old growth
 - 6 Pathogens and diseases
 - 15 Plants
 - 11 Riparian areas and protection
 - 33 Species covered/not covered by HCP/NCCP
 - 34 TES species
 - 6 Wetlands
 - 64 Wildlife and fisheries
- (29) Human Environment**
 - 7 Cost to taxpayers
 - 3 Cultural resources
- 2 Human health and safety
- 2 Recreation
- 12 Socioeconomics
- 3 Visual resources
- (52) NEPA/CEQA**
 - 32 Alternatives analysis
 - 12 EIS/EIR provisions
 - 6 Impacts analysis
 - 2 Independent consultant
- (202) HCP/NCCP**
 - 31 Conservation measures and objectives
 - 9 HCP/NCCP process
 - 86 Incidental take and the ITP
 - 24 No surprises policy
 - 9 Other HCPs: examples, effectiveness
 - 18 Regional/global context of HCP/NCCP
 - 25 Scientific basis and/or adequacy of HCP/NCCP measures
- (90) Implementation**
 - 23 Enforcement of HCP/NCCP provisions
 - 18 Financial commitment
 - 5 Long-term commitment
 - 4 Mitigation
 - 29 Monitoring and Adaptive Management
 - 11 Survey and monitoring protocols
- (155) Management Practices and Land Use**
 - 7 Adjacent landowners

| | |
|------------------------------------|---|
| 21 Cell and repeater towers | 9 Lack of project definition |
| 13 Conservation easements/reserves | 12 Length of comment period |
| 28 Herbicides and forest chemicals | 28 Opportunity for public comment |
| 14 Land use and conversion | 24 Public scoping process |
| 17 Transfer of ownership | (54) Regulatory Issues |
| 9 Restoration | 1 Forest Practice Rules |
| 12 Roads and road management | 2 Option A |
| 31 Timber management | 3 Public Trust doctrine |
| 3 Other management practices | 14 Regulatory compliance |
| (35) Agency Participation | 6 THP |
| 23 Agency commitment | 23 Relationship between THPs and HCPs |
| 5 Agency participation | 5 TMDLs |
| 7 Agency roles | (37) Agency Comments (already included in total) |
| (101) Public Involvement | (1015) GRAND TOTAL |
| 28 Disclosure of information | |

4.3 Comments Received

4.3.1 Abiotic

The EIS/EIR will address the abiotic component of the affected environment/environmental setting, as well as potential impacts and mitigations associated with the abiotic environment under each proposed alternative. Abiotic issues to be addressed include air quality; climate; soils, erosion, and sedimentation; and water quality and quantity.

4.3.1.1 Air quality (3 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The EIS/EIR should evaluate potential air quality impacts. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- Evaluate mitigation and monitoring options to reduce air quality impacts. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*

Issues that may not receive detailed analysis in the EIS/EIR:

- Please address how air quality might be affected by the burning—by wildfires or heating of homes—of trees that have been treated by pesticides (or other chemicals). Please focus your remarks particularly on effects on children, the elderly, and individuals with chemical sensitivities. *Explanation: The potential effects of the various alternatives on general air quality will be addressed in the EIS/EIR. Additionally, the EIS/EIR will have a general discussion on effects of forest chemicals, but a detailed analysis will not be conducted because MRC is not requesting coverage for use of forest chemicals as part of the proposed action or alternatives. Analyses of impacts on human health are the responsibility of EPA when chemicals are registered for use.*

4.3.1.2 Climate and global warming (4 verbal comments; 8 written comments)

Issues likely to be addressed further in the EIS/EIR:

- On a local level, how will the NOAA Fisheries, USFWS, CDFG and MRC assess cumulative impacts on microclimate changes that affect fog drip, mini drought conditions, and water temperature levels that in turn affect species survival?

Issues that may not receive detailed analysis in the EIS/EIR:

- Suggestion that no action be taken until global temperature change is better understood.
Explanation: Opinion noted. Ecological uncertainties are recognized and will be addressed in the context of the proposed plan.

The following comments have been noted. The EIS/EIR will evaluate the potential for cumulative effects on a local and regional scale to the extent there are broadly accepted models available to do so at the appropriate scale. Global warming is expected to be addressed in the HCP/NCCP as a changed circumstance.

- Address how this HCP might interact with other forest activities to exacerbate or accelerate climate change on the north coast.
- Global warming must be recognized: how is future ecological uncertainty addressed in the HCP/NCCP process?
- The carbon storage function of our forests and their value in stabilizing climate and helping prevent global warming are incalculable but need to be recognized.
- Analyze environmental impacts of the proposed plan in the context of global warming.
- Global warming: what are the results on species?
- How will the cumulative impacts of global warming and the effects of the plan on future global warming be assessed?

4.3.1.3 Hydrology (1 verbal comment; 3 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Address impacts to stream flows from removal of canopy cover.
- Address timber harvesting impacts on the rate of runoff to streams and rivers.

Issues that may not receive detailed analysis in the EIS/EIR:

- What about Class III streams - are they really "recovering Class II streams"?
Explanation: The EIS/EIR will analyze the impacts of the proposed plan and selected alternatives on the watercourses in the Plan Area, including potential effects on recovery from past disturbance.
- Address effects to water table levels from loss of fog drip from harvested areas.
Explanation: The EIS/EIR will analyze impacts to surface water quantity and quality that may result from the proposed plan and alternatives. Information regarding local

groundwater tables in the Plan Area, however, is insufficient to support a detailed analysis of this type.

- Consider the dollar value of water regulation and flood control from trees, which increase regional rainfall and prevent flooding by absorbing rainwater and releasing it gradually into streams. *Explanation: Impacts of changes in forest cover on hydrology will be addressed in the EIS/EIR, and the services provided by intact forests will be considered generally. A more detailed economic analysis would only be conducted if it would facilitate decision-making among alternatives.*

4.3.1.4 Large Woody Debris (1 written comment)

Issues likely to be addressed further in the EIS/EIR:

- Analyze impacts of the HCP on recruitment of large woody debris (LWD).

4.3.1.5 Soils/erosion/sedimentation (22 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Cumulative impacts analysis needs to include geology and soils.
- Describe the landscape, geomorphology, and soils of the area, including their distribution, hazard or erodible soils, debris-flow and landslide potential, sediment delivery and special soils or geologic conditions.
- Comment suggests the EIR identify steepness, stability, erosion hazard rating of slopes, and location of previous slope and road failures, erosion, or mass wasting incidents. The EIS/EIR also must assess and map upslope activities potentially delivering sediment
- Comment suggests examining the cumulative impacts and mitigation of silt/sand on species' watercourse habitat downstream as it moves toward the estuaries.
- Discuss the effects the HCP will have on short-term and long-term soil productivity as a result of erosion.
- Evaluate the role of trees as soil anchors.
- Evaluate the role of timber harvesting in triggering landslides.
- Evaluate the effects of removing hardwoods on slope stability.
- Address soil compaction through the use of heavy mechanized equipment.
- Analyze impacts of HCP on stream sedimentation, taking into consideration that forests secure topsoil and prevent sedimentation.
- Since all 87 watersheds are listed with the USEPA under the Clean Water Act for sediment impairment, the EIR must address sediment discharge into the waters of the State. *Explanation: The EIS/EIR will analyze the impacts of the proposed plan and alternatives on sediment production and delivery in Plan Area watersheds. A total of 65 planning watersheds, of the 87 planning watersheds in the Plan Area, are currently listed by USEPA and the NCRWQCB as water quality impaired and subject to TMDL*

-
- development. The wildlife agencies understand that additional watersheds could be listed.*
- Is timber harvesting allowed in areas where historic landslides have occurred?
 - Assess the effects of siltation on eggs and fry and other damage to fisheries as a result of logging practices that deliver sediment to streams.

Issues that may not receive detailed analysis in the EIS/EIR:

- Discuss the soil types in the project area. How are soil types determined? Please be specific. Are soil samples done throughout the project area? *Explanation: Soils and geology in the project area, as well as the assessment methods used, will be discussed in the HCP/NCCP. The EIS/EIR will include an analysis of the potential impacts to these resources that could result from the proposed plan and selected alternatives.*
- Implement an erosion control plan as part of the HCP/NCCP. *[Comment from Elk County Water District: also included in the Agency Comments section (Section 4.3.11)]. Explanation: An erosion control plan will be described as part of the HCP/NCCP, and will be evaluated as a mitigation measure in the EIS/EIR.*
- Siltation of reservoirs costs agricultural dollars in lost irrigation water. *Explanation: There are no reservoirs in the Plan Area used for irrigation.*
- Evaluate the role of trees by species and their influence on soil amendment and consequent forest health. *Explanation: The EIS/EIR will analyze the impacts to forest health that could result from implementation of the proposed plan and alternatives. An analysis of the role of individual tree species, however, is not possible due to limitations on the level of detail of available forest inventory data.*
- What is the soil loss per acre per year when timber is harvested? How much is delivered to receiving waters? Is this permissible under TMDLs? *Explanation: The EIS/EIR will analyze impacts related to sediment production and delivery that could occur under the proposed plan and alternatives, and will discuss issues of TMDL compliance. A site-specific, detailed analysis of soil loss per acre is not feasible given available information. Watershed-specific estimates for 303(d) listed basins provide some general information.*
- Assess cumulative impacts to soils from loss of soil anchors, loss of amendments, compaction, short-cycle harvesting, exposure to UV light, drying, pesticides, and fertilizers. *Explanation: It is likely that there will be no significant differences among the EIS/EIR alternatives to warrant detailed analyses of these issues.*

4.3.1.6 Water Quality/Quantity (16 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Consider water quality and quantity impacts associated with forest management. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- Assess cumulative impacts in Greenwood Creek watershed to protect water quality. *[Comment from Elk County Water District: also included in the Agency Comments*

-
- section (Section 4.3.11)]. Explanation: The proposed plan and EIS/EIR will address cumulative effects on a watershed level.*
- Evaluate impacts to TES species of potential changes in water quality and quantity. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
 - Discuss effects of the HCP on water temperature, dissolved oxygen, sediment, potential contaminants (nutrients, herbicides, machine fluids, sawdust and logging slash), turbidity, in forested, deforested, and grassland areas.
 - Address fisheries and stream protections including stream quality, erosion control, and drinking water quality.
 - Identify streams and rivers where limiting factors for fisheries are water diversions.
 - MRC should disclose details of plans for stream alterations, water diversion, and water extraction for the next 80 years. *Explanation: Opinion noted. The HCP/NCCP is expected to provide a plan for water use by MRC for forest management.*
 - Comment suggests EIS/EIR should examine cumulative effect of deforestation combined with water diversion in terms of water quality. The concern is increased sedimentation.
 - Mitigation for water quality impairment must be assured *[Comment from Elk County Water District: also included in the Agency Comments section (Section 4.3.11)]. Explanation: The EIS/EIR will include analysis of any proposed mitigation measures to maintain adequate water quality. Specific assurances are not included in an environmental review document.*
 - Monitor water quality in Greenwood Creek as part of the HCP/NCCP *[Comment from Elk County Water District: also included in the Agency Comments section (Section 4.3.11)]. Explanation: The EIS/EIR will analyze the environmental impacts of measures and actions proposed in the HCP/NCCP, including monitoring.*

Issues that may not receive detailed analysis in the EIS/EIR:

- Address the effects of pesticides and fertilizers on stream health, drinking water quality, and on the wildlife in streams (direct contact, inhalation, absorption.) *Explanation: The EIS/EIR will have a general discussion on effects of forest chemicals, but a detailed impacts analysis will not be conducted because MRC is not requesting coverage for use of forest chemicals as part of the proposed action or alternatives.*
- How will aquifers be damaged? *Explanation: The EIS/EIR will include general analysis of impacts to hydrology, including changes to sub-surface flow and peak runoff.*
- Discuss the impacts to water quality from use of dust abatement products (other than water) on roads. *Explanation: The lead agencies will review the types of dust abatement products typically used by MRC, but MRC is not seeking coverage for their use under the HCP/NCCP, and a detailed analysis is not expected to facilitate decision making among alternatives.*
- Will the plan disclose and assess the impact of the future scarcity of potable water at the local, state and global levels? *Explanation: The EIS/EIR will analyze potential water quality and quantity impacts resulting from the proposed plan and selected alternatives. A detailed analysis of state or global impacts, however, is not expected to facilitate*

decision-making among alternatives. [See hydrology section above, the EIS/EIR will look at the effects of forestry on hydrology, including water drafting]

- Comment suggests MRC's plan should give precedence to maintaining enough water in the rivers and tributaries for the needs of fish and plants before they draft any water. *Explanation: Comment noted. The EIS/EIR will analyze the environmental impacts of proposed activities on fish and plant as required by law and regulation, including the impacts of water drafting.*

4.3.2 Biotic

The EIS/EIR will address potential impacts and mitigations associated with the biotic environment under each proposed alternative. Biotic issues to be addressed include topics on biodiversity, coastal zone impacts, ecosystem effects of the HCP/NCCP, environmental baseline, habitat fragmentation, historical conditions, invasive species, old growth, pathogens and disease, plants, riparian areas, species covered/not covered by the HCP/NCCP, special-status species, wetlands, wildlife, and fisheries.

4.3.2.1 Biodiversity (15 written comments)

Issues likely to be addressed further in the EIS/EIR:

- How will CDFG ensure that the Project conserves and restores large habitat blocks with intact ecosystem function and biological diversity?
- How will CDFG ensure that the Project maintains suitable environmental gradients and habitat diversity sufficient to ensure shifting taxa distributions due to changed circumstances?
- The EIS/EIR needs to analyze impacts of the HCP on wildlife and vegetative structure and diversity during harvest and over the long term.
- The value of forests in terms of species diversity, habitats, and genes must be recognized for the benefit of future citizens.
- Address the loss of biodiversity.
- Discuss the relationship of habitat destruction to loss of biodiversity.
- Address the types of biodiversity that old-growth forest habitats preserve.
- Discuss the impacts to loss of seed generation and genetic diversity with loss of older trees.
- Use "umbrella species" to ensure conservation of biodiversity. *Explanation: The proposed plan and alternatives are expected to include measures designed to protect a variety of species and habitats, and ensure conservation of biodiversity and ecosystem integrity in the Plan Area. The inclusion of protection measures for "focus species" is intended to provide protection for species with similar habitat requirements. The proposed plan will specifically describe the ancillary species and ecosystem benefits that will result from these protection measures.*
- Include protections for lower profile species such as fungi and lichens. *Explanation: The proposed plan and alternatives are expected to include measures designed to protect a*

variety of species and habitats, and ensure conservation of biodiversity and ecosystem integrity in the Plan Area. The inclusion of protection measures for “focus species” is intended to provide protection for species with similar habitat requirements. The proposed plan will specifically describe the ancillary species and ecosystem benefits that will result from these protection measures.

- Commenter is concerned that use of species-specific critical habitat protections does not ensure adequate preservation of a diversity of species.

Issues that may not receive detailed analysis in the EIS/EIR:

- The commenter is especially interested in reestablishment of the original diversity of native trees, shrubs, and plants, as well as fish, amphibians, birds, and mammals. *Explanation: The proposed plan is expected to include conservation measures to promote the recovery of a diverse species assemblage in the Plan Area. The EIS/EIR will analyze the effectiveness of the proposed conservation measures.*
- The impacts to future Americans and Californians—for instance, in loss of endangered species and biodiversity in this large forested area—could be permanent and catastrophic. *Explanation: Comment noted. Statements of opinion or conjecture will not be addressed specifically in the EIS/EIR.*
- How can the loss of irreplaceable biodiversity, endangered species habitat, and timber resources be analyzed? *Explanation: The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives on biodiversity, endangered species habitat, and timber resources using the best available data and methods, as required by law and regulation.*

4.3.2.2 Coastal Zone Impacts (1 written comment)

Issues likely to be addressed further in the EIS/EIR:

- The anticipated permit would authorize timber harvesting for 80 years, which could adversely affect water quality and habitat resources of the Coastal Zone. The timber activities could degrade water quality through increased sedimentation into coastal streams/rivers. Additionally, the timber harvesting activities could directly and indirectly damage environmentally sensitive habitat resources of the Coastal Zone. *[Comment from California Coastal Commission: also included in the Agency Comments section (Section 4.3.11)]*

4.3.2.3 Ecosystem Effects of HCP/NCCP (2 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Provide details on the effects of the HCP/NCCP on the forest ecosystem.
- Describe the effects of changing timber harvest methods on species composition in the forest, wetlands, and rivers.

4.3.2.4 Environmental Baseline (1 verbal comment; 17 written comments)

Issues likely to be addressed further in the EIS/EIR:

- What is the "baseline" for undertaking this analysis?
- The EIS/EIR should include a comprehensive assessment of current conditions.
[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]
- Provide accurate, detailed descriptions and maps of the area covered in the proposed plan.
- The EIS/EIR must include detailed assessment of forest inventory data.
- As part of an 80-yr commitment, MRC's plan should describe current conditions for and status of TES species on the ownership.
- The Marine Biological Field Station and UC and Pacific Union College made a very comprehensive study of wildlife of the Albion and its estuary in the 1940's and 50's. This information should be available at Albion field station or in the library in Angwin.
Explanation: Comment noted. The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives using the best available data and methods. The EIS will provide information on the known and suspected occurrences of sensitive wildlife species based on the information available.

Issues that may not receive detailed analysis in the EIS/EIR:

- EPA believes the no action alternative is not equivalent to a no impact baseline.
[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]. Explanation: Opinion noted.
- Describe and use forest conditions prior to logging (i.e., 1850s) as the environmental baseline. *Explanation: The EIS/EIR, as well as the proposed plan, will use available information on historical resource conditions to analyze cumulative impacts and to describe the environmental setting. The analysis of impacts in the EIS/EIR, however, will be performed using current conditions as the environmental baseline, as defined by law and regulation.*
- Is sufficient information supplied to adequately describe baseline conditions?
Explanation: As part of EIS/EIR development, the agencies will assess the sufficiency and adequacy of information to describe and analyze baseline conditions and the impacts of different alternatives.
- Adequate baseline data (including stream temperature, sedimentation and turbidity, percentage of shade canopy, and location, quality and quantity of LWD, spawning gravel, riffles, pools, fish spawning and rearing sites, and key forest plant and animal species) is needed to assess impacts of the HCP on water quality. *Explanation: The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives using the best available data and methods. Incomplete or unavailable information will be addressed as per law and regulation (e.g. Sec. 1502.22 of the NEPA implementing regulations [51 FR 15625, Apr. 25, 1986], Section 15384 of the California Code of Regulations).*

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- Conclusions in the EIS/EIR must be supported by accurate and adequate baseline data (including field surveys), available information on the results of wildlife surveys, (including maps of survey routes, and the known and suspected occurrence of wildlife species in the project area), scientific studies, population viability analyses, and other information that provides a scientifically justifiable basis for the environmental document's conclusions. *Explanation: The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives using the best available data and methods, which will be described and disclosed to the public as required by law and regulation. Incomplete or unavailable information will be addressed as per law and regulation (e.g. Sec. 1502.22 of the NEPA implementing regulations [51 FR 15625, Apr. 25, 1986], Section 15384 of the California Code of Regulations).*

4.3.2.5 Habitat Connectivity, Fragmentation and Loss (1 verbal comment; 13 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Are habitat corridors being analyzed?
- Discuss fragmentation in relation to loss of biodiversity, microclimate change, edge effects, increased wind velocity, evaporation, solar insolation, influx of invasive species, increased risk of catastrophic fire, reduction of fog drip and natural moisture retention, lack of shade and resulting effects on the role of lichens, mycorrhizal root fungi, and plant succession in the forest, reduction in genetic diversity of trees, and effects on nutrient and hydrologic cycles.
- Discuss effects on all species recovery, species' reaction to crowding when habitat is reduced in size, effects on reproductive success and dispersal, and effects of exposure to additional predation. *Explanation: Impacts to species proposed for coverage under the HCP/NCCP will be evaluated in the EIS/EIR.*
- Identify species that are most susceptible to fragmentation.
- Evaluate the loss of wildlife corridors and how that might prevent gene flow between fragmented habitats. Also discuss how this loss might disrupt or prevent wildlife access to forage areas, breeding grounds, and hibernation sites.
- Describe the effects of the proposed plan on the present and future distribution and quality of wildlife habitats, particularly old growth, including the role of forest connectivity and the effects of forest fragmentation (dispersal and movement) in and near the project.
- Discuss the effects of fragmentation, removal and modification of key habitats and the effects on reproductive success of individual species.
- How will the HCP provide a link between ecosystems? Will wildlife corridors be considered?
- How will links be maintained in this HCP between the Santa Cruz and Humboldt populations of marbled murrelets to help increase their range and genetic diversity, to help ensure the viability of these populations, and not appreciably reduce their chance of survival?

