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# California Native Plant Society, Forestry Program



**Date:** July 17, 2002

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**From:** Gregory A. Jirak  
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**Subject:** Comments on the “*Draft Environmental Impact Report For the Comprehensive Update to the Jackson Demonstration State Forest Draft Management Plan*”, May, 2002, (DEIR) and the “*Jackson Demonstration State Forest Management Plan, Draft*”, May 17, 2002, (DMP) both by the California Department of Forestry and Fire Protection (collectively, the “Project”)

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## **Introduction**

This document constitutes the California Native Plant Society Forestry Program’s (CNPS) comments on the Project.

CNPS respectfully requests that CDF make this document, and all documents referenced herein, part of the administrative record for the Project.

## **Issues**

### **1. Native Plant Protection Act (NPPA)**

CNPS takes strong exception to the characterization of the NPPA in the DEIR<sup>1</sup>, and feels that there is strong case law to show that this position is legally unsupportable. It is CNPS’s position that the salvage exemptions contained in the NPPA apply only to taxa state listed as rare, and that the salvage provisions apply *only after* compliance with all provisions of the California Environmental Quality Act (CEQA).

In accordance with CNPS’s position, the California Attorney General’s office (AG) is currently actively defending the California State Board of Forestry (BOF) in a lawsuit regarding this exact point of law.<sup>2</sup> It is inappropriate for CDF to take a position in the DEIR that is directly contrary to the position of the BOF and the AG on this issue.

Accordingly, CNPS respectfully requests that this section be removed from the DEIR

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<sup>1</sup> DEIR, p. 140.

<sup>2</sup> Donald H. Weburg v. State Board of Forestry and Fire Protection, case number 02-CS00204, filed in the Sacramento County Superior Court on 4/2/02.

before preparation of the final EIR.

## 2. Insufficient Guidelines for Botanical Surveys

It is CNPS's opinion that the guidelines for botanical surveys provided in the DMP are not sufficient.<sup>3</sup> At a minimum, botanical surveys performed for each timber harvest plan (THP) must conform to the guidelines specified by the California Department of Fish and Game (DFG)<sup>4,5</sup> and CDF.<sup>6</sup> However, since JDSF is a research and demonstration forest, it seems appropriate for the DMP to comply with the more rigorous botanical survey guidelines promulgated by CNPS.<sup>7</sup>

It should be noted that both the DFG and CNPS guidelines require a complete *floristic* survey prior to commencement of operations. Surveys for only a set of sensitive taxa are not acceptable.

The DMP should be modified to specifically require all THPs on JDSF to comply with the CDF guidelines, and at least the DFG guidelines, but preferably the CNPS Guidelines instead.

## 3. Insufficient and Incorrect Botanical Information for JDSF

It appears to CNPS that the state of botanical knowledge on JDSF is inadequate to support non-damaging management of sensitive botanical taxa. Indeed, in the DMP, CDF acknowledges that for most of the taxa potentially occurring on JDSF that current population status is uncertain, but presumed declining, and that further study is needed for adequate conservation management.<sup>8</sup> However, neither the DEIR nor the DMP proposes a formal program of study to provide the information required for adequate conservation management.

Additionally, the information presented in the DMP is not completely consistent. For example, in several places, the Plan claims that there are six sensitive plant taxa occurring on JDSF.<sup>9</sup> However, examination of DEIR Appendix 8-D-3 shows CDF instead claiming that nine sensitive plant taxa occur on JDSF. Additionally, other sensitive plant taxa, not listed in the DMP, are known to occur on JDSF, including *Lycopodium clavatum*.<sup>10</sup> However, *L. clavatum* is listed as "likely" in DEIR Appendix 8D-3, instead of "known".

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<sup>3</sup> DMP, p. 69.

<sup>4</sup> "Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities", 5/8/00, California Department of Fish and Game, Sacramento, California.

<sup>5</sup> Interestingly, the CDF botanical survey guidelines are included as unnumbered pages in the Appendix to the DEIR, but CNPS was unable to find any reference to these guidelines in the DEIR, or any requirement that these guidelines actually be used.

<sup>6</sup> "CDF Guidelines for Species Surveys and Mitigations", 7/2/99, memorandum from Andrea Tuttle, Director of the California Department of Forestry and Fire Protection, Sacramento, California.

<sup>7</sup> "CNPS Botanical Survey Guidelines", 6/2/01, California Native Plant Society, Sacramento, California.

