March 1, 2006

TO:

George Gentry, Executive Officer
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FROM:

Lindsey Holm
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RE: **Public Comment on the Jackson State Demonstration Forest Draft Environmental Impact Report**

VIA FAX, EMAIL AND CERTIFIED MAIL

To Whom It May Concern,

The following comments are submitted on behalf of the Environmental Protection Information Center (EPIC). EPIC is a community-based, non-profit organization dedicated to the protection and restoration of the ecological integrity and natural ecosystems of Northwestern California. EPIC maintains offices in Garberville and Eureka, Humboldt County.

Late Seral Forest and the DMP/DEIR

Late Seral Forest (LSF) is defined in the DEIR as "having biological characteristics and functions similar to old growth forests."

The DEIR's definition of Late Seral Forest is vague and overbroad. The definition directs the reader to "see" the Forest Practice Rules (FPR) definition Late successional Forest Stands and FPR Technical Rule Addendum #2. It is unclear whether the DEIR incorporates--and will rely on--the FPR definitions. If the DEIR is defining LSF only as "…similar to oldgrowth" it casts too wide a net and is an insufficient definition.

If, on the other hand, the DEIR is defining LSF as "…similar to old growth" in addition to incorporating the FPR definitions of Late Successional and the FPR Addendum #2, then the criteria a forest stand must meet be defined as LSF need to be clarified. The three definitions are not clear by themselves and do not dovetail easily. This clarification is crucial to the reliability of the Draft Management Plan "having no significant adverse impact" on Marbled Murrelets, since the DMP protections rely almost entirely on current LSF and management to create LSF.

Late Successional Forest Stands

FPR defines Late Successional Forest Stands as:

> Late Succession Forest Stands means stands of dominant and predominant trees that meet the criteria of WHR class 5M, 5D, or 6 with an open, moderate or dense canopy closure classification, often with multiple canopy layers, and are at least 20 acres in size. Functional characteristics of late succession forests include large decadent trees, snags, and large down logs.

These stands are defined thus:

> WHR Class 5M is defined as tree dominated habitats with medium/large trees with DBH larger than 24 in (2 ft) and having moderate canopy closure between 40-59%
>
> WHR Class 5D is defined as tree dominated habitats with medium/large trees with DBH larger than 24 in (2 ft) and having dense canopy closure between 60% and 100%.
>
> WHR Class 6 is defined as tree dominated habitats with multi-layered trees with DBH larger than 24 in (2 ft) which are positioned *over* a distinct layer of size class 4 or 3 trees.
>
> Class 5D must have a dense canopy closure between 60% and 100%. [pg 16 of "introduction and scope" of CWHR from the DFG website]

If the FPR definition is incorporated, it contradicts the DFMP/DEIR definition of "…being similar to old growth" in the case of Redwood and Douglas fir forests that reach far beyond 24" DBH in their old growth stage. Since the DEIR relies heavily on the term Late Seral Forest in assessing the DFMP's impacts to Marbled Murrelet and the actions to be implemented to mitigate those impacts, the term "LSF" should actually relate to Marbled Murrelet habitat. The FPR Late Successional Forest definition is not adequate in the context of assessing murrelet habitat because for forests to meet this definition the trees only have to be a minimum of 24" DBH, and it is well established that murrelets nest in old growth trees >32" DBH in this zone. (Hamer and Nelson 1995a).

Late Seral Forest and FPR Technical Rule Addendum #2

The following is a patched together definition of Late Seral Forest from FPR Technical Rule Addendum #2:

> *LSF characteristics* are defined as "mature and over-mature forest stands…[with] structural characteristics…includ[ing] large trees as part of a multilayered canopy and the presence of large numbers of snags and downed logs that contribute to an increased level of stand decadence...." [FPR Technical Addendum #2 (C)(4)(f),(g) pg. 37-38]

The referenced FPR Addendum #2 is written within the context of cumulative impacts as instruction to those required to address the rule in their logging plans. The LSF part of this addendum only addresses characteristics and continuity of LSF. There is no express definition of LSF and it could only be construed to include a vague definition by way of the instructions. In addition, "Mature", "over-mature", and "decadence" are not defined anywhere in the FPR. This definition is too unclear to be sufficient for the purposes of the DEIR.

Suitable habitat

Suitable habitat is used frequently in the DEIR within the context of Marbled Murrelet habitat, but the term is never defined or explained. Without this foundational definition, the assessment of Marbled Murrelet habitat in and around Jackson State Demonstration Forest is incomprehensible, the analysis baseless and the conclusions valueless.

Page VII.6.6-36 should include old growth forest in the habitat association column. Tables VII.6.6.33e1 through VII.6.6.33f2 are useless in assessing the progression of murrelet habitat because the DEIR does not or explain the criteria used to determine the various levels of habitat suitability listed in the tables.

Given, first, that it is well established that murrelets nest in old growth forests, to the extent that old growth is the only forest type that can reasonably be defined as "fully suitable" habitat, and second, that there are currently 459 acres of old growth on JSDF, we found it impossible to believe that there are 15,286 acres of truly fully suitable habitat currently on JSDF as indicated in table VII.6.6.32.

The tables, explanations, narrations, assessments and conclusions of what is and isn't, and what will be and will not be, suitable habitat for Marbled Murrelet s on JSDF are all meaningless without clear definitions of the terms used. This is a common problem in assessing murrelet habitat as the methods of evaluation and the body of knowledge on the subject have changed over the years. This is all the more reason to be clear about what habitat exists now and how and when murrelet habitat will be created.