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- How will CDFG ensure that the project maintains connectivity between large habitat blocks and similar habitat areas outside the Project area, such as those in the local state parks and in JDSF? *Explanation: The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives on local and regional habitat connectivity.*
 - Please map the remaining locations of animals and plants after the 80-year plan. Is there a net loss of habitats for these species? How does this compare to what is happening statewide to these critical habitats? Is there a net loss for critical habitats? *Explanation: The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives on the quantity and quality of habitat in the Plan Area. Mapping the location of individual animals and plants throughout the proposed permit term, however, is not possible.*

4.3.2.6 Historical Conditions (9 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Cumulative impacts from past intensive management practices, especially as they relate to water quality, must be addressed cumulatively at watershed and regional levels.

Issues that may not receive detailed analysis in the EIS/EIR:

- Analyze cumulative impacts over time, from pre-logging period to present. *Explanation: Available information on historical pre-logging conditions will be incorporated into the cumulative effects analysis in the HCP/NCCP and EIS/EIR. Due to the limited amount of information available on historical conditions, however, it is expected that such an analysis will be general and largely qualitative.*
- Describe pre-logging conditions of TES species and habitat in the Plan Area. *Explanation: Available information on historical pre-logging conditions will be incorporated into the cumulative effects analysis in the HCP/NCCP and EIS/EIR. Due to the limited amount of information available on historical conditions of TES species, however, it is expected that such an analysis will be general and largely qualitative.*
- The EIS/EIR must assess current conditions relative to known pre-logging conditions. *Explanation: Available information on historical pre-logging conditions will be incorporated into the cumulative effects analysis in the HCP/NCCP and EIS/EIR. Because information on historical conditions is limited, however, a detailed comparison of current conditions relative to pre-logging conditions is considered too speculative for inclusion in the EIS/EIR.*
- As for trees, we know that hemlock and yew, for instance, were plentiful here before Masonite decided to practically eradicate them. *Explanation: Comment noted. The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives using the best available data and methods. Issues of historical forest conditions will be addressed in the cumulative effects analysis*

4.3.2.7 Invasive Species (1 verbal comment; 2 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments relate to issues of HCP/NCCP development and/or content. Some or all of these issues may be addressed in the HCP/NCCP or accompanying decision documents. The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives using the best available data and methods.

- The plan should incorporate long-term, environmentally safe control of invasive species, including alien weeds such as *Cortaderia jubata*, *Cytissus* and *Genista* species, *Ulex europa*, *Cirsium vulgare*, *Delairia odorata* and *Erechtites spp.*
- How will invasive species be covered in the plan?

4.3.2.8 Old Growth (8 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Address the cumulative watershed and old-growth forest impacts in north coast California.
- Address the role of the scattered residual old growth to forest health and species viability.
- Evaluate the environmental effects of this plan on the recovery of any old-growth dependent species.

Issues that may not receive detailed analysis in the EIS/EIR:

- Old-growth and late successional forest stands contribute significantly to the biological stability of the north coast forest. According to a recent study by the National Academy of Sciences, "Further cutting of the remaining late-successional and old-growth forests will accelerate threats to the biological diversity of the Pacific Northwest and threaten our ability to sustain important ecosystem processes." The study also states that management should include conservation and protection of most or all the remaining areas.
Explanation: Comment noted. The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives using the best available data and methods. Effects of the proposed plan on forest stand conditions, including late successional forest stands and old growth, will be analyzed.

The following comments relate to issues of HCP/NCCP development and/or content. Some or all of these issues may be addressed in the HCP/NCCP or accompanying decision documents. The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives using the best available data and methods.

- How will each agency ensure that the remaining stands of old growth and late-successional forest in the project area are retained?
- How will each agency encourage MRC to develop additional late-successional forest stands?
- What biological metrics does each agency currently use to define old-growth and late successional forest stands?

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- What rotation periods does each agency feel is compatible with the maintenance and development of old growth and late successional stands?

4.3.2.9 Pathogens and Diseases (3 verbal comments; 3 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Evaluate the HCP in light of the uncertainty concerning the spread of Sudden Oak Death and concerning the limited understanding of how effects that result from global warming and climate change intersect with the spread of the Sudden Oak Death.
- Sudden Oak Death and other diseases, as well as future uncertainty regarding pathogens and diseases, needs to be included in plan development and analysis.
- Since it is reasonably foreseeable that Sudden Oak Death may drive certain plants currently common in the forest, e.g., *Lithocarpus densiflorus* or some ericaceous taxa, to the brink of extinction during the term of the Project, how will CDFG ensure that such increases are changed circumstances rather than unforeseen circumstances? *Explanation: The EIS/EIR will evaluate the environmental consequences of the permit issuing agencies' decisions with respect to issues included as changed or unforeseen circumstances.*

4.3.2.10 Plants (3 verbal comments; 12 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

- Most of the project has been in private ownership, and current understanding is that no comprehensive floristic surveys have been performed. The JDSF draft EIR cites a lack of plant data, and CNPS and CNDDDB databases often have little or no data on private timberland. *Explanation: Comment noted. The EIS/EIR will analyze the environmental impacts of the proposed plan and alternative using the best available information and methods. Incomplete or unavailable information will be addressed as per law and regulation (e.g. Sec. 1502.22 of the NEPA implementing regulations [51 FR 15625, Apr. 25, 1986], Section 15384 of the California Code of Regulations).*
- Why is so much fir dying on MRC lands? *Explanation: Current conditions in the Plan Area, including the status and trends of forest habitats, are expected to be addressed in the HCP/NCCP.*

The following comments relate to issues of HCP/NCCP development and/or content. Some or all of these issues may be addressed in the HCP/NCCP or accompanying decision documents. The EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives using the best available information and methods. Incomplete or unavailable information will be addressed as per law and regulation (e.g. Sec. 1502.22 of the NEPA implementing regulations [51 FR 15625, Apr. 25, 1986], Section 15384 of the California Code of Regulations).

- 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?
- What is the state of MRC's botanical knowledge of the Project area, and does MRC have a complete floristic survey for the Project Area?

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- How was MRC's botanical information compiled, by whom, and has it been reviewed by independent botanical experts with local botanical knowledge?
 - Does MRC have a plan to eliminate the botanical data gaps and minimize the botanical risk factors?
 - For each covered species, how will CDFG determine the minimum habitat size large enough to support sustainable populations of plant taxa, and upon what data will this determination be made?
 - Does any agency have evidence that the existing information regarding botanical taxa distribution, occurrence, and ecology on the Project area is adequate to proceed with the planning process, and if so, what is this evidence?
 - Given the size of the Project area, how does each agency propose to remedy all data gaps regarding distribution, occurrence, and ecology of botanical taxa on the Project area?
 - A complete floristic survey of the entire project area is essential to protect sensitive botanical taxa. Since this is private land, the public and scientific community has only limited knowledge of the botanical resources. Surveys would greatly enhance effectiveness of the HCP/NCCP, should be broad enough to include fungi, lichens, and bryophytes, and should also identify areas of biological richness and unique natural communities (pygmy forest, oak woodland, vernal pools).
 - How will the public and the agencies be informed of the data gaps that exist with respect to assessments of impact on vegetation inventories due to microclimate changes in habitat that will occur and that can affect tree mortality?
 - In a healthy forest, a dense tree canopy cover provides many benefits. How will the areas where conifers that are rooted next to each other with intertwined canopy—critical for endangered species survival—be protected?

4.3.2.11 Riparian Areas and Protections (3 verbal comments; 8 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The EIS/EIR needs to analyze impacts of the HCP on late seral forest characteristics of stream corridors.
- Evaluate the importance of no-cut zones in riparian areas. Compare what is proposed by MRC to the Aquatic Conservation Strategy Option 9 standards of the Northwest Forest Plan, and to the NOAA Fisheries guidelines for THP review, and the NOAA Fisheries Short-term HCP guidelines.
- Address streamside habitat, regulations, and harvest practices that affect in-channel conditions.
- What is the width of riparian buffers?
- Linear riparian buffers should not be "counted toward" fully functioning late seral habitat.
- Albion/Greenwood area residents believe certain areas/stands should not be harvested, especially areas adjacent to salmonid refugia.

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- Use NOAA Fisheries riparian protection measures rather than CFPRs.

Issues that may not receive detailed analysis in the EIS/EIR:

- How are stream buffers actually measured and flagged? *Explanation: This is an implementation issue that will likely be addressed in HCP/NCCP documentation. The EIS/EIR will evaluate the impact of the proposed plan, including buffer widths.*

4.3.2.12 Species Covered/Not Covered by HCP/NCCP (3 verbal comments; 30 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The EIS/EIR must include detailed biological analysis of impacts of timber harvesting, resource extraction, and other activities authorized by the HCP and ITP on each wildlife and plant species to be "covered" by the HCP.
- Include a comprehensive biological assessment and evaluate the impact of the HCP and ITP on each wildlife and plant species for which "no surprises" regulatory assurances will be given.
- Provide a list of all species covered under the HCP/NCCP.
- Quantify the level of take for each species, describe activities that could result in take, and evaluate mitigation measures for each species that result in less than significant impacts.
- Analyze impacts of the HCP/NCCP on uncovered species, including migratory birds and other unlisted species. *Explanation: The proposed plan and alternatives are expected to include measures designed to protect a variety of species and habitats, and ensure conservation of biodiversity and ecosystem integrity in the Plan Area. Impacts to uncovered species will likely be analyzed in a general sense.*
- Complete biological analysis for other species in addition to those covered by "no surprises" policy. *Explanation: See explanation above.*

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments have been noted, but relate to issues of HCP/NCCP development and/or content, or the provisions of laws and regulations. Some or all of these issues may be addressed in the HCP/NCCP or accompanying decision documents, and/or have already been decided by law, regulation, or other policy-level decision.

- What kind of protection or consideration will the Plan give to non-listed, federal and state "species of concern", since it will be a joint HCP/NCCP?
- Why pursue an HCP? What is the benefit to species?
- Under the proposed HCP/NCCP, how will Endangered Species Act protection be granted to currently unlisted species if they are listed in the future?
- The Federal Register explicitly names nine botanical taxa, and mentions the possibility of 51 additional, for which MRC is considering coverage. There may be significantly larger numbers of sensitive taxa, but current knowledge of their autecology is extremely limited,

and only taxa with sufficient info to develop credible management regimes can be covered.

- Commenter is concerned that “habitat-based conservation approaches not be used as a rug under which botanical ignorance is swept.” For taxa lacking adequate information regarding distribution, biology, and habitat requirements, neither species-based nor habitat-based conservation approaches may be appropriate. In such cases, agencies should ensure that the taxa not be covered under the HCP/NCCP.
- What criteria will each agency use to accept taxa for coverage (under the HCP/NCCP), and how will each agency ensure that the scientific basis for making such a decision is adequate for each taxon?
- Has MRC adequately disclosed and assessed the combined impacts of all human-caused and natural impacts on given species?
- What process will be used to identify the preliminary list of covered species and natural communities?
- What minimum set of data and management information will be required to add each taxon or natural community to the preliminary list of covered species and natural communities?
- Who will compile the list of covered species and natural communities, and what public review and comment will be provided for this list?
- Who will decide the set of covered species?
- What objective criteria will be used to determine which taxa become covered species?
- Upon what data will this decision (to cover/not cover particular species) be made?
- For each covered species, what additional data will be used to determine conditions of coverage?
- If the conditions of coverage for a given taxon are modified, what process will be followed to affect such modification?
- If the conditions of coverage for a given taxon are modified, who will make the decision to allow such modification?
- If the conditions of coverage for a given taxon are modified, will consultation within CDFG, or with other agencies, be required prior to such modification?

4.3.2.13 TES Species (5 verbal comments; 29 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Survey and monitor for TES invertebrates. *Explanation: The HCP/NCCP includes a comprehensive monitoring and adaptive management plan. Depending on the results of the EIS/EIR impact analysis, mitigation measures, potentially including additional surveying and monitoring, may be developed in the EIS/EIR for selected species.*
- If all stands are eventually harvested, what are the impacts to threatened and endangered species?

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- What is the resulting impact on species from variation in harvesting on MRC's property right now?
 - What are the specific threats to individual species?
 - Provide detail on the impacts of take and the long-term benefits of the plan to TES species.
 - Analyze THP data to determine the effects of timber operations on TES species.
 - Impacts to all threatened, endangered, candidate, proposed, sensitive, rare, endemic, or otherwise at risk species should be assessed regardless of whether the species is "covered" by HCP.
 - Protect the critical habitat for listed species; avoid "take" of habitat for those species unable to easily relocate.
 - Assess the overall impacts of the HCP, taking into consideration species population status and habitat conditions on all lands supporting local and regional populations.
 - How does MRC assess cumulative or combined impacts of operations on species habitat (e.g. causing erosion which causes sedimentation in streams)? How can MRC replace endangered species lost as a result of habitat degradation or destruction? *Explanation: The EIS/EIR will analyze the cumulative effects of the proposed plan and alternatives using the best available scientific information and methods. Although it is not possible to replace lost species, the proposed plan must contain measures designed to minimize and mitigate any incidental take that may occur as a result of its implementation.*
 - How will MRC mitigate additional loss of conifers and adjoining supportive understory for endangered species that need acres of habitat area? How will MRC replace extinction of endangered species? *Explanation: The EIS/EIR will analyze the cumulative effects and mitigation measures of the proposed plan and alternatives using the best available scientific information and methods. The lead agencies cannot issue a permit if it does not meet all the issuance criteria as defined by endangered species law, regulation and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA) (e.g., the permit could not be granted if it would result in the extinction of a listed species. Note that extinction of a listed species means the loss of a listed population, not the loss of one or more members of that population).*
 - Commenter urges NOAA Fisheries, USFWS, and CDFG to work with MRC to achieve the maximum possible protection of endangered species on their lands. If this cannot be done, they should continue to have a no-take policy with regard to MRC. However, it is far more desirable that MRC begin a strong, scientifically based attempt to restore the populations of listed species on their lands.
 - While long-term goals of restoration are being pursued, it is essential that critically endangered species' populations not be damaged. Strong protection is necessary to ensure that local salmonid runs and populations of other endangered species are not destroyed. MRC should not cut its few remaining old-growth trees, as they provide critical habitat...that cannot be replaced for hundreds of years. MRC should practice conservative forestry in the sensitive watersheds where salmonids persist, and should create permanent no-cut reserves where listed species are present.

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- What is the status of species of concern on MRC's property? Describe in detail the status of all TES species on MRC lands.
 - What is the capability of current aquatic habitat to support TES species?
 - Covered activities should be timed so as not to interfere with timing of crucial life history requirements of TES species. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*

Issues that may not receive detailed analysis in the EIS/EIR:

- Please map the 87 watersheds affected for the next 80 years and where all the incidental takes will be located for: northern spotted owl, mountain beaver, freshwater shrimp, California red-legged frog, milkvetch, white sedge, bird-peak, Baker's larkspur, Kellogg's buckwheat, Burke's goldfields, showy Indian clover, coastal chinook, coho salmon steelhead. Please map the current distribution and location. *Explanation: The EIS/EIR will analyze the overall effects of implementing the various alternatives. Given current scientific understanding, it is not possible to determine the exact location of all potential incidental take. Available information on the current distribution of covered species will be included in the HCP/NCCP, and is expected to include a discussion of the potential impacts and assessment of take that is likely to occur if the plan is implemented. In many cases it is not possible to predict the precise occurrence within the Plan Area of take to a specific individual member of a listed population. In such cases acres of habitat or other appropriate habitat units are used to quantify the amount of take.*
- Which of the specific/individual species will be taken? What impacts to TES species will result if ESA continues to be ignored? *Explanation: See explanation above.*
- What impacts to TES species have occurred since historical logging began? *Explanation: The environmental setting section of the EIS/EIR will describe in general what the historical conditions were in the Plan Area, and how historical logging has affected TES species.*
- Describe conditions TES species need to recover to pre-logging conditions. *Explanation: The environmental setting section of the EIS/EIR will describe in general what the historical conditions were in the Plan Area, and how historical logging has affected TES species. Analysis of the recovery of TES species to pre-logging distribution and abundance is beyond the scope of the EIS/EIR.*
- Analyze status and trends of TES species based on differences between L-P SYP and MRC THPs. *Explanation: The EIS/EIR will analyze impacts of the proposed plan and alternatives based on the best available data and methods. In some cases historical data relevant to this analysis may include previous implementation and management plans (e.g., SYPs, THPs). A comparison of MRC's resources and management practices with those of previous landowners, however, is unlikely to facilitate decision-making among alternatives.*
- How does information on the presence/absence and status of TES species differ between the L-P SYP and MRC THPs? *Explanation: The EIS/EIR will analyze impacts of the proposed plan and alternatives based on the best available data and methods. In some cases historical data relevant to this analysis may include previous implementation and management plans (e.g., SYPs, THPs). A comparison of MRC's resources and*

management practices with those of previous landowners, however, is unlikely to facilitate decision-making among alternatives.

The following comments relate to issues of HCP/NCCP development and/or content. Some or all of these issues may be addressed in the HCP/NCCP or accompanying decision documents.

- Explain how agencies will address listed species.
- Will the HCP/NCCP provide information and assessment of multiple impacts to TES species?
- The specific plan for benefiting TES species needs to be disclosed to the public.
- What is the plan for the recovery of listed species?
- How will calculations of variable retention percentages and of total harvest percent be correct in calculating protection of endangered species or adequately figured into the accounting?

4.3.2.14 Wetlands (6 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The EIS/EIR should identify impacts to wetlands and include management and mitigation to comply with Section 404 Clean Water Act requirements. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- The EIS/EIR should address feasibility of in-kind mitigation for impacts to wetlands and other aquatic habitat. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments relate to issues of HCP/NCCP development and/or content. Many of these issues may be addressed in the HCP/NCCP, Implementation Agreement, or accompanying decision documents.

- What wetlands and waterways planning will be conducted as part of the Project? Who will conduct it?
- How will the Project protect the hydrologic integrity of sensitive [wetland] habitat?
- How will wetlands, including those disconnected from navigable waterways and the ocean, be classified for the purposes of the NCCP?
- How will wetlands planning deal with the fact that in certain cases, the Project area does not encompass an entire watershed, but shares ownership with other parties?

4.3.2.15 Wildlife and Fisheries (3 verbal comments; 61 written comments)

Issues likely to be addressed further in the EIS/EIR:

- What are the specific impacts to salmonids and their specific watercourses?