<sup>8</sup> DEIR, Appendix 8-D-1.

<sup>9</sup> E.g., DEIR, p. 143. and DMP, p. 62.

<sup>10</sup> One population of *L. clavatum* was shown to the 2002 spring semester Biology 99 class from College of the Redwoods by a CDF employee, who claimed that there was another known population on JDSF.

Further, some botanical information is inaccurate, and seems to reflect a lack of site-specific knowledge. For example, DEIR Appendix 8-D-3 states that it is unlikely that *Erigeron supplex* will occur on JDSF. However populations of *E. supplex* occur on habitat similar to that contained in JDSF<sup>11</sup>, so this taxa should be listed as “watch for” instead of “unlikely”.

It is also CNPS’s understanding that CDF has not compiled a flora, or even a plant list, for JDSF, so CDF really has no idea of the floristic composition of JDSF.<sup>12</sup>

In order to carry out adaptive management, a research and demonstration forest should have a comprehensive floristic baseline against which the effects of management can be compared. Without such baseline data, CNPS does not understand how CDF proposes to provide adequate monitoring of the floristic state of JDSF.

To properly disclose the Project’s impacts on botanical resources<sup>13</sup>, to propose appropriate mitigation measures,<sup>14</sup> and to adequately address cumulative impacts<sup>15</sup>, CNPS believes that the botanical work in the DEIR and DMP needs to be redone so that it is internally consistent, accurate, and reflects local, site-specific information.

Further, CNPS feels that the DMP must be modified to include a program to compile a comprehensive flora for JDSF. This program should include compilation of the results of all botanical surveys performed for THPs on JDSF, and should include additional floristic surveys for those areas not currently subject to timber harvesting so that a floristic baseline can be completed within the next five years.

CNPS also believes that the DMP must be modified to require California Natural Diversity Database (CNDDDB) field survey forms to be submitted in accordance with the DFG botanical survey guidelines.

Since the DEIR fails to propose a concrete program to develop the data needed to adequately manage the sensitive botanical taxa on JDSF, the DEIR should not be certified until this omission is remedied.

#### **4. Inadequate Staffing and Funding**

Even though JDSF is touted as a research and demonstration forest, JDSF currently has no on-site botanical staff<sup>16</sup> (in fact, except for a ½time geologist, JDSF has *no* science staff whatsoever.) Despite the DMP claiming that, “In assessing needs for the coming decade, greater biological expertise appears to be the highest priority”<sup>17</sup>, no botanical staffing is

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<sup>11</sup> Personal field observations of author confirmed by local CNPS rare plant coordinator.

<sup>12</sup> Personal communication with a CDF employee during the 2002 spring semester Biology 99 class from College of the Redwoods.

<sup>13</sup> As required by §15002 and §15126 of the CEQA Guidelines.

<sup>14</sup> As required by §15126(c) of the CEQA Guidelines.

<sup>15</sup> As required by §15130 of the CEQA Guidelines

<sup>16</sup> DMP, p. 40.

<sup>17</sup> DMP, p. 86.

proposed in the DMP.<sup>18</sup>

The DMP also states that, “Resources available for monitoring are limited whereas the need for monitoring is infinite.”<sup>19</sup> The Plan’s adaptive management program depends on adequate funding and staffing to provide monitoring sufficient to detect changes in the forest.

According to the DMP, the current annual operating budget for JDSF is approximately \$2,400,000<sup>20</sup>:

<u>Budget Item</u>	<u>Amount</u>
Personnel	\$1,400,000
Operations	\$170,000
Road Management Program	\$300,000
Timber Stand Improvement	\$150,000
Research, Demonstration, and Monitoring	<u>\$375,000</u>
Total	\$2,395,000

The DMP states that the current annual stumpage value is approximately \$14,500,000<sup>21</sup>. This means that JDSF’s expenses are less than 17% of its revenues.

Given this extraordinarily low rate of reinvestment in JDSF, it seems unconscionable that JDSF lacks a botanist and/or ecologist and the funds needed to do proper monitoring. CNPS believes that a portion of the substantial revenues derived from JDSF timber harvests should be returned to JDSF in the form of scientific staff capable of actually implementing the DMP.

