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December 10, 2009

Leslie Markham
CalFire, North Coast Region Headquarters
Attn: Forest Practice
135 Ridgway Avenue
Santa Rosa CA 95401
(707) 576-2959
email: santarosapubliccomment@fire.ca.gov

Regarding 1-08NTMP-009 MEN, (“NTMP 009” or “Bower NTMP”) on the Gualala River

Dear Ms. Markham:

Thank you for the opportunity to comment on the Bower NTMP. Our groups have serious concerns about the adverse impacts of the proposed plan as mitigated on all wildlife species, both listed and non-listed, dependent on late seral habitat, but particularly the Marbled Murrelet.

Marbled Murrelet

On this issue we concur with the comments written by Justin Augustine of the Center for Biological Diversity and those written by John Holland on behalf of the Friends of Gualala. There is clearly factual information on the marbled murrelets not disclosed in the NTMP. Just as clearly, pursuant to the California Environmental Quality Act, lead agency CalFire is allowing “take” of this listed species by not protecting its habitat. [Please see letters by Holland and Augustine.]

Lack of Enforceability and Lack of Clarity of Mitigations

There are two mitigations that require changes, both relating to one of the Department of Fish and Game’s [DFG] critical areas of concern – that is, the area the NTMP calls the “DFG Designated Late Seral Matrix” and “DFG

Designated Late Seral WLPZ [Watercourse and Lake Protection Zone]”. This area is approximately 17 acres in size and embedded within Unit 9 of the NTMP. This habitat, as discussed in Fish and Game’s Pre-Harvest Inspection Report, provides the only habitat of its type within the planning watershed

Recommendation #10 cannot be implemented nor enforced.

During 2nd Review Team DFG pointed out that the DFG Designated Late Seral area was not correctly mapped nor had it been flagged on the ground. CalFire’s response was that it was “too late” to be asking that the map be changed. However, CalFire forwarded a recommendation (#10) to revise the NTMP to “...specify a 100-foot buffer adjacent to the boundary of the Unit 9 DFG-designated LFFS stand...” If the boundary of the LSFS stand is now unclear, being incorrect on paper and not flagged on the ground, there are no reference points to determine where to place the 100-foot boundary points. The recommendation can’t be implemented and CalFire can’t enforce it.

Recommendation #5 is vague and may or may not provide mitigation for concerns over loss of fire scars and basal hollows

Bob Motroni, CDF biologist, in his email dated Wednesday, December 2, stated “Basal fire scars and associated hollows are an uncommon element that receive an inordinate amount of wildlife use. Trees slated for harvest that exhibit these characteristics should be retained where they occur.”

In response to this and to DFG’s concerns about loss of this critical element – particularly in light of the scarcity across the landscape of old trees exhibiting these features – CalFire recommended that an additional seven of such trees be retained. Only seven. Certainly not all that are currently available. Then CalFire provided a means whereby the mitigation might be avoided by adding that these seven be kept “...*unless* upon evaluation by a credentialed, qualified wildlife biologist who provides a written report to be amended into the plan, these trees are determined to *not* provide habitat for cavity-dwelling wildlife species.” This is bizarre. Already at least three credentialed and qualified wildlife biologists, those from Fish and Game and even Calfire’s own biologist, have already found that they *are* providing habitat and that all such trees should be retained, not just seven.

It’s possible, of course, that what CalFire *really* means by this but hasn’t made explicit is that there have to be wildlife species *occupying* these hollows when the “credentialed and qualified” biologist makes his/her visit. Too bad if wildlife species have recently occupied one of these trees or will be occupying it soon again. Is that what is meant by the recommendation? And assume even one of these trees is found deficient and is slated for the

chainsaw. Then we have only six left. Or if two are cut and five remain? Why then the original seven? How did CalFire determine that not even seven trees, in spite of their being advised to retain all, were needed to reduce the impacts to wildlife to a level of insignificance? Why ask for the mitigation to begin with? What is the justification for retaining *any*? I don't see how CalFire can have it both ways. Either all of these trees with fire scars/hollows are needed for wildlife protection, or only seven are needed, or more than or fewer than seven are needed. Which is it? More importantly, how has CalFire made any determination of what is needed, given that the biologists are recommending retention of all?

Please delay approval of this NTMP until all issues raised by the public have been addressed, that a clear and enforceable plan is provided to the public and to the agencies for review – a plan that includes adequate wildlife protection measures for all associated wildlife species.

Thank you for your consideration of these comments.

Sincerely,

Linda Perkins
Chair, Mendocino Group, Sierra Club
Steering Committee, Albion River Watershed Protection Assn.