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- How will freshwater species be damaged? *Explanation: Freshwater species may or may not be damaged by the proposed project. The EIS/EIR will evaluate the impacts of the proposed project on freshwater species.*
 - Analyze the status of coho salmon in MRC watersheds.
 - Address the distribution of fish species in and near MRC land.
 - What numbers of wild coho salmon spawners likely remain in streams on, and downstream, of the project area?
 - Address the effects of increased stream temperatures from canopy loss on fish populations. Include impact studies of coho spawning streams on all MRC land.
 - Consider issues related to small population size or the genetic effective size of a population; will stocks of small numbers of coho likely be extirpated.
 - Consider the effects of marbled murrelet take on metapopulation viability.
 - Commenter wants no-logging nest buffers and creation of new habitat near known marbled murrelet nests.
 - How will the proposed plan affect marbled murrelet populations and habitat?
 - Create habitat to sustain the marbled murrelet population region-wide.
 - Preserve marbled murrelet habitat.
 - Examine how the HCP addresses the potential of critical habitat for marbled murrelet if remaining old growth continues to be cut?
 - Provide information on status of marbled murrelet on and adjacent to MRC lands.
 - Discuss the effects of helicopter use on the northern spotted owl and marbled murrelet.
 - The EIS/EIR should analyze effects on northern spotted owl habitat and behavior, including how foreseen and unforeseen circumstances will affect the population over the next 80 years.
 - Provide information on the status of northern spotted owls on and adjacent to MRC lands.
 - Include list of migratory birds from FSC in the review process for this project.
 - Analyze impacts to migratory birds.
 - Provide information on the status of point arena mountain beaver on and adjacent to MRC lands.
 - What is the capability of current wildlife habitat to support TES species?
 - Include a discussion at different landscape levels of impacts to wildlife. This discussion should assess the habitat needs of each species and its ability to move and disperse.
 - Describe the role of various habitat types and forest classes in the occurrence and distribution of wildlife, and the effects of changes in the distribution and quantity of habitat types on wildlife covered by the ITP and other wildlife that these species may depend on—for example prey items.

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- Please address how changes to microclimate conditions in riparian areas might affect reptiles, amphibians, and other aquatic species.
 - Address immigration, emigration, and recruitment of young and the impact on wildlife populations as a result of this proposal.
 - The EIS/EIR must contain comprehensive biological assessments for each covered species (and particularly listed species), and their associated habitats. Such assessments should include abundance and distribution, habitat requirements, ecological relationships, life history and population trends.
 - Each combination of water source and site must be considered separately to assess the cumulative impacts of silviculture practices upon species' food, water, cover, reproduction, and migration.

Issues that may not receive detailed analysis in the EIS/EIR:

- Coastal watersheds near known marbled murrelet habitat/use areas should be surveyed to assess habitat suitability for marbled murrelet. *Explanation: The permit decision will be based on whether the application for incidental take meets the permit issuance criteria as defined by endangered species law, regulation, and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA). All applicable criteria must be satisfied before a permit may be issued. The EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives using the best available scientific information and methods.*
- Given that all salmonid resources in the Pacific Northwest are threatened, MRC should provide a Northern California map of all THP projects for the next 80 years that will clearly demonstrate significant cumulative impacts from projects throughout the region. The 80-year HCP/NCCP should project salmonid decline based on land disturbance over time to date and then project what the salmonid decline may be in the next 80 years given projected timbering operations. *Explanation: An analysis of cumulative effects for salmonids will be included in the proposed HCP/NCCP and the EIS/EIR. Inclusion of all potential future northern California THPs in this analysis however, is unlikely to facilitate decision-making among alternatives. [The location and specifics of future northern California THPs within the next 80-years are largely unknown. The HCP/NCCP is intended to guide MRC's future THP development and implementation so as to mitigate and avoid impacts to covered species as well as provide habitat in such a way as to conserve the covered species].*
- Commenter asked certain specific questions at the Santa Rosa scoping for which he/she would like specific answers: "Which of the 10 coho salmon found in Elk Creek in 1995 are going to be killed? Which of them will be designated 'incidental' in this 'ITP' process? Which spotted owls in these forests are considered 'incidental' and which ones will be 'taken'? In which watersheds?" *Explanation: Although the proposed plan will include measures designed to minimize and mitigate take, some level of take may occur, provided the proposed plan meets the all the issuance criteria for an Incidental Take Permit as defined by endangered species law, regulation, and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA). It may not be possible to determine the occurrence or exact location of any potential incidental take, nor the fate of specific individual organisms. In such cases, effects to habitat and monitoring of populations will be used to determine the effect of the proposed plan on listed species.*

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- Analyze the effects of logging on northern spotted owl habitat since MRC purchased the property. *Explanation: The EIS/EIR will describe the status of the northern spotted owl and suitable habitat on MRC lands. The analysis will focus on the effects of the various alternatives, help facilitate decision-making among alternatives.*
 - Do not allow impacts to coho salmon. *Explanation: The EIS/EIR will analyze the impacts and cumulative effects of the proposed plan and alternatives on coho salmon using the best available scientific information and methods. The lead agencies cannot issue a permit if it does not meet the issuance criteria as defined by endangered species law, regulation, and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA). All applicable criteria must be satisfied before a permit may be issued. (e.g., a permit could not be granted if it would result in the extinction of a listed species. Note that extinction of a listed species means the loss of a listed population, not the loss of one or more members of that population).*
 - State agencies should not approve projects that would jeopardize endangered species such as the marbled murrelet. *Explanation: Pursuant to Section 2835 of the California Endangered Species Act (CESA), the state lead agency may authorize take of listed species that occurs incidental to otherwise lawful activities. Section 2800 regulations also stipulate that CDFG must ensure the species conservation and management is provided for in the NCCP.*
 - What are potential impacts on marbled murrelet of habitat loss in adjacent watersheds? *Explanation: The analysis of impacts to marbled murrelets and other sensitive species will incorporate all available information that relates to populations in the project area. An analysis of habitat loss in watersheds outside the project area, however, is outside the project's sphere of influence and is not within the scope of the EIS/EIR.*
 - MRC's Hamer Environmental report of probable marbled murrelet detections indicates a very low level of activity in certain watersheds that lack old growth. Since purchasing the property, MRC has since been heavily logging these rare marbled murrelet watersheds. *Explanation: Comment noted. The EIS/EIR will analyze the environmental impacts of the proposed plan and alternative using the best available information and methods.*
 - Commenter especially opposes take of marbled murrelet, northern spotted owl, Point Arena mountain beaver, California freshwater shrimp, California red legged frog, California coastal chinook salmon, central and southern Oregon/northern California coast coho salmon, and central California coast and northern California steelhead. *Explanation: Comment noted. The EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives, including potential impacts to fish and wildlife populations.*
 - Environmentally, we are concerned about results the proposed action would have on fish and wildlife populations. *Explanation: Comment noted. The EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives, including potential impacts to fish and wildlife populations.*
 - Provide information needed to determine the effects of northern spotted owl no-take certificates. *Explanation: The EIS/EIR will analyze the impacts of the proposed plan and alternatives on fish and wildlife populations, including the northern spotted owl, using the best available data and methods. Determining the effects of no-take regulations is an ESA effectiveness and enforcement issue.*

The following comments relate to issues of HCP/NCCP development and/or content. Many of these issues may be addressed in the HCP/NCCP or accompanying decision documents.

- Incidental "take" must include loss of generations of salmonid redds and must be addressed cumulatively before an incidental "take" can be allowed for salmon.
- What is the scientific basis for allowing take of the marbled murrelet?
- Provide data to support MRC's assessment of habitat suitability for marbled murrelets.
- Have the agencies verified MRC's reporting on marbled murrelet presence/absence and habitat suitability?
- What is the scientific basis for marbled murrelet management practices and conservation measures, including nest protections?
- Have northern spotted owl and marbled murrelet protections been effective on MRC lands?
- MRC must have reliable, accurate baseline data for spotted owls and other designated ESA wildlife.

4.3.3 Human Environment

The EIS/EIR will address potential impacts and mitigation associated with the human environment under the proposed plan and each selected alternative. Issues to be addressed include cultural resources, human health and safety, recreation, socioeconomic issues, and visual resources.

4.3.3.1 Cost to Taxpayers (1 verbal comment; 6 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Since these 87 watersheds are impaired and there are salmonid listings under ESA, what is the economic loss to the public with continued degradation of the MRC forest over 80 years? What is the cost to the public for fisheries losses over 80 years? *Explanation: Of the 87 planning watersheds in the Plan Area, 65 are listed as water quality impaired by the USEPA and NCRWQCB. The EIS/EIR impacts analysis will consider the impacts of the proposed plan and alternatives on socioeconomic conditions. It may not be possible, however, to determine the exact cost to the public of impacts associated with the proposed plan and alternatives.*

Issues that may not receive detailed analysis in the EIS/EIR:

- The term of the HCP must be considered carefully to avoid unfairly saddling taxpayers with the expense of dealing with unforeseen circumstances related to covered taxa during the term of the HCP. *Explanation: Comment noted.*
- What are the financial impacts of preparing, implementing, and monitoring the plan and the cost to taxpayers? *Explanation: Most costs associated with preparation of the HCP/NCCP, its implementation, and monitoring are the responsibility of the permit applicant and are not borne by the public. Both state and federal statute and regulation compel the agencies to participate in the development and implementation of HCP/NCCPs. Costs associated with agency participation in the preparation, review, and*

implementation/monitoring of HCP/NCCPs are, at least in part, an expected part of the oversight process, and are not tracked on an individual project basis. In some cases the applicant also bears some of the costs of agency oversight.

- What is the cost to the public for diminished water quality? TMDL implementation? *Explanation: Although environmental impacts to surface water quality will be analyzed in general in the EIS/EIR, determining specific costs associated with diminished water quality is likely to be limited by available data and therefore is not likely to facilitate decision-making among alternatives.*
- What is the cost to the public for further impairment of rivers when and if mitigations, erosion control plans, and THP's fail? *Explanation: The EIS/EIR compares alternatives based on the assumption that the project will be implemented as described. Forecasting costs associated with failure of mitigation, erosion control, and THPs is speculative, and is unlikely to facilitate decision-making among alternatives.*

4.3.3.2 Cultural Resources (1 verbal comment; 2 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Indian cultural uses (modern) need to be included.

Issues that may not receive detailed analysis in the EIS/EIR:

- We would appreciate if you would contact the Tribal Office of the Sherwood Valley Band of Pomo Indians if any bear claws or wild turkey, hawk, eagle, or woodpecker feathers, which are used for ceremonial purposes, are found on the site. *Explanation: Comment noted. Consultation with Native American tribes that have cultural interests in the Plan Area has been initiated by the lead agencies and will continue throughout the NEPA/CEQA process.*

4.3.3.3 Human Health and Safety (2 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Analyze and report potential health and safety effects of the proposed HCP/NCCP.

4.3.3.4 Recreation (1 verbal comment; 1 written comment)

Issues that may not receive detailed analysis in the EIS/EIR:

- What level of public access will be considered in the plan? *Explanation: This is an HCP/NCCP content issue. If recreation is being considered as a covered activity then these issues will be addressed further in the EIS/EIR*
- MRC should disclose details of plans for recreation for the next 80 years. *Explanation: This is an HCP/NCCP content issue. If the proposed plan and alternatives will affect public recreation opportunities, an appropriate analysis will occur to facilitate decision-making among alternatives.*

4.3.3.5 Socioeconomics (2 verbal comments; 10 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Analyze effects of proposed HCP/NCCP on regional economic vitality and diversity.
- The EIS/EIR needs to evaluate the economic and social impacts of the proposed plan.
- The EIS/EIR needs to include a component on the potential development of any or all of these over-logged forest lands, including but not limited to economic impacts on timber, fishing, and other resource jobs. The EIS/EIR further needs to include a component on the economic impacts of further losses in the salmon fishery.

Issues that may not receive detailed analysis in the EIS/EIR:

- Will the HCP/NCCP process result in better quality wood products? *Explanation: The EIS/EIR will analyze the impacts of the proposed project, including changes in the quality of wood products, if any changes are likely to result from the proposed plan and analysis would help facilitate decision-making among alternatives.*
- For many people, enjoyment and understanding of native plants is tied to the feeling of well-being that comes from knowing that they are surrounded by healthy ecosystems. How will the Plan address these valid concerns? *Explanation: It is recognized that healthy ecosystems are important for the enjoyment of people; however, examination of such issues in the EIS/EIR is unlikely to facilitate decision-making among alternatives.*
- Do state revenue concerns, and depletion of Jackson State timber and species resources, have bearing on the MRC HCP/NCCP? Do state employee pension funds, which are invested in Hawthorne logging, and depletion of Hawthorne timber and species resources, have bearing on the MRC HCP/NCCP? *Explanation: Local and regional economic impacts of the proposed plan and alternatives will be analyzed in the EIS/EIR. A detailed analysis of the relationship between outside investments and local or regional socioeconomic impacts, however, is unlikely to facilitate decision-making among alternatives.*

4.3.3.6 Visual Resources (3 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Please address aesthetic impacts on the lives of surrounding residents.

4.3.4 NEPA/CEQA

The EIS/EIR will be prepared in accordance with NEPA and CEQA regulations, and will include clear descriptions of the project purpose and need, the proposed action and alternatives, the affected environment/environmental setting, environmental consequences, and mitigation measures. The lead agencies will use public and agency comments on topics relating to alternatives analysis, EIS/EIR provisions, and impacts analysis to develop the range of alternatives and identify priority issues for analysis in the EIS/EIR.

4.3.4.1 Alternatives Analysis (2 verbal comments; 30 written comments)

Issues likely to be addressed further in the EIS/EIR:

- What happens to species if "no action" is pursued at this time?
- Interpretation of the no action alternative as having no impacts may be inconsistent with NEPA regulations. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- The no action alternative should assume full take avoidance and be in compliance with all ESA requirements, and must accurately describe baseline conditions and assume full compliance with and enforcement of existing federal and state laws so as not to overestimate the "benefits" of the HCP mitigation program.
- The no action alternative must account for the likelihood that currently imperiled species will be listed in the future and subject to ESA restrictions. *Explanation: Impacts to candidate species may be accounted for in the EIS/EIR.*
- The EIS/EIR should provide comparison of alternatives to inform review and decision-making. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- The EIS/EIR should evaluate a broad mix of possible alternatives, including those that may not be within the jurisdiction of the lead agency. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- The EIS/EIR should describe in detail the process of selecting, eliminating, analyzing, and implementing each alternative. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- EPA suggests that alternative analysis be based on a watershed approach. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- Consider EIS/EIR alternatives that specifically reduce sedimentation of aquatic habitats. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- The EIS/EIR should evaluate the alternatives in terms of compliance with the Federal Antidegradation Policy and the Clean Water Act. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- Include alternatives that avoid or minimize water quality impacts associated with timber management activities. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- The EIS/EIR, to be adequate, must examine all reasonable alternatives, and cannot consider only those alternatives with the same end result. Where economic preferences are used to select the preferred alternative, the decision must be based on solid economic information.
- Evaluate a range of proposed harvest prescriptions for upland areas (roads) and riparian areas (harvest management and buffers).

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- An additional 2,000 acres in the Willow Creek area will be retained in private ownership with rights to subdivide for development. Please consider the alternative of putting the entire property into a preserve. This alternative should be evaluated in light of diminished condition of most of the project area and of most of the lands adjoining MRC land and of the danger of extinction of some species proposed for take.
 - A third alternative would be permanent protection at further expense to the public. MRC is in the process of selling part of its holdings in Willow Creek... why not sell the rest?
 - The EIS/EIR should include an alternative for permanent protection of these forestlands at no additional cost to the public.
 - Alternative: permanent protection where the Fishers themselves create a conservation land trust from their holdings and employ forest workers in restoration projects, repairing the damage that they have done.
 - The EIS/EIR should include and discuss an alternative that would preserve MRC's forestland.
 - Consider the alternative of restoration of the natural forest ecosystem and the protection of water quality, fish and wildlife habitats as the primary management goals.
 - Compare the expected impacts from a restoration alternative, as well as a no-project alternative.
 - Commenter wants no-harvest alternative for sensitive watersheds.
 - Analyze a no-harvest alternative.
 - Analyze an alternative that does not permit use of chemical herbicides.
 - The HCP should consider other land actions (conservation) as well.

Issues that may not receive detailed analysis in the EIS/EIR:

- All alternatives selected for detailed analysis must avoid or substantially reduce the significant environmental impacts of the proposed project—thus the EIS/EIR cannot have an alternative, which authorizes more harvesting than the HCP preferred alternative, nor should it be constrained by economic preferences. *Explanation: The EIS/EIR will include feasible alternatives that represent a range of resource protections and potential environmental impacts, as required by NEPA (40 CFR 1502.14) and CEQA (CCR Section 15126) law and regulation*
- Instead of allowing an ITP, the regulatory agencies should be mandating a strict program of protection and recovery. *Opinion noted The ITP applicant must submit an HCP/NCCP that provides measures to minimize and mitigate incidental take.*
- Federal agencies should purchase and preserve property with money from the Land and Water fund. *Comment noted.*
- State should buy and protect MRC's forestlands. *Comment noted.*

4.3.4.2 EIS/EIR Provisions (12 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The EIS/EIR should include cumulative effects analysis for each covered activity for the 80-yr permit term.
- Cumulative effects of the HCP must be carefully evaluated, keeping in mind the impacts and effectiveness of existing conservation strategies.
- Cumulative effects analysis in the EIS/EIR should use the latest scientific literature as guidance.
- The US EPA recommends that the EIS/EIR include a clear description of project need and indicate relationship between project need, purpose, and alternatives. [*Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)*]
- In order to sufficiently meet the agencies' obligation under NEPA/CEQA, the EIS/EIR must independently evaluate the effectiveness of all HCP components and outcomes rather than reiterating rationale from the HCP.
- CDFG's action as state lead agency to permit take of listed species is subject to formal internal consultation. The EIS/EIR must include the results of these consultations, including CDFG's biological findings.

Issues that may not receive detailed analysis in the EIS/EIR:

- Recently enacted NCCP standards must be used to guide the scope of the EIS/EIR. *Explanation: The recently enacted NCCP standards will be used to guide preparation of the NCCP component of the HCP/NCCP. These standards, however, do not legally apply to NEPA and CEQA, and therefore will not be used to guide the scope of the EIS/EIR.*
- The EIS/EIR should include scientific evidence documenting the effectiveness of the HCP/NCCP. [*Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)*] *Explanation: The analyses included in the EIS/EIR will be based on the best available information and scientific methods. Because the HCP/NCCP has not yet been implemented, however, it will not be possible to evaluate its effectiveness.*
- The EIS/EIR should include and assess the July 2002 World Wildlife Fund (WWF) Living Planet Report as it applies to the proposed plan. *Explanation: The EIS/EIR will analyze the impacts of the proposed plan and alternatives based on the best available information and scientific methods.*

4.3.4.3 Impacts Analysis (6 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Use THP data to analyze the abiotic impacts of logging. *Explanation: The EIS/EIR will analyze impacts of the proposed plan and alternatives based on the best available data and methods. In some cases historical data relevant to this analysis may include previous implementation and management plans (e.g., THPs).*

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- Indicate resource trends and changes in biotic and abiotic conditions since the previous ownership.
 - The EIS/EIR should describe potential direct, indirect, and cumulative impacts and include mitigation for impacts. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
 - The EIS/EIR should document the impacts, including cumulative impacts, of past, present, and reasonably foreseeable actions, such as timber harvesting, resource extraction, development, etc. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*

Issues that may not receive detailed analysis in the EIS/EIR:

- Analyze differences in biotic and abiotic conditions between L-P's SYP and MRC's THPs. *Explanation: The EIS/EIR will analyze the impacts of the proposed plan and alternatives based on the best available information and scientific methods. Information used in the analysis may include data describing historical conditions in the Plan Area. An analysis of plans prepared by previous owners, however, is unlikely to facilitate decision-making among alternatives.*

4.3.4.4 Independent Consultant (2 written comments)

Issues likely to be addressed further in the EIS/EIR:

- An objective third party is needed to develop the EIR/EIS. Contractors selected by agencies should not have financial or other interest in the outcome of the project. *Explanation: Stillwater Sciences, the consultant approved by the federal and state lead agencies to prepare the EIS/EIR, has entered into agreements with the agencies guaranteeing that the EIS/EIR will be prepared objectively and with no financial or other interest in the outcome of the project.*
- The HCP/NCCP Federal Register notice of June 6, 2002 is very cloudy on numerous public process issues. Who sponsored the public scoping meetings? Is Jones and Stokes an MRC, or a state and federal agency consultant? Who paid Jones and Stokes? Who is writing the HCP/NCCP for MRC? Do the agencies have a separate consultant? *Explanation: The parties responsible for preparation of the HCP/NCCP, EIS/EIR, and the initiation of the public scoping process, were clearly identified in the Federal Register notice of June 6, 2002. These parties, and their responsibilities, will also be clearly identified in the appropriate publicly available documents (i.e., the HCP/NCCP and EIS/EIR).*

4.3.5 HCP/NCCP

The EIS/EIR will include descriptions of the proposed HCP/NCCP, a detailed comparison of the HCP/NCCP with the proposed alternatives, and an analysis of the potential impacts associated with implementation of the plan and alternatives.