Since adaptive management is one of the proposed mitigation measures for impacts to botanical resources, and since adaptive management will not be effective without adequate staffing and funding, CNPS believes that the DEIR and DMP must be revised to ensure that such staffing and funding will be available to implement the proposed mitigation measures.<sup>22</sup>

## **5. Inadequate Adaptive Management of Plant Resources**

The DMP’s goal to “protect and restore the diversity of plant species across the forest”<sup>23</sup>, is laudable, but limited. Modern ecological thinking shows the folly of trying to preserve individual taxa in isolation. Indeed recent legislation<sup>24</sup> attempts to codify this modern

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<sup>18</sup> DMP, p. 86.

<sup>19</sup> DMP, p. 100.

<sup>20</sup> DMP, pp. 40-41. Assumes that JDSF gets one half of the \$750,000 allocated among all state forests for research demonstration and monitoring.

<sup>21</sup> DMP, p 26

<sup>22</sup> CEQA Guidelines §15126(c).

<sup>23</sup> DMP, p. 107.

<sup>24</sup> Senate bill 107, Natural Community Conservation Planning Act, approved by the Governor February 2, 2002. Filed with Secretary of State February 4, 2002.

approach to conservation. Since JDSF claims to be dedicated to demonstrating innovative forest management, then it seems that JDSF should adopt a more progressive goal which includes preservation and restoration of intact, functioning native ecosystems.

However, CNPS is seriously concerned about the proposed activities proposed by the DMP to achieve its stated adaptive management goal for plant resources.<sup>25</sup>

First, given the lack of resources reflected in the DMP, CNPS does not believe that CDF will be able to adequately “develop and implement a training program to assist personnel in sensitive plant identification and habitat requirements on an as needed basis.”<sup>26</sup> Further, CNPS sees the following significant problems with this approach:

- a. CDF does not have the botanically skilled personnel to perform such development and implementation. CDF should instead make use of the already qualified botanical staff at College of the Redwoods in Fort Bragg, California to provide any such training.
- b. Informal training is inadequate to qualify CDF personnel to conduct plant surveys pursuant to DFG or CNPS guidelines.
- c. The DFG and CNPS guidelines require *floristic* surveys, not simply surveys for sensitive species.
- d. It is almost certain to be more effective and efficient to hire already qualified botanical staff for JDSF than to retrain existing staff.
- e. Botanical expertise is needed continuously, on an ongoing basis. In this context, “as needed” means continuously.

Second, as noted previously, there exists no baseline data for botanical resources on JDSF. Lacking baseline data regarding sensitive plant distribution, population size, habitat quality, etc. means that adaptive management will be significantly compromised.

Third, as noted in the DEIR<sup>27</sup>, management information for sensitive species is typically minimal or completely lacking. The DMP makes no mention of carrying out controlled experiments to develop this management information.

Accordingly, CNPS believes that:

- a. Qualified full-time botanical and ecological staff must be hired for JDSF. This will take only a tiny portion of the significant revenues being extracted from JDSF.
- b. A comprehensive floristic survey of JDSF must be completed within five years to provide baseline data for future adaptive management.
- c. A program of scientifically controlled experiments must be conducted to develop management information for sensitive species found on JDSF. These experiments should initially focus on taxa which most immediately impact timber harvesting,

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<sup>25</sup> DMP, p. 107.

<sup>26</sup> DMP, p. 107.

<sup>27</sup> In the species descriptions of DEIR Appendix 8D-1.

such as *Sidalcea malachroides* and *Astragalus agnicidus*.

Unless these modifications are made to the DMP, then CNPS feels that adaptive management stands little chance of achieving the currently stated goal, much less the more ambitious goal that properly should be achieved for a research and demonstration forest. Since adaptive management is a significant mitigation measure for botanical resources, the DEIR must be considered deficient unless the DMP ensures the success of adaptive management.<sup>28</sup>

## **6. Erroneous Analysis of Habitat**

The DEIR states that, “A total of 18 vertebrate and 6 plant species of concern currently occur ... on Jackson Demonstration State Forest, and are considered specifically in the management plan (Table 1). Other species of concern are present within the vicinity of Jackson Demonstration State Forest. Due to the lack of habitat elements used by these species ..., occurrence in anything other than a transitory nature is a low probability.”<sup>29</sup>

CNPS believes this is a categorically false statement with regard to plant taxa. Indeed, CNPS thinks it quite likely that JDSF contains habitat suitable for sensitive plant taxa in addition to the six contained in Table 1. In fact, elsewhere the DEIR<sup>30</sup> appears to contradict this statement.