It is especially critical that the DEIR be very clear about murrelet habitat given the impending extinction of the Zone 5 murrelet population described on page VII.6.6-74 and the fact that JDSF has the potential to be the most effective player in recovering the Zone 5 population, if it articulates a clear plan for doing so.

> "As such the large block of publicly owned forestland that is JDSF, in

> conjunction with other parcels of public land in Mendocino County, represent a valuable resource of potential reoccupancy and sustainability for at-risk wildlife."

It is an uncontested fact that Marbled Murrelets nest primarily in old growth forests. If the DMP/DEIR defines LSF as 'similar to old growth forests' it needs to be explained *how* these categories are similar, and in what ways they are *not similar*. The DEIR needs to clearly lay out how the DMP will create stands "similar to old growth forests" and how these similar stands (LSF) will, or will not, serve the recovery of the Marbled Murrelet.

> *Recovery* is defined in the DEIR as "The point which the measures provided pursuant to the federal Endangered Species Act (FESA) are no longer necessary to conserve a listed species."

Impacts Assessment

The impacts to marbled murrelets described on page VII.6.6-261 are unclear.

For the DEIR to adequately address the impacts and mitigation of the projects impacts, the specific mitigation measures proposed under each alternative must be clearly stated. There is no other mention of a proposed increase to the area dedicated to development of late seral forest conditions and especially no current delineation of late seral forests dedicated to Murrelet habitat recruitment. Furthermore, murrelet habitat remains undefined so the proposed mitigation cannot be meaningfully assessed.

Contribution to Recovery of Marbled Murrelet Habitat Management Measure

> "CDF has identified four key areas for assessment of their suitability for current habitat and for future potential Murrelet habitat development and species recovery: Russian Gulch, Lower Big River, Mitchell/Jughandle Creek, and lower Hare Creek."

It is true that these areas have "the potential to develop…structural characteristics necessary to provide Murrelet habitat." But this will only become a reality if the stands are allowed to reach that point. The selection harvest allocation areas [covering the above areas] subject to "four to eight harvest entries" described in the "Long Term—100 year Term Project Projection of Future Forest Conditions" section would be unlikely to produce Murrelet habitat.

CDF proposal to "conduct an assessment of what areas offer the greatest potential for current and future Marbled Murrelet habitat" is on the right track except that this sort of assessment and analysis must be done in the EIR. Is seems apparent from this proposal that the JDSF staff are not currently prepared to make this assessment. The DFMP must include clear, science-based, substantive and enforceable measures to "contribute to providing additional suitable habitat that is intended to aid recovery of Marbled Murrelet populations".

There must be CEQA review of this murrelet assessment as part of the DEIR. The impacts and alternatives that would protect/create more suitable nesting habitat must be assessed. The currently undefined and un-analyzed measures to "contribute to providing additional suitable habitat that is intended to aid recovery of Marbled Murrelet populations" are unclear and unsatisfactory.

In the DEIR's discussion of Late Seral/Successional Forests it notes that "The determination of site specific silvicultural applications to achieve these goals [development of LSF conditions] will occur during THP preparation". This is another example of the lack of clarity and apparent lack of commitment to pre-planning or defining the protection measures. Putting these decisions off until the THP stage is like not having a plan at all.

This assessment should be limited to areas within 11 miles of the ocean and should not include the old growth areas on the east side of the Forest where power lines and roads transect the groves. The assessment must be based on forest elements meaningful to Marbled Murrelet s and not just based on selectively logged, or to-be logged, late seral forest. The areas must be large, contiguous blocks placed where the forest is already well advanced. Any logging in these Marbled Murrelet areas must be limited to "light" versions of intermediate silviculture, like pre-commercial thinning if the areas are shown to be overgrown.

Old Growth Groves

Old Growth is effectively defined in the DEIR as " any tree over than 145 years old". We consider the DEIR's definition of old growth a wise and practical one, but more need to be done to make the distinction between LSF and old growth.

The old growth areas described in the DEIR are very unlikely to be used by murrelets. Their preservation is necessary for other reasons, but they should not be considered a "protection measure" for the species. One exception to this rule is probably the old growth groves in the lower part of Brandon Gulch which is at the edge of the southern murrelet's 11 mile inland range.

JSDF land adjacent to State Park

In the discussion about JSDF land adjacent to State Park it is stated that "a buffer zone is designed to protect values associated with the purpose for which the park was created. Only a limited range of uneven-aged silviculture is allowed in these areas." This is yet another example of the un-quantified area to be committed to fulfilling this goal of protection and the lack of disclosure of the exact means by which JDSF intends achieve the protection.

Conclusion

This DEIR appears well researched and includes a detailed section on the biology and current research of the Marbled Murrelet that is easy to read and understand. However, site-specific

descriptive data is often inadequate or entirely lacking. The DEIR jumps to conclusions which may not be adequately supported by its analysis and disclosure. This makes it extremely difficult for the reviewer to visualize the area in question and evaluate the appropriateness of the author's conclusions and recommendations. For example, there is no definition for "suitable murrelet habitat" and no description of where all this suitable habitat is, or will be located.

As presented, the lack of supporting site characterization makes the DEIR inadequate to justify the proposed DFMP. Please expand the physical description of the features of concern and their settings to allow for proper review.

Sincerely,

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