4.3.5.1 Conservation Measures and Objectives (31 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Protection of all 232,000–240,000 acres of the project area is essential to maintain and restore the redwood ecosystem. The health of the forests in the project area provides the basis and the critical foundation for assurance that the take of species proposed will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.
- Describe watersheds with at-risk fish stocks and high quality water and discuss how this HCP will conserve those.
- How will this HCP provide for species' survival and recovery?
- Address whether the HCP includes recovery objectives for listed species, old growth or late seral dependent species, restoration of watercourses, riparian zones, and other critical habitat, and species habitat elements.
- What will the expected reduction in population be for each species proposed under the permit? What strategies in the HCP will assure that these declines don't appreciably reduce the survival/recovery of the species?
- Describe current baseline watershed conditions and develop measures to maintain and improve the condition of aquatic resources.
- A recovery-oriented HCP that meets goals and standards for HCPs/ITPs should include longer timber rotations, habitat reserves, and site protections to provide habitat for sensitive species and reasonable income for the landowner.
- Incorporate recommendations of the Marbled Murrelet Recovery Plan into the HCP/NCCP.
- The HCP/NCCP should have specific guidelines for each watershed and each TES species.
- How will the proportionality of impact and conservation measures be determined, and what metrics will be used to do so?
- Species conservation needs and recovery needs also need to be addressed.
- What watercourse protection measures will each agency require in the HCP to remedy the deficiencies in the current watercourse protection measures?
- The Plan should be designed to ensure that native vegetation is not merely preserved, but is fulfilling its role in the ecosystem. This should be included in the "landscape-level" planning, and entails conservation of habitat for pollinators and dispersers.

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments relate to issues of HCP/NCCP development and/or content. Some or all of these issues may be addressed in the HCP/NCCP or accompanying decision documents. Comments regarding HCP/NCCP issues will be solicited during the HCP/NCCP review process, following release of the Draft HCP/NCCP.

- What provisions will the HCP/NCCP include to ensure ecosystem function?

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- How are HCP/NCCP protection measures affected by regional and local ecology?
 - The HCP/NCCP must include measures for restoration of pre-1850s conditions.
 - Through what process will the preliminary conservation objectives be established?
 - How will these preliminary conservation objectives address the restoration mandate for covered species?
 - How will CDFG ensure that the current best available science will be used to establish the preliminary conservation objectives?
 - Who will be involved in establishing the preliminary conservation objectives?
 - What metrics will CDFG use to establish the "equivalency" of such conservation measures to conservation and restoration through properly configured and managed reserves?
 - If equivalent conservation measures are used exclusively, how will such measures promote "conservation of unfragmented habitat areas"?
 - If such equivalent conservation measures subsequently fail to provide conservation and restoration equivalent to reserves, will reserves then be created, and if so, how will CDFG ensure that suitable area, and sufficient funding, will be available at that time to create a reserve?
 - How will CDFG ensure that no take of covered species occurs before establishment of the necessary preserves or equivalent conservation measures?
 - How will the proposed conservation measures provide "protection of habitat, natural communities, and species diversity on the landscape or ecosystem level"?
 - For each covered species, how will CDFG determine the "biological needs" of such species that conservation measures need to meet, and upon what data will this determination be based?
 - How, and by whom, will the biological goals be established for each taxon?
 - How will each agency decide, for each covered taxon, when habitat-based conservation approaches will be used in preference to species-based conservation approaches, and upon what basis will this decision be made?
 - Under what conditions will each agency correct conservation strategies to compensate for external factors, such as catastrophic fires?

4.3.5.2 HCP/NCCP Process (6 verbal comments; 3 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments are related to HCP or NCCP processes and requirements. The EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives, but will not address issues related to HCP or NCCP processes or requirements. The HCP/NCCP will discuss how various requirements are met, and will describe the relationship between the HCP and the NCCP.

- What triggers the federal register process?

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- What is meant by "streamlining" the permit process?
 - Who pays for the "independent" scientists and whom do they answer to?
 - What is the process for paying the technical team members?
 - How do the HCP and NCCP mesh?
 - The recently passed state bill SB 107 contains mandates for standards and findings in the NCCP process. How will these provisions be applied in the Plan, since it is both an HCP and NCCP?
 - SB 107 gave CDFG responsibility for establishing a process for public participation throughout plan development. CDFG is also responsible for establishing new, tough standards. How will the involvement of the federal HCP process affect CDFG's responsibilities?
 - The relationship between the HCP, and its set of federal laws, regulations, and policy, and the NCCP, with its own set of state mandated mechanisms, was not made clear. For example, scoping comments were given different deadlines for each plan. Is there a lead agency? Or do CDFG, USFWS, and NOAA Fisheries share equally? Will the HCP and NCCP remain on separate tracks?

4.3.5.3 Incidental Take and the Incidental Take Permit (18 verbal comments; 68 written comments)

Issues likely to be addressed further in the EIS/EIR:

- As part of an 80-year commitment, MRC's plan should analyze cumulative impacts of each take.
- The HCP/NCCP is for 80 years, while MRC intends to manage for a goal of only 20,000 board feet per acre (an extremely depleted forest) over 50 years time. What is the relationship of these two time periods? And how can ancient forest species (e.g. marbled murrelet and coho salmon) survive in the meantime, or survive 50 years from now, in such depleted conditions?
- Will the HCP/NCCP 80-year plan take into account the possible continued decline of listed species under the ESA and public scrutiny and input for needed recovery of listed species?
- The agencies should carefully analyze a much shorter term HCP/NCCP (e.g. 10 years) that can be regularly updated based on new conditions and mitigation/monitoring results, considering how minimal current ecological information is. *Explanation: Many factors, including public comment, will be considered in the development of a range of alternatives for analysis in the EIS/EIR. It is possible that one or more EIS/EIR alternatives may be based on a shorter ITP term.*
- "Take" should be evaluated with respect to whether habitats "taken" correspond to population sources or sinks, provide habitat for genetically unique subpopulations or contain unique habitat/species combinations.
- Comment suggested that the ITP should not be issued until adequate information, mitigation, and scientific/public review has occurred. Credible adaptive management and

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- explicit agreements regarding the plan's biological goals, monitoring and enforcement must all be made clear up front. *Explanation: The EIS/EIR will analyze the environmental impacts of proposed activities, and will address the adequacy of conservation, mitigation, and monitoring to appropriately minimize and mitigate significant impacts using the best available science, in accordance with NEPA and CEQA requirements.*
- What is the advantage of an HCP for the public, MRC and species? *Explanation: The EIS/EIR will describe, evaluate, and compare the environmental impacts of the proposed plan and selected alternatives, including a no action alternative.*
 - The HCP/NCCP should explain in detail the public benefits of the plan. *Explanation: The EIS/EIR will describe and evaluate the environmental impacts of the proposed plan and alternatives.*
 - What exact activities are considered in MRC's application?

Issues that may not receive detailed analysis in the EIS/EIR:

- Many comments were received (4 verbal; 36 written) that expressed opposition to granting an Incidental Take Permit for MRC. Statements such as “How can agencies even consider ‘incidental take’ knowing the status of declining species?” and “We have a desire for no incidental take” summarize the majority of comments. *Explanation: The federal and state lead agencies recognize the public’s concern regarding take of listed species. The permit decision will be based on whether the application for incidental take meets the permit issuance criteria as defined by endangered species law, regulation, and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA). All applicable criteria must be satisfied before a permit may be issued. The purpose of the EIS/EIR is to analyze potential impacts of the proposed action and a reasonable array of alternatives to that proposed action.*
- Given the degraded conditions of the applicant's lands and the similar conditions of much of the forested landscape surrounding the project area in Mendocino County, it may be impossible to meet the goals and standards required by ESA of an HCP. Since HCPs should be used only in limited circumstances, and since there already exists extensive habitat degradation and elimination across much of these species’ ranges, the issue of whether further habitat loss can be allowed under this ITP needs to be seriously considered. *Explanation: Opinions noted. The purpose of the EIS/EIR is to analyze potential impacts of the proposed action and a reasonable array of alternatives to that proposed action. The permit decision will be based on whether the application for incidental take meets the permit issuance criteria as defined by endangered species law, regulation, and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA). All applicable criteria must be satisfied before a permit may be issued.*
- As part of an 80-year commitment, MRC's plan should identify details of take, including which species, the location of specific populations that will be subject to take, and the activities that will potentially lead to take. *Explanation: These items will be addressed in the HCP/NCCP. The EIS/EIR will analyze the impacts to listed species of the proposed plan and alternatives.*
- How will CDFG ensure that no take of any covered species occurs before management information sufficient to meet the conservation and restoration mandates is developed?

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- Explanation: Enforcement of law under the California Endangered Species Act (CESA) is not within the scope of the EIS/EIR.*
- If what MRC is compromising is the well-being of endangered species, furthering destruction of already dwindled endangered species habitat, then MRC cannot be considered for an ITP or NCCP. MRC must then be required to file individual THPs and to be monitored to ensure the survival of endangered species and degraded habitat. *Explanation: Opinion noted.*
 - It is hard for me to understand a consideration of this request when, on the other hand, the CDFG has taken drastic steps of shutting down commercial and sport fishing of bottom fish in order to save endangered numbers. Are the endangered species in the woods and watersheds no less important? *Explanation: The permit decision will be based on whether the application for incidental take meets the permit issuance criteria as defined by endangered species law, regulation, and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA). All applicable criteria must be satisfied before a permit may be issued.*
 - Does "take" include driving species away from their habitat? *Explanation: The term "take," as considered under the EIS/EIR, is defined by endangered species laws and implementing regulations. The federal definition is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532(19)). "Harm" has been further defined as "an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering." Harassment has also been defined by USFWS to mean "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering."*
 - How can incidental take support recovery? Allowing take is inconsistent with long-term commitment to conservation. *Explanation: Opinion noted. The ESA allows incidental take of individual members of a population when that take does not jeopardize survival and recovery of the listed population. The impact of any incidental take on the survival and recovery of listed species will be analyzed in the EIS/EIR and biological opinion for this project.*
 - Will species be "taken" if the HCP is approved? *Explanation: An approved HCP/NCCP must provide for conservation of designated species and must minimize and mitigate impacts to covered species as required by law and regulation for an incidental take permit. "Take" that is "incidental to otherwise lawful activities," is lawful under such a permit.*
 - Taking would violate Criterion 4 for issuing an incidental take permit, "Does not reduce likelihood of survival and recovery of the species." *Explanation: Opinion noted. The EIS/EIR will analyze the impact of the proposed HCP on listed species.*
 - As part of an 80-year commitment, MRC's plan should identify all incidental take that has occurred on the ownership since 1850. *Explanation: Available information on historical pre-logging conditions will be incorporated into the environmental impacts analysis in the HCP/NCCP and EIS/EIR. Information on historical conditions is limited and is unlikely to facilitate decision-making among alternatives.*

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- Can the public sue the federal agencies for issuing the HCP? *Explanation: Private legal action against the federal agencies is a legal issue that is outside the scope of the EIS/EIR.*
 - Federal agencies must review the entire action before approving/denying MRC's application. Review will result in denial of the proposed action. *Explanation: Opinion noted. The agencies will conduct all review and make a determination in compliance with the ESAs and NEPA/CEQA laws and regulations.*

The following issues regarding the proposed 80-year term of the HCP/NCCP and ITP will be addressed in the Biological Opinion and Statement of Findings for the ITP and 2800 permit decisions. The issue of permit length will be addressed in the EIS/EIR. Many factors, including public comment, will be considered in the development of a range of alternatives for analysis in the EIS/EIR. It is possible that one or more EIS/EIR alternatives may be based on different (shorter or longer) ITP durations.

- What is the justification for an 80-year planning period and ITP term?
- How can the public be assured that the property will be restored after the 80-year period?
- Several comments expressed opposition to an 80-year ITP term because of uncertainty regarding the future state of the environment.
- The 80-year period for the project is inappropriately long, and the period must be reduced to one for which the agencies can, in good faith, make credible management decisions regarding biological resources and unforeseen circumstances.
- Does any agency believe that it can credibly predict the state of the environment within the project area over the next 80 years so that it has reasonable confidence that it can negotiate a plan that achieves the conservation requirements of the HCP/NCCP programs, with no surprises or unforeseen circumstances, and if so, based on what evidence?
- Given the exceptionally poor state of current information regarding botanical resources located in the Project area, it will be very difficult to provide the botanical info needed to properly manage conservation of sensitive species without a long-term program of research. Such research, of necessity, will produce surprises, and appears to be at odds with an HCP for such an extended period.

4.3.5.4 No Surprises Policy (1 verbal comment; 23 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The EIS/EIR must analyze the reasonably foreseeable biological impacts of including a "No Surprises" policy in the HCP and implementing agreement. The effects are likely to be significant where 1) the HCP fails to achieve its stated goals 2) HCP conditions prove inadequate to protect the species, 3) new scientific information affects the assumptions of the HCP, and 4) unanticipated circumstances significantly change the environmental baseline.
- If an 80-year "No Surprises" policy is issued, such a permit must require that all direct and indirect habitat impacts and habitat losses are fully minimized and mitigated. No net loss of quality or quantity of habitat should be allowed.

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments regarding the HCP Changed and Unforeseen Circumstances provisions and the “No Surprises” policy are expected to be addressed in the HCP/NCCP. The HCP “No Surprises” policy provides the applicant with assurances that, in the event of changed or unforeseen circumstances, additional commitments of resources or funding will not be required of the applicant beyond what was negotiated as part of an approved and properly functioning HCP. The EIS/EIR will analyze the impacts of the plan, including the “no surprises” policy.

- How can the public be guaranteed of no surprises? *Explanation: An implementation agreement (IA) will be required for this HCP, should an incidental take permit be authorized. The IA is a legally enforceable document that specifies, among other things, the responsibilities of MRC and the agencies in implementing the HCP and NCCP.*
- Describe the implications of future listing of covered/uncovered species. *Explanation: If species covered by the HCP/NCCP are listed in the future, no further mitigation is required, as the HCP addresses the conservation of these species. If a species not covered by the HCP was listed in the future, the applicant would not have an incidental take permit for these species and would be responsible for avoiding take of these species.*
- Can the “No Surprises” policy be excluded from the HCP? *Explanation: On March 25, 1998, the "No Surprises" rule took effect. Under this rule, "No Surprises" assurances cannot be excluded from HCPs.*
- MRC should be required to provide detailed 80-yr forest and watershed management plans that guarantee measures will be implemented (i.e., a “No Surprises” plan). *Explanation: Opinion noted. The IA will describe the legal responsibilities of MRC in implementing the measures of the HCP.*
- Assuming standards for botanical surveys will change during the term of the project, how will CDFG ensure that such changes are considered changed circumstances rather than unforeseen circumstances?
- For each covered species, how will CDFG determine suitable environmental gradients and habitat diversity to accommodate the shifting distribution of species due to changed circumstances?
- How will CDFG address very significant data gaps and risk factors so as to avoid unforeseen circumstances over the entire term of the project?
- Since global warming is a reasonably foreseeable circumstance, does this mean that reasonably foreseeable consequences of global warming, such as significant changes in botanical populations, will be considered changed circumstances instead of unforeseen circumstances?
- For each taxon that is to be covered, how will each agency ensure that there are no unforeseen circumstances with respect to such taxon over the 80-year lifetime of the project? *Explanation: By definition unforeseen circumstances cannot be accurately predicted, therefore no assurances can be provided that they will not occur.*
- It will be "no surprise" if some of the currently unlisted sensitive taxa occurring on the project area become listed during the next 80 years. Accordingly, the agencies need to make sure that such listing does not result in an unforeseen circumstance. *Explanation: Opinion noted.*

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- How will each agency deal with the reasonably foreseeable chance that additional negative effects of herbicide application will be discovered in the next 80 years so as to avoid unforeseen circumstances in the HCP?
 - How does each agency propose to deal with the evolving state of riparian protection so that new, more restrictive measures are not considered "unforeseen circumstances" pursuant to the HCP? *Explanation: The adaptive management strategy of the HCP will address the incorporation of new information on habitat protection needs.*
 - Given the difficulty in defining "old growth" and "late successional" stands, how does each agency plan to define these terms in the HCP to cope with reasonably and foreseeable changes in these concepts, so as to avoid unforeseen circumstances over the 80 year period of the project? *Explanation: The adaptive management strategy of the HCP will address the incorporation of new information on habitat protection needs. The HCP is the applicant's document, and therefore MRC is responsible for defining old growth, and late successional stands in the HCP. The agencies will evaluate the proposals impacts on these habitat features, including the definitions used by the applicant, in the EIS/EIR.*
 - How will each agency deal with even-aged silvicultural prescriptions so as to avoid unforeseen circumstances due to the reasonably foreseeable increasing regulation, or prohibition of even-aged management during the term of the Project? *Explanation: The possession of an incidental take permit does not relieve the applicant from their responsibility to follow other federal, state, and local laws, including laws that may change the type of harvest management allowable on private forest lands. If these laws affect the ability of the HCP to achieve its stated goals, the agencies and the applicant will re-evaluate the conservation measures.*
 - How will changes to standard survey protocols (a reasonably foreseeable event), e.g., those of CDF and CDFG, during the term of the HCP be incorporated as changed circumstances rather than unforeseen circumstances?
 - MRC's HCP/NCCP must allow for continued TMDL impairment listings that may arise throughout the term of the HCP/NCCP. Therefore, the 'no surprise' element of HCP/NCCP would appear moot and inappropriate. *Explanation: The no surprises policy only applies to the federal Endangered Species Act. Permit applicants will need to satisfy all other legal requirements, including the Clean Water Act, however these legal requirements may change during the plan's time period.*
 - Describe and analyze the flexibility of the HCP to adjust to unforeseen circumstances such as listing of a new species, a species becoming on the verge of extinction, removal of species listing, status change.
 - Identify new information or changes in the ecosystem that might warrant modifications of the HCP in the future.
 - No regulatory assurances should be given that might preclude further adjustments necessary to promote the recovery of any named or unnamed species. *Explanation: An adaptive management strategy to address these issues is expected to be part of the proposed HCP.*
 - If there is insufficient time and/or funds to conduct adequate field surveys, the "No Surprises" policy should not apply to new species found in later surveys.

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- How will the THP review be modified during the term of the HCP/NCCP to reflect regulatory changes in a way that such changes are not "unforeseen circumstances" pursuant to the HCP? *Explanation: Changes in state forest rules cannot reduce the protection measures required in the HCP. Increasing protection on MRC lands under state laws is unlikely to result in detrimental impacts to species.*

4.3.5.5 Other HCPs: Examples, Effectiveness (6 verbal comments; 3 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments apply to the HCP and NCCP programs in general. Some or all of these comments may be addressed during the public comment period for the Draft HCP/NCCP.