## **7. Erroneous Information Regarding *Astragalus agnicidus***

The DEIR claims that “... since 1998 CNPS has taken over the coordination of monitoring and protection activities [for *A. agnicidus*].”<sup>31</sup> This statement is false. CNPS did provide some monitoring a few years back for one population of *A. agnicidus* in Humboldt County. However, CNPS has done no other formal monitoring of *A. agnicidus* for any other population. Further, CNPS has no authority to “protect” *A. agnicidus*.

## **8. Demonstration of Even-Aged Management**

The DMP states, “Even-aged management is widely used and is a viable method of timber harvesting when utilized properly...”<sup>32</sup> From this statement, it is unclear why even-aged management should continue to be practiced on JDSF, given that it was established “... because of the need to demonstrate responsible and innovative forest management practices.”<sup>33</sup>

If a silvicultural prescription is “widely use and is a viable method”, then it can no longer be considered “innovative”. Further, even-aged management radically alters the local environment in ways that are not necessarily the same as natural disturbance. Soil and air temperature and water content are drastically reduced, and invasive exotics often flourish following even-aged management.

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<sup>28</sup> CEQA Guidelines §15126(c).

<sup>29</sup> DEIR, p. 17.

<sup>30</sup> DEIR, pp. 137-139, and DEIR Appendix pp. 8D-3-1 to 8D-3-3.

<sup>31</sup> DEIR, Appendix 8-D-1, p. 8D-1-2.

<sup>32</sup> DEIR, p. 6.

<sup>33</sup> DMP, p. 1.

It is CNPS's opinion that even-aged management no longer needs to be demonstrated on JDSF, and that, as noted below, other research and demonstration needs are more pressing.

## 9. Incomplete Research and Demonstration Program

CNPS feels that the proposed program of research and demonstration fails to mention some significant projects for which JDSF is uniquely suited:

- a. **Impact of increasing regulation** – It is quite likely that additional regulations will be placed on timber harvesting, e.g., more stringent watercourse protection rules, during the term of the Project. Whenever additional regulations are debated, economic considerations are often posited.

Given JDSF's stated mission to provide innovative information for timber management, it seems to CNPS that JDSF should undertake projects to evaluate how increased regulation of timber harvesting will actually affect the economics of timber harvesting, and to develop techniques for dealing with such increasing regulation effectively.

- b. **Impact of newly listed taxa** – It is quite likely that additional botanical taxa will become state or federally listed during the term of the project. In fact, the forests of northern California are facing the disaster of Sudden Oak Death (SOD), caused by *Phytophthora ramorum*. SOD could potentially drive certain taxa, currently common in the forest, such as *Lithocarpus densiflora* (tanbark oak) to the brink of extinction in a relatively short period of time. Most ericaceous taxa may face a similarly bleak future.

It seems to CNPS that JDSF should begin immediately to examine how timber harvesting will be affected when plants such as *L. densiflora* become state or federally listed. Such listing could cause a "train wreck" for timber harvesting, and research conducted soon on JDSF could help deal with the disaster looming down the road.

- c. **Management of sensitive taxa** – As mentioned previously, few, if any sensitive plant taxa have adequate management information. JDSF is in a unique position to carry out controlled experiments on management of sensitive plant taxa.
- d. **Management of exotic taxa** – Given the significant problem of invasive exotics, and the significant likelihood that additional herbicide regulations will be enacted during the term of the Project, JDSF should conduct research into silvicultural prescriptions, equipment management, and other exotic control technologies that can be effectively used to combat invasive exotics in the north coast forests.

CNPS feels that a small portion of the significant cash flow thrown off by JDSF timber harvesting should be reinvested in these research projects. These projects will benefit both the environment and the timber industry, and can be funded easily from income derived from the forest.

It should be recognized that the DMP proposes a relatively ambitious set of future conditions. However, these future conditions will *not* be achieved unless funding is

committed to achieving them. Neither the DMP, nor the DEIR, make any such commitment. Accordingly, it seems to CNPS that the DMP and DEIR must be revised to reflect future conditions which can be achieved with the funding level to which CDF is actually willing commit in the DMP and DEIR.

## 10. Use of Herbicides

According to the DEIR, “CDF believes that ... when properly applied, herbicides do not present a threat to the environment or to human health.”<sup>34</sup>

However, the state of herbicide research is developing rapidly, and seems to contradict this statement. For example, recent research at the University of California at Berkeley demonstrated that atrazine disrupts sexual development of frogs at concentrations thirty times lower than the levels allowed by the United States Environmental Protection Agency.<sup>35</sup> This appears to imply that what is currently considered “proper” application of atrazine does, in fact, harm the environment.

