

Issues Needing Resolution Prior to or within 15 Days after Board Approval of Jackson Forest EIR and Management Plan

I've listed below outstanding items that need to be resolved. Most items need to be resolved before the EIR and MP are approved. Where changes are needed in the documents, these are very much better made prior to the public release of the documents.

The issue of the enjoined THPs can be resolved after the EIR/MP are approved, but it needs to be resolved within 15 days after approval to allow time to prepare a lawsuit filing if this proves necessary.

For each item in the list, I indicate when it pertains to part of the consensus agreement of the Mendocino Working Group, or whether it is my own concern. Almost all are consensus items. Only the enjoined THPs and the Woodlands are purely my items.

All items on this list except the Woodlands are central and essential to reaching an acceptable non-adversarial solution for resuming operation of Jackson Forest.

1. Negotiation of an acceptable solution to the Camp 3 and Brandon Gulch contracts (the enjoined THPs).
2. Finalization of the charter and the appointments to the Advisory Committee. *Consensus*. This should be presented to the Board for approval with the EIR/MP.
3. Harvests in the interim period should be limited to generating the amount of revenue needed:
 - a. *to restore and enhance staffing, remedy the more significant environmental problems on the forest, initiate a wildlife inventory, a botanical inventory and generate a reviewed and verifiable forest inventory...*

The italicized section is a *consensus* recommendation.

4. Provision for review of **all** THPs in "sensitive areas" by the Advisory Committee. *Consensus*.

Given the public sensitivity and the history, I recommend that **all** THPs be reviewed by the Advisory Committee. To implement this, the heading in section 1 of Table II.3 of the Draft EIR needs to be revised to read:

1. Potential Harvest Areas Intended for Operation during Initial Implementation Period ~~(these harvests will meet initial implementation period harvest criteria, therefore are not subject to prior review by advisory entities)~~ (advisory entities will review and comment on these harvests prior to implementation).

5. Removal of West Chamberlain from Table II.3. West Chamberlain is in an extremely sensitive area of the forest, with unentered older second growth,

high recreation potential, close proximity to a protected old growth grove, and a well-known Indian archeological site. It is now in section 1 of the table. It should be excluded from possible harvesting during the interim period.

In our joint meeting on THPs held on March 1, 2007, Chamberlain Creek was prominently considered and NOT approved for harvesting in the interim period. (I did approve, reluctantly, Northfork Spur, which contains similar stands but has somewhat less overall values. I also suggested as possibilities South Whiskey Springs and 14 Gulch North. All three of these are now included in section 1 of Table II.3).

6. The forest structure goals, as described on pages II-6 through II-8 of the DEIR need to be revised. Even within the context of Alternative G as written, the operative statement on page II-6 is not supportable:

The major purpose of the forest structure condition goals is to provide forest stand conditions and management histories in the Forest suitable to a wide range of research investigations and demonstration opportunities, as well as a broad range of valuable habitats.

Although research and demonstration is the first goal, the second and third goals listed are forest restoration and ecological and watershed processes. These should be the primary determining goals for future conditions. Research should generally be able to be complementary with the other goals. Where research is not complementary to restoration, ecological, and watershed processes, it should be done on a small scale and not significantly affect the general forest structure.

Alternative G needs to be revised to reflect these understandings. The above cited sentence should be replaced by:

Future forest structure conditions should be determined primarily by the goals for forest restoration, ecological and watershed health, wildlife habitat, and recreation and human enjoyment, while accommodating research investigations and demonstration activities. Research or demonstrations not complementary to restoration, ecological, and watershed processes should be done on a small scale so as to not significantly affect the general forest structure. Such activities should be reviewed by the advisory committee prior to implementation. (Revised 12/12/2007)

This is not a minor matter to be dismissed because it is about “words” not substance. The phrase “*provide future stand conditions suitable to a wide range of research investigations and demonstration opportunities,*” has been cited by department staff repeatedly to justify widespread future stand conditions that are not supported by wildlife or ecological considerations. This is unacceptable. It is inconsistent with the *consensus* proposal for future management objectives.

7. Management within all of the Woodlands Transfer Area (5,426 acres) needs to be consistent with the condition in the transfer grant, which stated in pertinent part, "Every such deed or lease shall contain the express condition that the grantee or lessee shall use the property exclusively for public park, recreational, and conservation purposes." On the face of it, this condition prohibits proposed uses for some of this land, including the "Helms" THP and the research demonstration area in Berry Gulch.

The department has cited and continues to cite an opinion of an Assistant Secretary of the Department of Interior to justify timber research activities in the transfer area. This interpretation does not have the force of law and seems clearly to be wrong.

Rather than resolving this through future litigation, which is highly likely if current plans go forward, I propose that the department not conduct any harvest operations in the transfer area while an ad hoc committee with public representation recommends what is legally appropriate in the transfer area.