- How many other large scale HCPs and NCCPs are in effect?
- What examples exist of HCPs actually working to improve/conservate species?
- HCPs do not seem to work. What is MRC willing to do that goes beyond the limits of the law?
- What is the track record for approval or denial of HCPs of all sizes and types of actions? We would like this information to be distributed.
- For all approved and implemented HCPs, have the agencies actually monitored success? What is the track record?
- Scientific opinion indicates that many HCPs have been developed in the past without adequate impartial scientific guidance, and there appears to be significant criticism from the scientific community that HCPs have the potential to damage the environment rather than mitigate or avoid negative impacts (e.g., San Bruno Mountain HCP, San Diego MSCP). *Explanation: Comment noted. The EIS/EIR will analyze the potential impacts of the proposed plan and alternatives using the best available data and methods.*
- CNPS is critical of CDFG's handling of sensitive unlisted botanical taxa under the PALCO HCP, and will likely oppose any HCP that does not remedy such problems. Desired actions include public disclosure and review of proposed modifications to botanical lists and management practices, consultation with qualified specialists, public review and comment, and decisions being made upon the best science available at the time.
- How will each agency attempt to avoid the pitfalls of previous HCPs so that the MRC HCP actually achieves the stated goals?

4.3.5.6 Regional/Global Context of HCP/NCCP (1 verbal comment; 17 written comments)

Issues likely to be addressed further in the EIS/EIR:

- As part of an 80-year commitment, MRC's plan should assess the impacts of take at all scales. *Explanation: The EIS/EIR and the HCP/NCCP will analyze the local and regional environmental impacts of the proposed plan and the selected alternatives. An analysis of the impacts of take at all scales, however, would be limited by available information and would be unlikely to facilitate decision-making among alternatives.*

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- Cumulative impacts, both temporal and spatial, should be addressed for all affected resource areas, including a discussion of the conditions on other forestlands surrounding this property. *Explanation: The EIS/EIR will analyze cumulative effects occurring through time and space, including local and regional effects of the proposed action and alternatives. Conditions on surrounding forestlands will only be analyzed in detail if they would facilitate decision-making among alternatives.*
 - The MRC EIR/EIS needs to address regional economic and environmental concerns. The impacts of MRC's logging on endangered species and other resources must be disclosed and addressed.
 - Potential impacts to all resources should be evaluated in relation to other forestland HCPs in the redwood region of CA. The area of impacts resulting from the HCP should be addressed at scales ranging from watershed level to the redwood-regional level. *Explanation: The EIS/EIR will analyze the environmental impacts of the proposed action and alternatives at several spatial scales, including watershed and regional scales. HCPs for other regional forestlands will be analyzed in sufficient detail necessary to facilitate decision-making among alternatives.*

Issues that may not receive detailed analysis in the EIS/EIR:

- Cumulative effects analysis must take into account the possibility that future landowners will also apply for incidental take permits, and estimate the amount of incidental take to be authorized by those permits in light of existing precedents. *Explanation: Opinion noted. Cumulative effects under NEPA is defined as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions (40 CFR 1508.7) (a similar definition is used under CEQA).*
- Complete a cumulative impacts assessment of ITPs for the species proposed by MRC for "take", or associated species, for other landowners in the redwood region of northern California. *Explanation: The EIS/EIR for MRC's proposed HCP/NCCP will include an analysis of cumulative effects for species and habitats affected by the plan and the selected alternatives. ITPs for other landowners in the region will be analyzed in sufficient detail necessary to facilitate decision-making among alternatives.*
- Will cumulative study look at impacts across the entire country? *Explanation: The EIS/EIR for MRC's proposed HCP/NCCP will include an analysis of cumulative effects for species and habitats affected by the plan and the selected alternatives. While the analysis will consider cumulative effects at a variety of spatial and temporal scales, the plan is unlikely to have any nation-wide effects. A detailed analysis of nation-wide impacts is unlikely to facilitate decision-making among alternatives.*

The EIS/EIR for MRC's proposed HCP/NCCP will include an analysis of cumulative effects for species and habitats affected by the plan and the selected alternatives. While the analysis will consider cumulative effects at a variety of spatial and temporal scales, a detailed analysis of the global effects of the plan and alternatives is unlikely to facilitate decision-making among alternatives. Thus, the following comments are unlikely to receive detailed analysis in the EIS/EIR.

- Consider the effects of the HCP/NCCP in terms of global environmental degradation.

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- The EIS/EIR should analyze the effects of the proposed plan in the context of global resource depletion.
 - The EIS/EIR should analyze the contribution of MRC's forests to planetary survival.
 - As part of an 80-year commitment, MRC's plan should compare current and historical conditions in local, regional, and global ecosystem contexts.
 - Impact analysis must consider regional and global status of TES species.

4.3.5.7 Scientific Basis and/or Adequacy of HCP/NCCP Measures (9 verbal comments; 16 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Use THP data and other data to analyze the cumulative impacts of the HCP/NCCP.
Explanation: The EIS/EIR will analyze impacts of the proposed plan and alternatives based on the best available data and methods. In some cases historical data relevant to this analysis may include previous implementation and management plans (e.g., THPs).

Issues that may not receive detailed analysis in the EIS/EIR:

- Given that CDF and current forest practices are not keeping up with the newest scientific studies and species/ecosystems inventories, how can there be any claims of adequate TES habitat protection and ecological integrity of supporting ecosystems? *Explanation: Opinion noted. Impacts to TES species and the aquatic and terrestrial ecosystems affected by the proposed actions will be analyzed in the EIS/EIR, including baseline conditions resulting from forest management and the implementation of state and federal laws.*
- The Landscape Planning Model needs to have more on the ground input from RPFs, with one RPF actually having first hand knowledge of one watershed. MRC has its area RPFs, but in order to speed up the preparation of THPs they bring out of area foresters.
Explanation: Opinion noted. The HCP is expected to propose a method for using the landscape planning model and keeping it current.

The following comments relate to the scientific basis and/or adequacy of HCP/NCCP measures. HCP/NCCPs are expected to provide data and methodology used for their development. The EIS/EIR will use the best available data and methods, as required by law and regulation, to evaluate the potential impacts of the proposed plan and selected alternatives.

- Besides known botanical data gaps, of what other data gaps and risk factors is MRC aware?
- Agency is expected to employ the best available science.
- Assess the reliability of data/analysis.
- Provide sound scientific basis and justification for analyses.
- Need for complete, unbiased, independent, total, scientific check on data.
- Why are we undertaking a planning process without knowing the best available data?

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- Was a review conducted of all inventory data required for the Forest Stewardship Council (FSC)?
 - Evidence from stakeholder "ground truthing" must be provided and required in HCP development.
 - How will ground truthing be incorporated into the process? *Explanation: HCP/NCCPs are required to have monitoring programs. The EIR/EIS will analyze the impact of the HCP/NCCP, including its monitoring program.*
 - How will the HCP assess cumulative impacts within watersheds? *Explanation: The EIS/EIR will analyze the effects of the HCP/NCCP, including cumulative effects.*
 - What criteria are being used by MRC in evaluating biological data in the landscape plan?
 - What are the assumptions used in developing the HCP?

The following comments relate to the review and assessment of HCP/NCCP measures by an independent science panel. The NCCP Act requires independent scientific input for certain NCCP measures. This issue will be addressed as part of the HCP/NCCP process.

- Will there be an independent science panel to assess HCP/NCCP measures?
- Who are the independent scientist that will review the HCP/NCCP and EIS/EIR?
- Should be panel(s) of scientists to assist in planning and to provide review/oversight during life of the plan. The panel should include academics as well as agency personnel, and findings should be publicly available in a timely and accessible manner. The panel should identify and monitor health of individual species, ecosystem associations, and cumulative ecosystem effect, both on-site and on adjacent lands.
- How and when will the Fish and Game Code requirement for "independent scientific analysis" be established?
- How will the process for including independent scientific input be established, and how will it be maintained during the entire term of the Project?
- From whom will independent scientific input be obtained?
- How will CDFG ensure that quality, site-specific independent scientific input be obtained?
- How will CDFG ensure that amendments to the plan and implementation agreement are based on the then current best science?
- A scientific review panel should be convened as early as possible to evaluate conditions where necessary to restore TES species and habitat. The panel should be given time and money to conduct field surveys and research in order to fully understand the status of the species. All subsequent planning and management decisions should be informed by this scientific panel.

4.3.6 Implementation

Comments related to mitigation, monitoring and adaptive management will be considered when developing the scope and content of the appropriate sections of the EIS/EIR. The EIS/EIR will discuss measures to mitigate adverse environmental impacts, and identify any significant impacts

that cannot be avoided for the proposed plan and selected alternatives. Comments related to issues of process, content, implementation, and enforcement of the HCP/NCCP are expected to be addressed in the HCP/NCCP, Implementation Agreement, and associated decision documents. The EIS/EIR will evaluate the proposed project and alternatives under the assumption that they will be properly implemented. The agencies work closely with MRC to develop an implementation agreement and are responsible for monitoring and enforcement of the HCP/NCCP provisions. If provisions of the HCP/NCCP or Implementation Agreement are not met, the agencies can ultimately revoke the HCP/NCCP.

4.3.6.1 Enforcement of HCP/NCCP Provisions (10 verbal comments; 13 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

Explanation: The following comments relate to procedural or enforcement issues under the federal and state Endangered Species Acts or other applicable laws. The majority of these issues will be addressed in the Implementation Agreement for the HCP/NCCP, which is submitted as part of the application package.

- Can the HCP be revoked if it does not work? *Explanation: If MRC does not implement the HCP/NCCP as described, then the permit can be revoked.*
- If HCP goals are not met, then the HCP should be revoked. *Explanation: Opinion noted*
- Is the HCP a substitute for legal enforcement? *Explanation: No, the agencies are responsible for enforcement of the HCP/NCCP and Implementation Agreement.*
- Is the independent technical team charged with enforcing the success/failure of the HCP and MRC's actions? *Explanation: No, the agencies are responsible for enforcement.*
- How can public enforcement happen if MRC has "safe harbor"? *Explanation: Actions taken outside of the HCPs conservation measures are subject to federal prosecution if the ESA is violated.*
- MRC is cutting old growth now. Who is enforcing this now?
- 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? *Explanation: The plan and the implementation agreement will describe these measures in detail.*
- MRC should be penalized if a violation is determined. It should not be the licensed timber operator's fault.
- When do the federal/state agencies begin their oversight/monitoring of HCP success? *Explanation: As soon as an HCP is authorized.*
- Provisions should prevent MRC from shifting blame for violations to licensed timber operators (LTOs).
- HCP/NCCP should have penalties for conversion of land to residential use.
- Would like assurance that requested HCP/NCCP provisions will be implemented. *[Comment from Elk County Water District: also included in the Agency Comments section (Section 4.3.11)]*

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- How can MRC guarantee they will abide by the provisions of the proposed plan?
 - The EIS/EIR should address commitments, assurances, and mechanisms for funding, implementation, enforcement, and monitoring. [*Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)*]
 - Will failure to adopt modifications to the adaptive management strategies, or failure to fund such modifications, constitute sufficient reason for the NCCP to be suspended or revoked?
 - The agency is expected to uniformly employ specific measurable and verifiable performance standards/indicators with regard to water temperature, sediment, chemical pollution, invertebrates and other food sources, high and low summer and winter water flows, road densities, and other factors affecting survival and recovery of covered species.
 - What consequences will each agency expect if herbicides are applied to sensitive botanical resources in contravention of the HCP?
 - We have numerous questions and concerns about the failure of the California Forest Practice Rules and CDF to regulate harvests, protection of endangered species and other resources, and the failure of CDFG Rules and CDFG's enforcement.
 - Who enforces erosion control?
 - Which agencies, by what means, will assure that the terms of the HCP/ITP are met?
 - Who will be responsible for assuring that public trust values are not violated?
 - Describe conditions or activities that will cause the ITP to be revoked. Describe charges for minor violations. Describe procedures that will be used to investigate violations of the permit.

4.3.6.2 Financial Commitment (18 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

Explanation: The following comments relate to funding assurances for implementation of various HCP/NCCP measures. Funding assurances are a required element of an HCP/NCCP, and will be addressed as appropriate in the HCP/NCCP and Implementation Agreement.

- The EIS/EIR needs to assess MRC's financial commitment and capabilities.
- Given the large size and long term of the project, it is essential that CDFG staff resources required by the Project are fully funded by the Project, and that the project not negatively impact CDFG's already inadequate botanical staffing.
- Will MRC fully compensate CDFG for CDFG's actual costs incurred by CDFG's participation in the preparation and implementation of the project?
- How will the compensation paid by MRC to CDFG be computed, and in what increments will it be paid?

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- Since it is reasonably foreseeable that CDFG staff expenses will increase during the term of the Project, how will CDFG ensure that such increases are changed circumstances rather than unforeseen circumstances?
 - How will compensation be adjusted to accommodate changed circumstances and adaptive management during the entire term of the Project?
 - How will MRC guarantee that funds will be available to pay all necessary compensation to CDFG during the entire term of the project?
 - What funding will be provided by MRC to ensure adequate scientific input over the entire term of the Project?
 - How will each agency ensure that there are adequate funds to pursue mitigation, monitoring, and adaptive management over the 80-year project?
 - The public demands thorough assessment of MRC's financial commitments for funding the mitigation and monitoring measures in the HCP, accounting for inflation, depreciation of assets, increased real estate values, and other contingencies to support the conclusions. Alternate funding must be proposed in the EIS/EIR should the analysis show inadequate funding.
 - The EIS/EIR must evaluate the availability of federal and state funds to meet any future mitigation requirements, and analyze the biological effects from inability to provide adequate mitigation or implementation of the HCP due to funding constraints.
 - Are there going to be independent trust funds, or bank accounts, established that will survive in case MRC encounters financial difficulties, and if so, by whom will they be managed?
 - Evaluate the availability of federal and state funds to meet any future mitigation requirements for species covered under the HCP.

4.3.6.3 Long-term Commitment (2 verbal comments; 3 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Agencies should ensure that the forests and the human environment receive long-term protections.

Issues that may not receive detailed analysis in the EIS/EIR:

Explanation: The following comments relate to HCP/NCCP implementation and compliance. Many of these issues will be addressed in the Implementation Agreement for the HCP/NCCP, which is submitted as part of the application package.

- The EIS/EIR should assess MRC's commitment and reliability as a forest manager.
- Can MRC walk away from the HCP in the future? What conditions will be in place to assure compliance?
- The HCP is meaningless unless it applies to land for the entire duration (80 years or longer).

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- It is essential that any HCP include true provisions for long-term management.

4.3.6.4 Mitigation (4 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Agencies must analyze the short-term and long-term effectiveness of each of the proposed minimization/mitigation measures and provide a scientifically justifiable reason why/how these measures will be effective. *Explanation: The EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives, including any measures to minimize and/or mitigate environmental impacts, using the best available scientific data and methods.*
- In light of the limited knowledge of botanical taxa, how will each agency assure the recommended consistency of mitigation and management measures? *Explanation: The EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives, including any measures to minimize and/or mitigate environmental impacts, using the best available scientific data and methods.*
- Has MRC considered mitigation banking within JDSF, or within other private holdings?

Issues that may not receive detailed analysis in the EIS/EIR:

- It should be noted that MRC is currently negotiating with Sonoma Open Space and Agriculture District to sell 3,000 acres of property in Willow and Freezeout Creeks for parks. This sale should not be counted as mitigation toward habitat loss and "take" that will occur elsewhere. *Explanation: At this point in time, MRC and the agencies do not have definitive information as to the sale of this property. MRC is unlikely to count the parcel as mitigation, but the permit decision will ultimately be based on whether the application for incidental take meets the permit issuance criteria as defined by endangered species law, regulation, and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA). All applicable criteria must be satisfied before a permit may be issued. The EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives, including mitigation plans.*

4.3.6.5 Monitoring and Adaptive Management (5 verbal comments; 24 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Evaluate MRC's long-term management plans in the context of regional precedents. *Explanation: The EIS/EIR will analyze the environmental impacts of MRC's proposed management activities for the duration of the requested permit term. The impacts analysis will be based on the best available data and methods, including regional information as appropriate.*
- The EIS must assess the HCP's adaptive management provisions. The landowner should use adaptive management as new information becomes available, and should conduct additional research and agree to reduced "No Surprises" for particular unlisted species whose conservation needs are unknown. *Explanation: The EIS/EIR will analyze the environmental impacts of the proposed plan and selected alternatives, including the adaptive management provisions contained therein. The inclusion of specific adaptive*

management approaches in the HCP/NCCP, however, is an HCP/NCCP development issue.

Issues that may not receive detailed analysis in the EIS/EIR:

Explanation: The following comments relate to HCP/NCCP development and content rather than NEPA/CEQA's assessment of the environmental impacts of a proposed HCP/NCCP. HCP/NCCPs are expected to include detailed plans for mitigation, monitoring, and adaptive management to ensure the best available information is being used to minimize environmental impacts, and the EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives, including plans for mitigation, monitoring, and adaptive management.

- EPA advocates commitment to monitoring, surveys and adaptive management, including a fallback option if species continue to decline. [*Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)*] *Explanation: Monitoring is required in HCP/NCCPs. If species continue to decline, several options are available, including revocation of an HCP.*
- The HCP must have extensive, meaningful adaptive management, particularly where there are current data gaps.
- If the status of a covered taxon, or management of a covered taxon, is to be modified during the term of the Project, how will this be handled, by whom, and with how much public input?
- MRC must have an 80 year monitoring plan including: yearly monitoring benthic macroinvertebrate populations, yearly snorkel surveys to document fish populations, yearly water quality monitoring, yearly habitat surveys to show plant, tree and riparian status. All data must be transparent and easy for the public to access. MRC should provide GPS and GIS mapping to show these studies.
- Will MRC monitor erosion control plans during storms and quickly mitigate erosion control failures?
- How will the HCP incorporate adaptive management? How can the "No Surprises" policy allow for the adaptive management flexibility needed to conserve species?
- Long-term, effective monitoring by agency personnel should be set up by the scientific review panel to ensure useful revision of habitat management strategies.
- How will each agency establish the testable hypotheses, based on measurable criteria, linked to the conservation strategies and biological objectives, required by adaptive management, and how will each agency keep these hypotheses and criteria current with the best science over the life of the project?
- How will each agency establish the range of mitigation adjustments, and what mechanism will be used to establish strategy changes based upon monitoring results and deviation from desired conditions?
- Adaptive management is a sham unless the landowner is required to commit to responding adequately to monitoring results, and to implementing action determined appropriate through adaptive management, at no additional cost to the public. Unless MRC is contractually obligated to expend the resources necessary to respond to these changes, then the HCP/NCCP will not adequately protect covered taxa.

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- It is essential that the review thresholds, based on measurable criteria, be clearly established for each covered taxon that will trigger action by MRC pursuant to adaptive management.
 - MRC should disclose details of plans for monitoring and scientific studies for the next 80 years.
 - What time interval will be used between the monitoring program's evaluations, and how will this interval be adjusted to reflect the current best available science?
 - How will the periodic evaluations be scheduled throughout the term of the project to adequately survey all covered species and to reflect the current best available science?
 - To whom will the monitoring program reports be distributed, and will there be opportunity for public review and comment?
 - How often will adaptive management strategies be evaluated and modified, and by whom will they be evaluated?
 - How will CDFG use adaptive management to eliminate or minimize the number of unforeseen circumstances?
 - What management principles and conservation goals will CDFG recommend to develop the monitoring and adaptive management framework?
 - How will CDFG ensure that the then currently best available science and local expertise is used in monitoring/adaptive management, and will be used to modify strategies during the entire term of the Project?
 - There are clear advantages to the local communities and overall environment in MRC not having to go through time consuming THP preparation and review, providing there is continuing objective agency on-site review of progress toward their goals. Agency review should be subdivided into time periods, no longer than 5 years, and be specific for each watershed area, with defined measurable objectives other than increasing board foot yield.
 - What is the monitoring process for determining the success/failure of the HCP? Who is involved in this?
 - What is "Adaptive Management"?
 - How flexible is the HCP? How can the plan be modified after approval?
 - How does the HCP incorporate new scientific data and methods that become available in the future?
 - How can an adaptive management process be crafted to allow public review/enforcement in the future?
 - The HCP/NCCP should include monitoring.
 - Does the Plan contain monitoring provisions?
 - Provide progress reports on implementation and success of long-term goals.