Statewide, CNPS is concerned about herbicide application following logging operations. Herbicides are often applied *after* a THP is closed, and CNPS has found it applied to sensitive botanical taxa, killing them. In such cases, the herbicide is applied in accordance with labeling guidelines, but the end result is damaging to the environment.

CDF claims that it has no authority over such applications, since the application is done after the THP closes. CNPS believes this to be illegal CEQA piecemealing, and believes that CDF must address herbicide impacts, including cumulative impacts, as part of the THP process.

It is CNPS’s understanding that even-aged silvicultural prescriptions, e.g., clear-cutting, require more herbicide use than un-even aged management. There also appears to be evidence that conifer release by herbicides is primarily beneficial for short rotation periods, and that for longer rotation periods, native shrubs appear to enhance soil productivity. Thus, longer rotation periods appear to reduce the need for application of herbicides and artificial fertilizers.

Since JDSF is a research and demonstration forest, it seems to CNPS that JDSF could properly be used to research and demonstrate economic timber technology that avoids use of herbicides. Since it is not unreasonable to think that there will be increasing regulation of herbicides over the life of the DMP, JDSF could be used to investigate how to effectively cope with such increased regulation. However, nothing in the DEIR nor the DMP indicates that such projects are part of the Plan.

## 11. Management of Exotic Species

CNPS commends CDF for aggressively addressing the problem of invasive exotics, since invasive exotics are second only to development in contributing to the loss of habitat for native species. While CNPS agrees with the actions planned for control of exotic species,

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<sup>34</sup> DEIR, p. 6.

<sup>35</sup> “*Popular weed killer demasculinizes frogs, disrupts their sexual development, UC Berkeley study shows*”, Saunders R., April 4, 2002, press release from University of California at Berkeley.



CNPS has the following concerns:

- a. The DMP fails to discuss how different silvicultural prescriptions affect recruitment of invasive exotics. Since exotics are such a problem, it seems to CNPS that JDSF should investigate the relationship between silvicultural prescription and subsequent invasion by exotics.
- b. The DMP fails to discuss equipment management techniques that can be used to minimize spread of exotics.
- c. Instead of recommending that CDF implement a staff training program for invasive exotics<sup>36</sup>, CDF should work cooperatively with The College of the Redwoods in Fort Bragg to develop such a program that would then be available to all, including the public and the private timber industry.

## **12. Inadequate Protection for Plant Species of Concern**

When discussing the desired future conditions and planned management regarding protection for plant species of concern, the DMP proposes a deficient survey methodology.<sup>37</sup>

Instead of that proposed, the DMP should be revised to simply state that *all* botanical surveys will comply with the CDF guidelines, and the DFG, or preferably the CNPS, guidelines for botanical surveys.

Since the DMP proposes, in this same section, no protection other than surveys<sup>38</sup>, this section should be modified to state that, at a minimum, botanical resources will be managed based upon the best available then current science.

CNPS is unconvinced that the mitigation measures proposed for plant species of concern are adequate.<sup>39</sup>

## **13. Rolling Five-Year Harvest Schedule Ignores Botanical Resources**

The discussion of the rolling five-year harvest schedule fails to discuss botanical resources. At a minimum, planning for the five-year harvest schedule should:

- a. Consider survey requirements for biennial plants, and make sure that botanical surveys are conducted when, and as frequently, as required.
- b. Consider the impact on herbaceous understory. Recent studies indicate that inappropriate reentry can cause decline or extirpation of certain understory taxa.
- c. Consider edge effects on recovery of botanical resources. Silvicultural prescription, size of even-aged management units, and rotation period can all negatively impact botanical resources. Good planning can minimize these impacts.

CNPS encourages CDF to use the rolling five-year harvest schedule to help minimize

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<sup>36</sup> DMP, p. 59.

<sup>37</sup> DMP p. 63.

<sup>38</sup> DMP, p. 63.