4.3.6.6 Survey and Monitoring Protocols (11 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

Explanation: The following comments relate to HCP/NCCP development and content rather than NEPA/CEQA's assessment of the environmental impacts of a proposed HCP/NCCP.

HCP/NCCPs are expected to include detailed monitoring and adaptive management plans, based on the best available information and methods. The EIS/EIR will analyze the environmental impacts of the proposed plan and alternatives, including plans for monitoring and adaptive management.

- Survey all lands in the Plan Area for TES species.
- Survey and monitor for fungi and lichens.
- Describe protocols used by MRC to determine marbled murrelet presence/absence and habitat suitability.
- Botanical surveys must conform to current CDF and CDFG standards.
- What standards will be used for botanical surveys and how will standards be adjusted to reflect best available science?
- Monitoring protocols must specify frequency, timing, and duration of data collection, how the data will be analyzed, and who will do the analysis. Monitoring should be based on sound science and standard survey protocols previously established.
- For any studies or surveys regarding the distribution occurrence, and ecology of botanical taxa in the Project area, how will each agency ensure that such studies and surveys are professionally and independently conducted, with appropriate public interaction, and conducted pursuant to established standards?
- Will species surveys be done using protocols approved by USFWS, NOAA Fisheries, and CDFG? Provide protocol used. Will surveys be conducted at proper times and in proper habitat? What habitats will be surveyed and how will these be classified? Will qualified personnel do the surveys? Will agencies monitor survey efforts? Will survey data be publicly available?
- Marbled murrelet surveys should be done using Pacific Seabird Group protocols.
- Include surveys done on adjacent lands that might indicate presence on MRC property.
- Habitat inventory and typing following Fish and Game protocol has not been completed.

4.3.7 Management Practices and Land Use

The EIS/EIR will address the affected environmental setting, environmental effects, and mitigation associated with each alternative. The lead agencies will use public and agency comments on topics relating to adjacent landowners, cell towers/repeaters, conservation easements/reserves, herbicides and forest chemicals, land use and conversion, transfer of ownership, restoration, roads/road management, timber management, and other management practices to help develop a range of alternatives and identify priority issues for analysis of environmental impacts in the EIS/EIR.

4.3.7.1 Adjacent landowners (2 verbal comments; 5 written comments)

Issues likely to be addressed further in the EIS/EIR:

- There is a desire for watershed-wide/specific workshops. What is the health of each watershed?
- How will adjoining parcels be affected for the next 100 years?
- What will be the impacts of the HCP on areas downstream of the property? For example, public lands such as parks, state forests, BLM, and other non-industrial areas.

Issues that may not receive detailed analysis in the EIS/EIR:

- How will practices on adjacent ownerships and regional ownerships be evaluated?
Explanation: The EIS/EIR will analyze watershed-level environmental impacts. Evaluating specific management practices that occur on adjacent private property would be done only to the extent necessary to facilitate decision-making among alternatives.
- Maps of the Plan Area show that MRC owns portions of several watersheds. Planning should aim to work with adjoining landowners to ensure healthy ecosystems throughout the entire watershed. *Explanation: The EIS/EIR will analyze watershed-level environmental impacts. Measures to address ecosystem health at the watershed level are HCP/NCCP development issues.*
- MRC must work with its neighbors to achieve these goals, and it must take into account the effects of its neighbor's actions. As many of MRC's neighbors are concerned and fearful of potential management practices on MRC land, it is essential that these neighbors be seriously consulted and listened to during the HCP process. *Explanation: Consultation and dialog regarding HCP/NCCP conservation measures and implementation procedures is part of the HCP/NCCP process, and stakeholder feedback is used during scoping and comment on the draft EIS/EIR. Evaluating specific management practices that occur on adjacent private property would be done only to the extent necessary to facilitate decision-making among alternatives.*

4.3.7.2 Cell and repeater towers (3 verbal comments; 18 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

Explanation: The following comments address concerns over cell and repeater towers. MRC does not intend to request coverage for cell/repeater site development under the HCP/NCCP and incidental take permits. If MRC chooses to lease property for cell/repeater site development, they would not be the applicant, the lead agency would be other than the Wildlife Agencies and the activity would, at that time, be subject to NEPA/CEQA review, as well as the provisions of the state and federal Endangered Species Acts.

- Cell/repeater site development should not be covered under the HCP and ITP.
- No additional cell phone repeater towers should be allowed until effects of low-level radiation on birds/forests and human health are understood.
- What are the cumulative impacts to migratory birds/bats from expanded cell towers?

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- Analyze impacts of cell/repeater towers on migratory birds, as required by the Migratory Bird Treaty Act.
 - MRC should disclose details of plans for development of cell/repeater sites for the next 80 years.
 - 40 million migratory birds are killed by collisions with cell towers. Impacts cannot be mitigated for, except by exclusion of cell towers.
 - The application fails to include dozens of species of migratory birds, which are threatened by the building of cell phone towers.
 - The cumulative impact must be considered (per ESA). This means the cumulative impact of cell towers throughout the USA.

4.3.7.3 Conservation easements/reserves (1 verbal comment; 12 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Create a conservation land trust to facilitate restoration.
- Commenter suggests there is a need for assurances that some lands will be preserved.
- Are reserves proposed? How will they be managed?
- What is the time frame for establishment of reserves, and will such reserves be established before, or after, the reserve area is logged?
- Habitat reserves, unless properly designed and managed, may fail to meet the conservation and restoration mandate of the NCCPA. How will equivalency of other measures to properly designed and managed habitat reserves be accomplished?
- What criteria would be used to determine location, size, and protection of reserves so that they achieve the conservation and restoration mandate?
- How would reserves be modified if future monitoring and adaptive management showed that the conservation goals were not being met by the reserves as then configured and managed?
- What public or independent scientific access would be provided to reserves?
- Does MRC plan to incorporate replacement habitat into the HCP/NCCP, and if so, where?

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments relate to issues of HCP/NCCP development and/or content. Some or all of these issues may be addressed in the HCP/NCCP, Implementation Agreement, or accompanying decision documents. The EIS/EIR will examine the environmental impacts of proposed mitigation and minimization measures, including, but not limited to, the use of conservation reserves if they are proposed in the plan or alternatives.

- How would reserves be maintained, managed, and funded throughout the entire term of the Project, and how would such reserves be affected by a change in ownership of the reserve area or the Project area.

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- What happens to previously established reserves if the NCCP is suspended or revoked?
 - MRC has less than 3% of its holdings that can be considered for reserve based conservation and that may be suitable to adequately sustain wildlife species. This does not support granting of an incidental take permit. *Explanation: The EIS/EIR will examine the environmental impacts of proposed mitigation and minimization measures, including, but not limited to, the use of conservation reserves if they are proposed.*

4.3.7.4 Herbicides and forest chemicals (2 verbal comments; 26 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

Explanation: The EIS/EIR will have a general discussion on effects of forest chemicals, but a detailed impacts analysis will not be conducted because MRC is not requesting coverage for use of forest chemicals as part of the proposed action or alternatives.

- Address potential impacts of MRC's past lack of public disclosure of herbicide use.
- There is the possibility that Native Americans currently utilize the area for gathering of plant or animal materials for food, herbal, ceremonial use. Use of pesticides could jeopardize their health. The commenter requests prior notification of pesticide use at specific sites so Tribal members can be informed to avoid such areas.
- How are herbicides being used on properties and how will they be addressed in HCP plan?
- Variable retention uses chemicals. This needs to be curtailed.
- The public has insufficient access to information on health impacts of forest chemicals.
- Commenter is opposed to use of pesticides and herbicides.
- Provide information to public on effects of herbicides on wildlife.
- Are the agencies aware of latest data on effects of pesticides on salmon?
- How will information on effects of herbicides and pesticides be used in evaluating impacts to TES species?
- Analyze the cumulative effects of herbicide and pesticide use.
- MRC should disclose details of plans for use of herbicides/pesticides for the next 80 years.
- MRC should disclose details of plans for use of fertilizers for the next 80 years.
- How will each agency ensure that herbicide use will not negatively impact sensitive botanical resources?
- Will each agency encourage use of silvicultural prescriptions and rotation periods that minimize herbicide and artificial fertilizer application, and if so, what will those recommendations be?
- Agencies need to encourage MRC to do everything practicable to reduce the application of herbicides and artificial fertilizers.

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- The Plan should incorporate Integrated Pest Management techniques, keeping pesticide use to a minimum.
 - Evaluate the effects on soils and soil microorganisms from the use of pesticides on trees for hardwood and brush control.
 - The HCP/NCCP should list all herbicides and pesticides that will be used, the times of these applications, and their effects on aquatic and terrestrial animals.
 - How will cumulative impacts of herbicides on endangered species and habitat be mitigated?
 - There are no accurate calculations for loss of inventory of stands due to herbicide use.

4.3.7.5 Land use and conversion (5 verbal comments; 9 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Analyze cumulative impacts in the context of other land and resource uses.

Issues that may not receive detailed analysis in the EIS/EIR:

MRC intends to use the lands covered under the HCP/NCCP for the activities specified in the HCP/NCCP. MRC is not requesting coverage for the development or conversion of property to non-forest uses such as vineyards or residential areas. Furthermore, the HCP/NCCP and/or Implementation Agreement is expected to address additions or deletions of land and modifications to the HCP/NCCP. The EIS/EIR will address the reasonably foreseeable conversion of land by surrounding landowners in the cumulative impacts analysis.

- What other development activities besides timber harvesting does MRC desire as part of the HCP?
- The HCP/NCCP should have provisions to prohibit conversion to residential use.
- The EIS/EIR needs to include information on MRC's development plans for its property.
- The activities proposed by MRC do not include conversion of timberland to other uses, such as vineyards or residential development, or sale of the project area. There is significant community concern about MRC's long-term goal for the Project area, and some feel that there is significant potential for portions of the area to be sold or developed. Please disclose MRC's plans for land conversion, including where and when.
- Is any agency willing to allow the Project to include conversion of timberland to other uses, if MRC subsequently proposes them, and if so, how large and area, located where, and under what conditions?

The following comments relate to issues of HCP/NCCP development and/or content. Many of these issues will be addressed in the HCP/NCCP.

- MRC should disclose details of plans for gravel extraction for the next 80 years.
- MRC should disclose details of grazing and grazing leases planned for the next 80 years.
- Are there any mining operations in the project area? If so, has MRC included these as cumulative impacts?

4.3.7.6 Transfer of ownership (8 verbal comments; 9 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The EIS/EIR should analyze the environmental, social and economic impacts of state/non-profit purchase of 3,000 acres of timberland in Willow Creek, adjacent to 2,000 acres of potential Fisher/MRC development. *Explanation: The sale of this land is not yet definitive and MRC has not decided whether it would include the parcel in the HCP/NCCP. The addition or deletion of lands will be more specifically addressed in the HCP/NCCP. The EIS/EIR will address potential changes in the amount and location of covered lands that can occur without a major amendment to the HCP/NCCP.*
- The HCP must include provisions for continued conservation after any sale of lands. For example, no-cut reserves should be placed under easement and other lands permanently protected from development and practices that will degrade habitat quality.

Issues that may not receive detailed analysis in the EIS/EIR:

- Are the agencies aware of a proposal by MRC to sell property in Willow Creek that may involve conversion of 2,000 acres of MRC's forestland in Sonoma County to development (along with the State Parks preservation of 3,000 acres adjacent to the potential development)? Are the portions of forestlands in Willow Creek subject of this deal to be covered by the HCP/NCCP? Will the 3,000 preserved acres be "traded" for further logging elsewhere? *Explanation: The agencies are aware of this potential transaction. The sale of this parcel is not yet definite, and MRC has not decided whether it would include the parcel in the HCP/NCCP. If sale occurs prior to approval/ denial of an ITP, the sold lands will not be considered as part of the HCP/NCCP (the use of these lands will affect the baseline for which impacts are analyzed, but the effect may be slight given the small number of acres involved when compared to the size of the proposed HCP). If sold after the granting of an ITP, it is unlikely that MRC will use this parcel as mitigation; however, addition or deletion of lands will be more specifically addressed in the HCP/NCCP and the ITP. The EIS/EIR will address potential changes in the amount and location of covered lands that can occur without a major amendment to the HCP/NCCP.*

The following comments have been noted. The sale or transfer of ownership of any lands covered under the HCP/NCCP will be more specifically addressed in the HCP/NCCP and the Implementation Agreement.

- History shows that no entity has owned land for anywhere near 50 years in the area. Does the HCP apply to land if MRC sells the property?
- What measures will be provided to continue with provisions of the incidental take permit should the property change hands? Which provisions will be mandated to "stay with" the property?
- How will transfer of ownership of all, or a portion of, the project area affect the NCCP?
- How will each agency respond if MRC wishes to transfer ownership of all, or a portion of, the Project area to another party?
- What environmental review process will be followed for transfers of ownership, and will the public have the opportunity to review/comment?

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- Under what conditions will each agency approve transfer of ownership of all, or a portion of, the Project area to another party?
 - What is the status of MRC's land for sale in Mendocino?
 - What happens if MRC sells lands during a low point in species conservation?

4.3.7.7 Restoration (2 verbal comments; 7 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The EIS/EIR should describe use of native vegetation in restoration, to comply with Executive Order 13112 [*Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)*]
- Restoration needs to be pursued as part of the project.
- Address watershed rehabilitation to improve habitat with respect to sediment contribution, riparian function, and temperatures.
- If restoration projects are part of the HCP/NCCP then these must be monitored.

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments relate to issues of HCP/NCCP development and/or content. Many of these issues are expected to be addressed in the HCP/NCCP.

- MRC should disclose details of restoration and other forest management activities for the next 80 years.
- MRC should disclose details of plans for tree planting for the next 80 years.
- For each covered species, how will the restoration mandate be achieved?

4.3.7.8 Roads and road management (12 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The EIS/EIR must examine the impact of construction and maintenance of roads, road crossing, landings and skid trails, wet weather operations, operations on steep slopes and near watercourses, and the ability of culverts to accommodate projected and unanticipated storm events.
- Discuss effects of roads, existing and proposed, and failure to maintain them, and effects of any proposed road maintenance plans, on increased erosion, impacts to water quality, and impacts to riparian habitat. Include a breakdown of road types, miles of roads, numbers of existing crossings and crossing locations by stream classification, culverts and culvert locations by stream type, road survey data on culverts that are shot-gunned, failing, not placed to grade, don't have energy dissipaters, etc. *Explanation: The EIS/EIR will analyze the impacts of the proposed plan and alternatives on sediment production and delivery, including road-related sediment, on a general level, and compare this among alternatives. Specific analyses of current conditions are expected in the HCP/NCCP. In cases where the agencies determine that the HCP's analysis does not*

fully inform NEPA/CEQA review, the EIS/EIR will perform a separate analysis only to the level of detail necessary to facilitate decision-making among alternatives.

- Discuss the importance of road abandonment near streams and other sensitive or critical habitat areas.
- Evaluate skid trails as a source of sediment discharge.
- MRC should disclose details of road management plans for the next 80 years.
- Watercourse, roads, road crossings, landings and skid trails must be described and mapped for each watershed on the project area, including appurtenant roads.
- Are roads monitored and maintained during the winter months? Are hand crews dispatched to do winter repairs in case of erosion control device failures?
- Is MRC proposing to construct dams or roads that cut off salmonid spawning habitats? If so how many and where?

4.3.7.9 Timber management (15 verbal comments; 16 written comments)

This section (and section 4.3.7.10) has several “MRC should” comments. *Explanation: The permit applicant (in this case MRC) develops the Proposed Action Alternative. Although the Wildlife Agencies make recommendations during the development of the HCP through our technical assistance program, we do not control what is included in the applicant’s proposal. MRC will be provided with a copy of this scoping report for their consideration in development of their HCP application package.*

Issues likely to be addressed further in the EIS/EIR:

- Commenter requests that existing highest quality/density stands should be preserved/maintained until other stands can develop higher value habitat.
- Address cumulative effects of proposed timber harvest volume.
- Assess effects of previous and proposed harvest schedule on forest inventory.
- Many experts feel that even-aged management has cumulative negative impact on the forest ecosystem, radically modifies temperature and moisture regimes, and the cumulative impacts can have landscape-wide consequences (e.g. loss of localized fog). Please examine these possible impacts.
- What about non-timber conifers like grand fir and bishop pine, or native hardwoods that have ecosystem values? Many plants, animals, fungi, and lichens are associates with the non-favored trees. These could be negatively impacted if the tree species composition is altered. How will the plan address the possibility of induced ecosystem imbalance and associated species losses?
- The EIS/EIR needs to analyze impacts of the HCP on canopy retention.
- MRC should disclose details of plans for collection of minor forest products for the next 80 years.

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments relate to issues of HCP/NCCP development and/or content. Some or all of these issues may be addressed in the HCP/NCCP or accompanying decision documents. The Proposed Action Alternative is developed by the permit applicant (in this case MRC). Although the Wildlife Agencies make recommendations during the development of the HCP through our technical assistance program, we do not control what is included in the applicant's proposal. MRC will be provided with a copy of this scoping report for their consideration in development of their HCP application package.

- What percent of timber will be proposed for late seral retention; what are the criteria for classifying late seral? What percent of timber is proposed for clearcutting, "variable retention", or other even-aged silviculture methods? How will this relate to other ownerships within watersheds and across watershed boundaries?
- MRC has stated its plan to alter species composition of tree cover on its lands, increasing the quantity of conifers. Redwood and Douglas-fir are the principal timber species, so MRC plans to increase these particular conifers. How closely will this resemble what is known about species composition in pre-timbering days?
- What is the variation in harvesting on MRC's property right now?
- There is a concern with how hardwoods are being managed, because fire potential exists.
- What portion of largest remaining trees will be logged?
- Please disclose details of future harvest scheduling.
- MRC should disclose details of plans for hauling and transportation of forest products for the next 80 years.
- MRC should disclose details of plans for silvicultural activities for the next 80 years.
- How does each agency define "even-aged" management?
- Please clarify the scope of this project, including current projected logging levels and logging locations, current and projected logging methods, timber inventory and growth and yield data and models.
- What is "variable retention"?
- Why is tanoak being removed?
- What is the timeline for creating forest stand inventories?
- MRC needs to clearly describe the inventory collection process.
- What is the size of a stand?
- Why isn't canopy retention used to develop/review the plan?
- What is the "pre-commercial development" condition that MRC is planning for?
- Does the landscape model factor in trees lost to harvesting?
- How is MRC measuring tree growth? Girth? Numbers?

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- Who/what specialists participated in developing the landscape planning model?
 - The landscape model growth rate is suspect. Please clarify the underlying assumptions.

4.3.7.10 Other management practices (3 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments relate to issues of HCP/NCCP development and/or content. Some or all of these issues will be addressed in the HCP/NCCP or the Implementation Agreement. The Proposed Action Alternative is developed by the permit applicant (in this case MRC). Although the Wildlife Agencies make recommendations during the development of the HCP through our technical assistance program, we do not control what is included in the applicant's proposal. MRC will be provided with a copy of this scoping report for their consideration in development of their HCP application package.

- MRC should disclose details of plans for fire suppression for the next 80 years.
- MRC should disclose details of plans for vegetation management for next 80 years.
- MRC should disclose details of plans for site preparation for the next 80 years.

4.3.8 Agency Participation

4.3.8.1 Agency commitment (5 verbal comments; 18 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

- Request that federal agencies pursue species recovery plans without waiting for presidential orders and state agencies. *Explanation: This comment does not refer to environmental impacts of the proposed project, but rather refers to concerns over implementation of recovery plans under the Endangered Species Act.*
- The EIS/EIR should evaluate the extent to which political and government property acquisition and liability concerns may inappropriately influence state and federal agency decision-making in this case. *Explanation: The EIS/EIR will address the environmental impacts of the proposed project, and as required by NEPA/CEQA law, regulation, and policy. For example, NEPA regulations state that agencies "shall insure the professional integrity, including scientific integrity, of the discussions and analysis in environmental impact statements" (Sec. 1502.24). An analysis of the influence of political motivations on government actions is outside the scope of analyses required under NEPA/CEQA.*
- Given the large size and long term of the project, it is essential that the project not negatively impact the availability of the already inadequate CDFG botanical staff. *Explanation: Comment noted.*
- How will each agency ensure that sufficient agency resources are available to guarantee that THPs comply with the HCP/NCCP over the entire term of the HCP/NCCP? *Explanation: The agencies are responsible for monitoring the implementation of the HCP/NCCP and enforcing the terms of the Implementation Agreement. However, state and federal governments ultimately determine the budget and resources each agency will receive.*

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- Address agencies' ability, given the size and numbers of approved HCPs, to effectively and consistently evaluate, monitor, revise, and enforce this plan. *Explanation: The agencies are required by law and regulation to evaluate, monitor, revise, and enforce all HCP/NCCPs.*
 - Commenter feels that state agencies must negotiate on behalf of the public, enforce the public's deep concerns for the environment, and must approach negotiations with vigor. *Explanation: Comment noted. The agencies recognize their responsibility to the public and the public's deep concerns for the environment.*
 - Federal agencies need to be proactive in reviewing the HCP. They must not just approve the permit based on merely following a process. *Explanation: The permit decision will be based on whether the application for incidental take meets the permit issuance criteria as defined by endangered species law, regulation, and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA). All applicable criteria must be satisfied before a permit may be issued.*
 - State agencies have a duty to help recover endangered species. *Explanation: Comment noted. The agencies recognize their responsibility to the public and the public's deep concerns for the environment.*
 - Agencies should mandate a strict program of protection and recovery. *Explanation: Comment noted. The agencies recognize their responsibility to the public and the public's deep concerns for the environment.*
 - Agencies should be as restrictive as possible to protect threatened resources. *Explanation: Comment noted. The agencies recognize their responsibility to the public and the public's deep concerns for the environment.*
 - Agencies should not assist corporations in circumventing species protection. *Explanation: Comment noted. The agencies recognize their responsibility to the public and the public's deep concerns for the environment. The permit decision will be based on whether the application for incidental take meets the permit issuance criteria as defined by endangered species law, regulation, and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA). All applicable criteria must be satisfied before a permit may be issued.*
 - Can agencies be capable watchdogs to ensure compliance? *Explanation: Comment noted. The agencies recognize their responsibility to the public and the public's deep concerns for the environment.*
 - There clearly exists enormous pressure on the various state and federal agencies to approve this HCP/NCCP for the Fisher family and its logging and real estate investment in Sonoma and Mendocino Counties. The disinterest of state/federal agencies in this review is in serious question. All the more reason to ensure a transparent process and to provide the public and agencies with adequate information and time to raise their concerns. *Explanation: Comment noted. The agencies recognize their responsibility to the public and the public's deep concerns for the environment. The permit decision will be based on whether the application for incidental take meets the permit issuance criteria as defined by endangered species law, regulation, and policy (e.g., Section 10(a)(2)(B) of the ESA, Section 2081 of the CESA). All applicable criteria must be satisfied before a permit may be issued. The EIS/EIR will analyze the environmental impacts of the*

proposed plan and alternatives using the best available scientific information and methods.

4.3.8.2 Agency participation (2 verbal comments; 3 written comments)

Issues likely to be addressed further in the EIS/EIR:

Explanation: The involvement of governments, resource agencies, the public, and other interested parties and organizations in EIS/EIR development is solicited via the scoping process, as described in Section 3 of this document. Local, state, and federal agencies may participate in the HCP/NCCP and EIS/EIR processes according to their jurisdiction and as described in NEPA and CEQA as they see fit. The roles and responsibilities of the NEPA/CEQA lead agencies are proscribed by law and regulation. Other agencies can provide comments at any time during the HCP/NCCP and EIS/EIR processes.

- 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)?
- Will local county government have any say in reviewing the plan? Will the California Coastal Commission review the plan?
- The North Coast Regional Water Quality Control Board should be included in HCP/NCCP permitting process.
- Ensure involvement of State Parks, Mendocino County, town councils, and other agencies.
- The proposed plan should be referred to Mendocino and Sonoma Counties for public review.

4.3.8.3 Agency roles (3 verbal comments; 4 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Who is the federal lead agency? *Explanation: The U.S. Fish and Wildlife Service and National Marine Fisheries Service are the two federal lead agencies, and the California Department of Fish and Game is the state lead agency. The federal and state lead agencies will be clearly identified in the EIS/EIR.*

Issues that may not receive detailed analysis in the EIS/EIR:

- Is any of the land to be covered by this plan in the Coastal Zone, and if so, how much, and what will be the role of the California Coastal Commission in the design and implementation of the plan? *Explanation: Portions of the Plan Area fall within the Coastal Zone. The lead agencies have requested the participation of the California Coastal Commission.*
- How does CDF participate in HCP development/enforcement? Will the federal agencies/CDFG continue to monitor effectiveness? *Explanation: CDF is not involved in the HCP development, as MRC is not developing a Sustained Yield Plan or Programmatic Timber EIR. CDF cannot approve a THP if it would result in either a "taking" or finding of jeopardy of wildlife species listed as rare, threatened or*

endangered by the Fish and Game Commission, the National Marine Fisheries Service, or U.S. Fish and Wildlife Service, or would cause significant, long-term damage to listed species. If the HCP/NCCP is approved, CDF can approve future THPs that would result in a "taking" if the "taking" is incidental and is authorized by a wildlife agency acting within its authority under state or federal endangered species acts. USFWS, NOAA Fisheries, and CDFG are ultimately responsible for HCP/NCCP enforcement.

- Who/what agencies approve or deny applications? *Explanation: The USFWS, NOAA Fisheries, and CDFG are responsible for approval/denial of HCP/NCCP permit applications.*
- The "scoping" sessions were singularly uninformative, and the participation and status of state and federal agency personnel in these meetings was unclear. State and federal agency personnel presented almost no information -- and were even vague on the mechanics of the HCP process, and asked no questions of MRC. *Explanation: Opinion noted. The purpose and intent of the public scoping process is described in the Section 3 of this report.*
- The JSA facilitator said that they would be issuing a scoping report. What is the relationship of the agencies to the development of this scoping report? While the agencies legally noticed the scoping meetings, they then seemed to disclaim responsibility for public comments received there. *Explanation: This scoping report was prepared by Stillwater Sciences under the direction of the lead agencies. This scoping report includes all verbal comments noted by the facilitator at each of the public scoping meetings, as well as all written comments received by the lead agencies during the comment period.*

4.3.9 Public Involvement

Many comments and questions were received regarding disclosure of information, lack of definition for the proposed project, length of the public scoping comment period, opportunity for public comment, and the public scoping process itself. Input from the public may be submitted at any time during the EIS/EIR process, but is especially encouraged during the times specifically called out in the environmental laws. Specific comments related to the content of the draft and final EIS/EIR will be solicited during the official public comment periods following publication of these documents.

4.3.9.1 Disclosure of information (9 verbal comments; 19 written comments)

Issues likely to be addressed further in the EIS/EIR:

- What information is required by federal and state laws? How is this data made available, and how is the public involved in review of data?
- The lack of technical data available to the public makes giving informed comments difficult. Please assemble all information (e.g. studies, statistics, literature and images) in the possession of the agencies and make it available to the public in one location.
- Make wildlife habitat data available to the public.
- Make all of MRC's THPs available in the public record.
- When will botanical information be made available to the public for review?

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- Will the data on restoration areas be made publicly available?
 - How will the public be informed of missing data, inadequate mapping of roads and wildlife habitats, treatment of roads, nonexistent, inadequate and outdated inventories? The public is currently not adequately informed.
 - The agencies should require disclosure of any other trade-offs, such as the Willow Creek land conversion, and development deals that MRC may have in mind or is currently negotiating, as a prerequisite to proceeding with this HCP/NCCP.

Issues that may not receive detailed analysis in the EIS/EIR:

- Disclose all details of agency expenditures related to review and preparation of HCP/NCCP and EIS/EIR. *Explanation: Most costs associated with preparation of the HCP/NCCP, its implementation, and monitoring are the responsibility of the permit applicant and are not borne by the public. Both state and federal statute and regulation compel the agencies to participate in the development and implementation of HCP/NCCPs. Costs associated with agency participation in the preparation, review, and implementation/monitoring of HCP/NCCPs are, at least in part, an expected part of these programs, and are not tracked on an individual project basis. In some cases the applicant bears some of the costs of agency oversight.*
- The public has a desire for full disclosure of all MRC/federal agency meetings. *Explanation: Comment noted. The agencies recognize their responsibility to the public and the environmental concerns of the public. The direct involvement of the public in HCP development is at the discretion of the applicant. NCCPs are developed under public involvement rules that will be followed.*
- Please disclose MRC's current timber stand inventory, current rate of harvest (broken down by watershed) and its future harvesting plans. *Explanation: This information will be provided in the HCP/NCCP. Some of this information may be proprietary, and MRC may not be required to disclose it under federal law.*
- Commenter wishes to be kept informed, in writing, regarding ESA protection of currently unlisted species. *Explanation: The ESA does not protect unlisted species. The status and protection of species designated for coverage under the HCP/NCCP will be discussed in the EIS/EIR..*
- Does CDFG have a handbook on the NCCP process? *Explanation: The CDFG website has the most current and comprehensive information on the NCCP process. See <http://www.dfg.ca.gov/nccp/>. See also statutes SB 107 (<http://www.dfg.ca.gov/nccp/sb107.pdf>) and SB 2052 (<http://www.dfg.ca.gov/nccp/sb2052.pdf>).*
- There should be public disclosure of cost-accounting procedures associated with review and development of an HCP and issuance of ITP. *Explanation: Comment noted.*
- Please make draft HCP/NCCP available to the public. *Explanation: The draft HCP/NCCP will be made available for public review as soon as it is completed.*
- There is a need for more public education on HCP/NCCP. *Explanation: Comment noted. The agencies recognize the need for more public education on these processes.*

4.3.9.2 Lack of project definition (9 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

Explanation: The state and federal lead agencies recognize the public's concern regarding the availability of project-specific information provided at this stage in the scoping process. The purpose of the scoping process is described in the Section 3 of this document. Comments regarding HCP/NCCP issues will be solicited during the HCP/NCCP review process, following release of the draft HCP/NCCP. The EIS/EIR will evaluate the environmental impacts of all activities proposed in the HCP/NCCP.

- Has MRC fully disclosed all intended management and development activities and associated impacts for the next 80 years?
- There are too many uncertainties and ambiguities, and an absence of information for the public to form intelligent scoping comments.
- Neither the public nor agencies have been presented by MRC with a concrete proposal or definition of lands that would be subject to the HCP/NCCP. For example, the property area noted in the Federal Register notice was from "220,000 to 240,000" acres. What is the property's size? Why the ambiguity? *Explanation: The exact acreage comprising the Plan Area will be identified in the HCP/NCCP, including permit conditions for addition or deletion of land.*
- The Federal Register notice states that the HCP/NCCP area "includes, but is not limited to..." and then gives a list of watersheds. What other watersheds are involved? *Explanation: All watersheds in the Plan Area will be identified in the HCP/NCCP, along with specified conditions for addition or deletion of land from coverage.*
- The public cannot address many serious questions without better information and a draft plan. How can the public address the question of land conversion in the Willow Creek area or raise it as a concern, if the property is not better defined? We would like to provide specific public and expert opinion on this issue, but cannot do so if not provided with an accurate, concrete, project description.
- Without knowing what specific properties are at issue, the public cannot intelligently comment on the scope of the EIS/EIR, cannot recommend alternatives analysis, and is restricted to generic statements such as "evaluate all environmental impacts associated with the potential development of Willow Creek."
- The species proposed for "incidental take" by MRC were identified only in part in the Federal Register. Only 17 were listed, and an additional 60 unlisted species MRC may also seek coverage for were not specifically named. Pertinent comments (on biological needs and potential impacts) cannot be reasonably expected for the unnamed 60 species. Scoping is therefore being sought for an inadequately described project and is therefore incomplete.
- Neither the range of activities proposed nor the status and threats to species were on the agenda (as they were reported to be in the Federal Register). The relevance of the PowerPoint presentation to the habitat requirements of the species proposed for the 80-year no surprises ITP was not discussed, nor was it made clear if this presentation would be part of the administrative record so that the public could carefully review it.

4.3.9.3 Length of comment period (1 verbal comment; 11 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

Public involvement is an important part of the NEPA and CEQA processes. Public input is sought during the scoping process by means of scoping meetings and through written comments submitted to the federal and state lead agencies. Public input is also invited later in the process as part of the public review and comment period for the draft EIS/EIR. In addition, the HCP/NCCP process also incorporates public review and comment on the draft HCP/NCCP.

- To establish details and full implications of the "scope" of this permit requires more than the 20 days notice for the scoping meetings and a total of 30 days notice for public comment on the scope of the project -- with the public meanwhile having almost no information on the proposed HCP/NCCP and its proposed scope.
- Reopen public comment period once HCP/NCCP is made available.
- Extend comment period and make announcements more obvious.
- We know of at least 9 agencies or environmental groups that have only just heard of the Federal Register Notice, and have not had sufficient time to review it, to obtain information about MRC and to raise their concerns.
- Future public meetings or workshops were promised [at the scoping meetings] for after the deadline for scoping comments (July 8). *Explanation: In addition to the public scoping meetings, MRC held four public information workshops on September 24, 25, 27, and 30, 2002. Although not part of the official scoping process, these workshops were intended to provide interested parties with additional information on the HCP/NCCP process, MRC's approach to landscape management, and the existing conditions on MRC's forestlands.*

4.3.9.4 Opportunity for public comment (4 verbal comments; 24 written comments)

Issues likely to be addressed further in the EIS/EIR:

- Analyze all information provided by the public. *Explanation: The EIS/EIR will analyze impacts of the proposed plan and alternatives based on the best available data and methods. Relevant information provided by the public will be used in the environmental impacts analysis.*
- If the conditions of coverage for a given taxon is modified, will the public have a chance to review and comment?
- Will the public review and comment upon all amendments to the plan and implementation agreement?

Issues that may not receive detailed analysis in the EIS/EIR:

The following comments relate to issues of HCP/NCCP development and/or content. Some or all of these issues will be addressed in the HCP/NCCP and/or the Implementation Agreement. Public involvement is an important part of the NEPA and CEQA processes. Public input is sought during the scoping process by means of scoping meetings and through written comments submitted to the federal and state lead agencies. Public input is also invited later in the process as part of the public review and comment period for the draft EIS/EIR. In addition, the

HCP/NCCP process also incorporates public review and comment on the draft HCP/NCCP. Future notification of opportunities for comment will be publicized pursuant to requirements for public review under NEPA and CEQA.

- Address the public's participation in the monitoring process. Include non-profit conservation organizations in monitoring, inspection, and assessment programs.
- Neighboring landowners should have opportunity for comment.
- It is essential that public input be provided for changes to the status, management, or mitigation for covered taxa. CNPS believes that such changes should be publicly noticed, public comment taken, and inter- and intra- agency consultation undertaken before being accepted as an amendment to the HCP.
- Ensure opportunity for local environmental groups and citizens to comment on proposed plan.
- What future public opportunities will be provided during the HCP planning process?
- What role can local stakeholders play in selecting the independent scientific review panel?
- There is a desire for local veto power on who is on an independent technical review team.
- Please keep CNPS informed on formation of working groups/advisory committees, release of draft documents and NCCPA planning agreement for public review, and add CNPS to project mailing lists.
- CNPS requests a seat on the steering committee for both the HCP and NCCP and a seat on the scientific advisory committee for the both the HCP and NCCP.
- How and when will a "process for public participation throughout the plan development and review" (FG code Sec. 2815) be established?
- When will the public participation process be established, how will CDFG structure this process to ensure quality scientific participation, and how can CNPS ensure that it is included in this process? Need for adequate time to review and comment.
- What public review and comment will be used when establishing the preliminary conservation objectives?
- What opportunity will the public have to review and comment on the proposed adaptive management framework and its subsequent modifications?
- Who will conduct planning (for wetlands and waterways) and what public review and comment will be provided on such planning?
- What public review and comment will be used for independent scientific input?
- Please notify commenter of future opportunities for comment.
- The EIS/EIR should contain full and exact quotation of public comment. *Explanation: Comments received during the scoping process, as summarized in this report, will be included in the EIS/EIR. Comments received on the draft EIS/EIR, along with responses, will also be included in the final EIS/EIR.*

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- There would be no opportunity for public comment on ESA protection of currently unlisted species that may become listed over the course of the HCP/NCCP. *Explanation: MRC may choose to request coverage for currently unlisted species as part of its HCP/NCCP, and would need to provide adequate conservation measures for their protection. The EIS/EIR would analyze the effects of the proposed plan on any unlisted species that MRC may choose to treat as covered species. If these covered species became listed in the future, MRC would receive incidental take coverage under the ESA. However, if new species not specified in the HCP/NCCP become listed in the future, MRC would be subject to “no take” under endangered species laws and regulations. The public can comment on this issue during the public comment period for the HCP/NCCP.*
 - Include a local citizen's board in the decision-making process. *Explanation: Federal and state permit issuance decisions are the sole responsibility of the wildlife agencies pursuant to applicable laws and regulations.*

4.3.9.5 Public scoping process (7 verbal comments; 17 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

Explanation: The following comments were received regarding the public scoping process. The scoping process is intended to facilitate public input on the issues to be analyzed in the EIS/EIR, including alternatives. Although comments on the process of scoping itself will not be analyzed as part of the EIS/EIR, they have been reviewed by the federal and state lead agencies. Comments received during the scoping process are part of the administrative record for the EIS/EIR, and have been summarized and presented in this Scoping Report, for inclusion in the EIS/EIR.

- There has been too much information presented too quickly tonight. (verbal comment from scoping meeting)
- Suggestion to make presentations [at scoping meetings] shorter and focus on status of species instead.
- Thank you for this process that is being undertaken.
- Will there be more public meetings?
- 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 1/2 months does not seem adequate to have workshops.
- Will scoping information be publicly distributed?
- Notification of public was inadequate
- Commenter expressed frustration over lack of opportunity for public comments/questions during scoping meetings.
- Why weren't the scoping sessions recorded? We certainly noticed that our very specific and hard questions at the Santa Rosa scoping were "summarized" and diluted by the facilitator for sessions in Ukiah and Ft. Bragg. Who authorized these "summaries"? Will they be part of the administrative record, even though they were "interpreted" and not

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- recorded for precise transcription? What is the administrative record for this HCP/NCCP? Of what does it consist? Where is it lodged?
- Scoping comments made by the public were condensed and recorded on a newsprint tablet by MRC's consultant. No transcriptions or recording of any kind occurred. Much time was wasted trying to explain to the facilitator the meaning of the comments so they could be summarized, and the meaning was often lost.
 - The Federal Register notice stated that the proposed agenda for the scoping meetings “includes a summary of the range of activities that may be authorized in the incidental take,” and the “status of and threats to subject species”. But in fact, there was not presentation of the "status of and threats to subject species" by MRC or by the agencies. Why not? And the "summary" of the "range of activities" that will be authorized included only a few general assertions by MRC about their logging program.
 - Many questions regarding the HCP/NCCP process were not answered. Many of these questions could have easily been anticipated by the agencies and written materials made available. Where and how, at this point, will the public get answers so that they can continue to participate?
 - The facilitator said that a scoping report, prepared by the facilitator, would categorize scoping comments by 'issue,' and workshops would be held to discuss these issues. The questions of who would be planning and conducting these workshops, what the relationship of the agencies to them would be, and how the content of these would be developed and information controlled, remains unknown.
 - In summary, the scoping has been inadequate to date. The public's attendance time was not well used and the public agencies, by abdicating their responsibility for the planning and facilitation of these meetings, have lost an opportunity to inform and educate the public.
 - Notices regarding the scoping meetings did not advise the public of the existence or availability of resource materials that would guide them in forming comments, particularly the 1996 HCP handbook.

The following comments relate to the public's concern regarding the availability of project-specific information provided at this stage in the scoping process. Comments regarding HCP/NCCP issues will be solicited during the HCP/NCCP public review period, following release of the draft HCP/NCCP. The EIS/EIR will evaluate the environmental impacts of all activities proposed in the HCP/NCCP, but will not address issues related to the public availability of HCP/NCCP data.

- Agency staff told attendees that scoping would continue throughout the HCP process. This has not been officially noticed. The public can't rely on personal assurances.
- Consider that the public cannot suggest or analyze specific alternatives or fully scope issues to be addressed because there has been restricted information flow to the public in the form of 1) no public review of the HCP/ITP, 2) restricted public review of data, and 3) an adequate project description has not been provided.
- With the only guide to our scoping comments being the Federal Register notice, the public is unable to adequately comment at this point. The commenter requests that scoping continue until documents (HCP/NCCP) are available for public review. The

commenter requests that the extension of scoping be officially noticed in the Federal Register.

- The public is not able to submit informed scoping comments regarding MRC without having a draft HCP/NCCP to review. At this time, there isn't even an SYP.
- The public cannot suggest the analysis of specific alternatives without knowing the nature and extent of the proposed project. Therefore, we urge you to continue the scoping phase of this process until at least several weeks after MRC's draft HCP/NCCP is made available to the public.
- The process should be changed to require a preliminary draft HCP/NCCP from MRC, studied by agencies, and released to the public, prior to conducting scoping sessions.
- The commenter suggests that the process would be more appropriate if the agencies provided information and materials to the public prior to scoping and before agencies and MRC engage in negotiating outside the public eye.

4.3.10 Regulatory Issues

The EIS/EIR will address the affected environment, potential impacts, and mitigation associated with each alternative. Comments received on regulatory issues regarding California Forest Practice Rules, MRC's Option A, the Public Trust doctrine, regulatory compliance, TMDLs, Timber Harvest Plans (THPs), and the relationship between THPs and HCPs, will be considered by state and federal lead agencies during development of the EIS/EIR. The EIS/EIR will include a discussion of the relationships between and implications of all regulations applicable to the proposed action.

4.3.10.1 Forest Practice Rules (1 written comment)

Issues likely to be addressed further in the EIS/EIR:

- Assess some of the effects to watersheds associated with implementation of the CFPRs. *Explanation: The EIS/EIR will analyze the impacts associated with implementation of the proposed plan and selected alternatives. All non-federal timber harvest in California is regulated by the CFPRs, unless superseded by additional protections, as specified in the CFPRs. The analysis of impacts in the EIS/EIR will therefore include the impacts associated with implementation of the CFPRs, as well as other protections already in place (e.g., MRC's FSC and Option A agreements), or those proposed as part of the HCP/NCCP or selected alternatives.*

4.3.10.2 Option A (2 written comments)

Issues that may not receive detailed analysis in the EIS/EIR:

- Investigate and disclose the adequacy and accuracy of MRC's Option A. *Explanation: The EIS/EIR will analyze the environmental impacts of the proposed actions, which may include management strategies similar to those found in MRC's management under its Option A. However, an investigation of the adequacy and accuracy of the Option A prior to the HCP is a Board of Forestry regulatory issue*
- Evaluate the choice of MRC to operate under an Option A rather than SYP and its effect on alternatives proposed in the HCP. *Explanation: Although the EIS/EIR will analyze the*

environmental impacts of the proposed actions, which include MRC's management under its Option A, MRC's choice to pursue an Option A is a Board of Forestry regulatory issue. The effect of MRC's Option A on the development of HCP alternatives, if any, will be evaluated in the HCP/NCCP.

4.3.10.3 Public Trust Doctrine (1 verbal comment; 2 written comments)

Issues unlikely to receive detailed analysis in the EIS/EIR:

Explanation: Fish and wildlife are public trust resources. CDFG is the state agency with "trustee" authority over fish and wildlife wherever they occur in California. The NCCP and CEQA processes are the mechanisms through which this agency applies its trustee responsibility.

- MRC does not "own" the resources on the land. The Public Trust Doctrine therefore prohibits CDFG from approving the plan.
- Evaluate the compliance of the HCP/NCCP with the Public Trust Doctrine.
- Identify the party (agency) responsible and the mechanism that will be put in place for protection of the public trust on MRC lands, including loss of biodiversity, fisheries, groundwater, and surface water.

4.3.10.4 Regulatory Compliance (2 verbal comments; 12 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The NEPA/CEQA compliance process needs to be disclosed.
- EPA recommends performing additional environmental analysis for future project-level actions. *[Comment from US EPA Region IX: also included in the Agency Comments section (Section 4.3.11)]*
- The EIS/EIR should analyze whether the HCP/NCCP is consistent with the Recovery Plans for species (especially northern spotted owl), FEMAT and 4d Rules.

Issues that may not receive detailed analysis in the EIS/EIR:

- As part of FSC certification, MRC was supposed to produce a management plan - where is it? *Explanation: MRC's management plan is available on the company website at: <http://www.mrc.com>.*
- Ensure the HCP follows guidelines under the California Porter-Cologne Act, the North Coast RWQCB's Basin Management Plan, and the Clean Water Act. *The applicant is responsible for meeting all applicable State and Federal laws.*

The following comments relate to regulatory compliance issues rather than NEPA/CEQA's assessment of the environmental impacts of a proposed HCP/NCCP. Many of these issues will be addressed in the HCP/NCCP and as part of the agencies' ESA Section 7 consultation, Implementation Agreement, and/or accompanying HCP/NCCP decision documents.

- The EIS/EIR must ensure that the HCP is in compliance with and consistent with the goals of CESA, and describe the authority of CDFG to issue take of state listed species. *Explanation: The state lead agency is responsible for ensuring compliance with CESA.*

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- Given the size and duration of the proposed HCP, how is each agency planning to comply with the requirements of FESA Section 7 to ensure no jeopardy to covered taxa or their habitat over such a long period of time? *Explanation: This issue will be addressed by the federal agencies in the biological opinion and the EIS/EIR.*
 - What "good science" supports the supposition that a FESA Section 7 compliant plan can be devised for a project of this size and duration? *Explanation: This issue will be addressed by the federal agencies in the biological opinion and the EIS/EIR.*
 - Does each agency believe that the California Forest Practice Rules provide protection for sensitive taxa adequate to satisfy the requirements of FESA Section 7, and if so, upon what data is this believe based?
 - Have stream alteration permits been applied for, for stream crossings and water drafting? Are valid permits obtained before activities begin?

4.3.10.5 THPs (1 verbal comment; 5 written comments)

Issues likely to be addressed further in the EIS/EIR:

- How does the current and past (10 yr) THP history combine with the proposed alternatives to cause adverse cumulative impacts to the health of the ecosystem, and how does this relate to the proposed HCP in terms of cumulative effects?
- MRC holdings are spread out and fragmented throughout Mendocino and Sonoma counties and need to be scrutinized by individual THPs in order to carefully analyze impacts of silviculture methods, especially with changes in varied cover-forage ratios. *Explanation: The EIS/EIR will analyze impacts of the proposed plan and alternatives based on the best available data and methods. In some cases historical data relevant to this analysis may include previous implementation and management plans (e.g., THPs).*
- We request that you study, while making your determination on this permit, the THPs in the attached list. They have all been approved just in the last 4 years in the Albion River watershed (attachment provided with comment letter). *Explanation: The EIS/EIR will analyze impacts of the proposed plan and alternatives based on the best available data and methods. In some cases historical data relevant to this analysis may include previous implementation and management plans (e.g., THPs).*

Issues that may not receive detailed analysis in the EIS/EIR:

- THPs do not include all information. *Comment noted.*

4.3.10.6 Relationship Between THPs and HCPs (2 verbal comments; 21 written comments)

Issues likely to be addressed further in the EIS/EIR:

- What are impacts of previous THPs? *Explanation: The EIS/EIR will analyze impacts of the proposed plan and alternatives based on the best available data and methods. In some cases historical data relevant to this analysis may include previous implementation and management plans (e.g., THPs).*
- Will MRC's 220+ THPs be assessed for cumulative impacts upon endangered species and loss of habitat? *Explanation: The EIS/EIR will include an analysis of cumulative effects*

of the proposed actions and alternatives. This analysis will be based on the best available data and methods, and may include data from existing THPs.

- The HCP/NCCP and EIS/EIR should include detailed disclosure and analysis of cumulative effects assessments for existing THPs. *Explanation: The EIS/EIR will include an analysis of cumulative effects of the proposed actions and alternatives. This analysis will be based on the best available data and methods, and may include data from existing THPs.*

Issues that may not receive detailed analysis in the EIS/EIR:

Explanation: The following comments refer to THP and/or HCP/NCCP development and/or content issues. The relationship of the HCP/NCCP to other laws and regulations is expected to be described in the proposed plan and will also be included in the EIS/EIR. Other comments refer to regulatory issues under the jurisdiction of CDF and the California Board of Forestry.

- The HCP relationship to Timber Harvest Plans (THP) needs to be disclosed.
- MRC should disclose details of THPs for the next 80 years.
- What is the baseline for developing the HCP? Does it include current THPs?
- How are previous THPs factored in to HCP/NCCP?
- Investigate and disclose the adequacy of cumulative impacts assessments in all MRC THPs.
- Investigate and disclose the adequacy and accuracy of cumulative impacts assessments in THPs purchased from L-P in 1998.
- Investigate and disclose adequacy of TES species protections in THPs filed before L-P ownership of the property.
- Investigate and disclose the failures of CDF's THP review process to determine if the THP review process has adequately protected listed species on MRC lands in the past.
- How will each agency ensure that politics do not compromise the biological safeguards of the HCP/NCCP when implemented through the THP process throughout the entire period of the Project?
- If the agencies are planning to leave implementation of the HCP/NCCP to the THP process, then the agencies must ensure that the THP process does in fact implement the HCP/NCCP during the entire term of the HCP/NCCP. Otherwise it is not in compliance with FESA Section 7.
- Since timber management will be conducted pursuant to a set of THPs conducted through time, how will CDFG ensure that such THPs will be coordinated so as to collectively conform with all terms of the implementation agreement during the entire term of the Project?
- What interim process will be used to deal with discretionary projects, e.g., THPs, that potentially conflict with the preliminary conservation objectives?
- Will the interim process used to deal with discretionary projects such as THPs apply to THPs in the Albion watershed?

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- Application of herbicide use after a THP closes is not properly regulated -- CDF claims (e.g., in the PALCO case) that it does not have authority over post-THP herbicide application. This is CEQA piecemealing, and CDF must address herbicide impacts, including cumulative impacts, as part of the THP process.
 - According to the CDFG, THPs submitted to CDF for the project area will continue to undergo independent CEQA review, even with the HCP/NCCP in place. However, the THP process has been severely criticized as providing inadequate protection for the forest environment. NOAA Fisheries itself expressed doubts about the CFPRs in relation to anadromous salmonid protection. It seems likely, then, that increasingly stringent FPRs will be implemented during the term of the HCP/NCCP.
 - THP review is a very politicized process. CDFG biologists are put under pressure to suppress "non-concurrence" by more senior departmental management, despite scientific evidence demonstrating negative effects.
 - How will THPs subject to the HCP/NCCP remedy the acknowledged deficiencies in the THP process, and how will the HCP deal with these changes so as not to produce unforeseen circumstances?
 - Will THPs subject to the HCP/NCCP receive the same level of review by all agencies and the public as other THPs not subject to the HCP/NCCP?
 - Will survey, mitigation, and monitoring requirements for unlisted sensitive botanical taxa for THPs subject to the HCP/NCCP be identical to other THPs not subject to the HCP/NCCP?
 - In what other ways will THPs subject to the HCP/NCCP be handled differently from other THPs not subject to the HCP/NCCP?

4.3.10.7 TMDLs (1 verbal comment; 4 written comments)

Issues likely to be addressed further in the EIS/EIR:

- The HCP/NCCP cannot be an independent planning document for long term harvesting of timber since the HCP/NCCP will be finished before TMDL guidelines, monitoring and federal mandates are established. MRC cannot be doing an EIR that does not take into account TMDL and EPA recommendations for these watersheds. *Explanation: The EIS/EIR will analyze environmental impacts of the proposed HCP/NCCP and alternatives in the context of contaminants often covered during TMDL development and compliance. Thus, the HCP/NCCP might provide adequate measures for complying with those other laws, but MRC must meet the legal requirements of any current and future TMDLs on watersheds where they have property, whether or not the HCP/NCCP meets TMDL standards.*
- Include discussion of TMDLs, the possibility of miscalculations, and the uncertainty of a timeline—for TMDLs already promulgated—for the SWRCB to establish implementation plans, and for the regional board to adopt such plans into its Basin Plan. *Explanation: The EIS/EIR will analyze environmental impacts of the proposed HCP/NCCP and alternatives in the context of TMDL development and compliance. An evaluation of whether the HCP/NCCP meets legal mandates related to TMDLs, however, is unlikely to be included in the EIS/EIR*

Issues that may not receive detailed analysis in the EIS/EIR:

- The MRC HCP/NCCP must address the limiting factors identified by the EPA in the TMDL guidelines, executive summaries, and all other final documents that pertain to impairment listings. *Explanation: This is an HCP/NCCP content issue. The EIS/EIR will analyze environmental impacts of the proposed HCP/NCCP and alternatives in the context of TMDL development and compliance.*
- How will the HCP address Total Maximum Daily Load issues, particularly sediment? *Explanation: This is an HCP/NCCP content issue. The EIS/EIR will analyze environmental impacts of the proposed HCP/NCCP and alternatives in the context of TMDL development and compliance.*

4.3.11 Agency Comments

Comments received by all local, state, and federal agencies are summarized below and have also been incorporated in relevant categories/topics above. This included 6 comments by the California Coastal Commission, 26 comments by US EPA Region IX, and 5 comments by the Elk County Water District.

Comments from the California Coastal Commission:

- The anticipated permit would authorize timber harvesting for 80 years, which could adversely affect water quality and habitat resources of the Coastal Zone. The timber activities could degrade water quality through increased sedimentation into coastal streams/rivers. Additionally, the timber harvesting activities could directly and indirectly damage environmentally sensitive habitat resources of the Coastal Zone.
- If it is determined that activities covered under the proposed plan are reasonably likely to affect coastal uses or resources, the activities will be subject to the consistency review requirements of Section 307(c)(3)(A) of the federal Coastal Zone Management Act, and of regulations that implement this provision.
- Compliance with the Coastal Zone Management Act requires that the applicant prepare a consistency certification, which is an evaluation of the proposed activities' effects on coastal resources or uses and their consistency with the enforceable policies of the California Coastal Management Program, together with the necessary information to support the certification.
- The California Coastal Commission staff recently received an invitation from CDFG to participate in the development of the proposed plan. The Commission staff appreciates the invitation and is looking forward to participating in the process.
- In response to the notice of intent, the Commission staff believes that it is important to identify possible jurisdictional issues.

Comments from the US EPA, Region IX:

- The EIS/EIR should evaluate potential air quality impacts.
- Evaluate mitigation and monitoring options to reduce air quality impacts.
- Consider water quality and quantity impacts associated with forest management
- Evaluate impacts to TES species of potential changes in water quality and quantity

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- The EIS/EIR should include a comprehensive assessment of current conditions.
 - EPA believes the no action alternative is not equivalent to a no impact baseline.
 - Covered activities should be timed so as not to interfere with timing of crucial life history requirements of TES species.
 - The EIS/EIR should identify impacts to wetlands and include management and mitigation to comply with Section 404 Clean Water Act requirements.
 - The EIS/EIR should address feasibility of in-kind mitigation for impacts to wetlands and other aquatic habitat.
 - Interpretation of the no action alternative as having no impacts may be inconsistent with NEPA regulations.
 - The EIS/EIR should provide comparison of alternatives to inform review and decision-making.
 - The EIS/EIR should evaluate a broad mix of possible alternatives, including those that may not be within the jurisdiction of the lead agency.
 - The EIS/EIR should describe in detail the process of selecting, eliminating, analyzing, and implementing each alternative.
 - EPA suggests that alternative analysis be based on a watershed approach.
 - Consider EIS/EIR alternatives that specifically reduce sedimentation of aquatic habitats.
 - The EIS/EIR should evaluate the alternatives in terms of compliance with the Federal Antidegradation Policy and the Clean Water Act.
 - Include alternatives that avoid or minimize water quality impacts associated with timber management activities.
 - EIS/EIR should describe use of native vegetation in restoration, to comply with Executive Order 13112.
 - The US EPA recommends that the EIS/EIR include a clear description of project need and indicate relationship between project need, purpose, and alternatives.
 - The EIS/EIR should describe potential direct, indirect, and cumulative impacts and include mitigation for impacts.
 - The EIS/EIR should document the impacts, including cumulative impacts, of past, present, and reasonably foreseeable actions, such as timber harvesting, resource extraction, development, etc.
 - EPA recommends performing additional environmental analysis for future project-level actions.
 - The EIS/EIR should address commitments, assurances, and mechanisms for funding, implementation, enforcement, and monitoring.
 - EPA advocates commitment to monitoring, surveys and adaptive management, including a fallback option if species continue to decline.

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- The EIS/EIR should include scientific evidence documenting the effectiveness of the HCP/NCCP.

Comments from the Elk County Water District:

- Assess cumulative impacts in Greenwood Creek watershed to protect water quality.
- Monitor water quality in Greenwood Creek as part of the HCP/NCCP.
- Implement an erosion control plan as part of the HCP/NCCP.
- Mitigation for water quality impairment must be assured.
- Would like assurance that requested HCP/NCCP provisions will be implemented.

5 SUMMARY OF FUTURE STEPS

The lead agencies will accept public input on the proposed plan at any time during the production of the EIS/EIR. All written public input will become part of the administrative record and issues raised will be addressed by the agencies as described above. The next formal comment period will open when the Draft EIS/EIR is published in winter or spring 2003. The lead agencies will circulate a notice of the Draft EIS/EIR and Draft HCP/NCCP to interested parties of which they are aware. The draft documents will be available to the public on the Lead Agencies' websites CDFG: <ftp://maphost.dfg.ca.gov/outgoing/Ccr/documents>, NOAA Fisheries: <http://swr.ucsd.edu/>, USFWS: <http://www.ccfwo.rl.fws.gov/>, and by request from the lead agencies. The availability of the Draft EIS/EIR will be announced by publication of a notice in the Federal Register and State Clearinghouse, as well as other media such as local newspapers. Following the release of the draft document there will be a 90-day public comment period and additional public hearings [to be determined] at locations in the project vicinity.

At the conclusion of the public comment period, the Draft EIS/EIR will be revised and the proposed Final EIS/EIR will be prepared. The availability of the proposed Final EIS/EIR will be announced by the publication of a notice in the Federal Register, at which time a 30-day public review period will commence. The final opportunity for public comment on the EIS/EIR will be this 30-day public review period. At the end of the public review period, the lead agencies will file the Final EIS/EIR and announce its availability in the Federal Register and provide it with a notice of determination with the Office of Planning and Research.