<sup>39</sup> CEQA Guidelines §15126(c).

negative impacts to the botanical resources of JDSF. Without such consideration, it is unclear that mitigation measures for sensitive botanical taxa will be effective.<sup>40</sup>

#### **14. Timber Supply**

The DEIR states that, “The level of harvest will be determined by the biological capacity of the Forest, in consideration of all applicable constraints.”<sup>41</sup> As mentioned previously, and as acknowledged by CDF in the DEIR<sup>42</sup>, the state of botanical knowledge on JDSF is currently insufficient for “adequate conservation management.”<sup>43</sup>

Accordingly, at this time, it is impossible to know the biological capacity of the forest, at least with respect to sensitive plant taxa. This problem reinforces the need to promptly complete a baseline floristic survey of JDSF so as to avoid unforeseen, unintended cumulative impacts to botanical resources on JDSF.

#### **15. Linkage Between Ecosystem Management and THPs**

The DMP proposes an ambitious approach to ecosystem management.<sup>44</sup> However, timber harvesting on JDSF will be conducted pursuant to individual THPs. It is unclear from the DMP and the DEIR how the overall implementation of the proposed ecosystem management plan will be accomplished through THPs.

The DMP should be revised to clearly enunciate how the proposed ecosystem management will be effectively implemented by a set of individual THPs executed over time. The cumulative impacts analysis of each such THP needs to consistently show how such THP contributes to implementation of the DMP’s ecosystem management plan.

Without such linkage between the DEIR/DMP and individual THPs, CNPS believes that ecosystem management as a mitigation measure will be significantly compromised<sup>45</sup>, and that the cumulative impact analysis for the DEIR will be invalid.<sup>46</sup>

#### **16. State Parks**

The DEIR seems to use adjacent State Park units as mitigation for continued timber harvesting on JDSF. However, Russian Gulch State Park is 1,304 acres, not all, but most of which is forest, Jughandle State Park is 778 acres, much of which is coastal headlands and the remaining pygmy forest, and Mendocino Woodlands is 720 acres, nearly all is redwood/fir forest. Thus, only about 2,000 acres of non-pygmy forest occur in the state park lands adjacent to JDSF. It seems unreasonable to claim that an area only 2% the size of JDSF is appropriate mitigation for loss of late seral stage habitat on JDSF.

#### **17. Inadequate Project Description**

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<sup>40</sup> CEQA Guidelines §15126(c).

<sup>41</sup> DMP, p. 31.

<sup>42</sup> DEIR Appendix 8D-1.

<sup>43</sup> Noted on many sensitive species descriptions in DEIR Appendix 8D-1.

<sup>44</sup> DMP, pp. 42-45.

<sup>45</sup> CEQA Guidelines §15126(c).

<sup>46</sup> CEQA Guidelines §15130.

The DEIR states, “The Board ... may select a management strategy that differs from the one presented in the DFMP. The final Management Plan may incorporate elements from several alternatives.”<sup>47</sup> CNPS believes that this statement significantly compromises adequate description of the Project.<sup>48</sup> If the selected management strategy differs from that proposed in the DMP, or if some new alternative is synthesized from other alternatives, then CNPS believes that the DEIR will fail to adequately disclose to the public the potential environmental impacts and corresponding mitigation measures.<sup>49</sup>

Should CDF decide on a management strategy other than that proposed in the DMP, or select an alternative other than one explicitly discussed in the DEIR, CNPS feels that the revised DEIR and DMP must be resubmitted for public review and comment.

### **18. Potential Conflict of Interest**

Since the applicant, CDF, is also the lead agency, it is important that the Plan be as objective as possible<sup>50</sup>, and should avoid even the hint of additional conflict of interest. However, the DEIR was prepared by Natural Resource Management Corporation (NRM), whose president is Gary C. Rynearson, who is also a member of the California Board of Forestry (BOF). Since the BOF will approve the DMP, it appears to CNPS that there is, at least the appearance of, a conflict of interest that may compromise the objectivity of the Plan.

### **19. Excessive DEIR Length**

The CEQA Guidelines state, “The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages.” However, Volume 1 of the DEIR is 430 pages plus 15 pages of maps. Thus, the DEIR is 50% longer than that recommended by the CEQA Guidelines.

Since there are numerous redundancies and repetitive recitation regarding botanical resources throughout the Plan, it appears to CNPS that CDF did not comply with the intent of the CEQA Guidelines to “... reduce unneeded bulk in EIRs and to help the documents disclose the key environmental issues...” Instead, the sheer bulk of the Plan, makes it difficult for the public to identify these issues and evaluate how the Plan deals with them.

CNPS encourages CDF to eliminate redundancies and repetitive recitation regarding botanical resources in the revised DEIR and DMP.

### **20. Inadequate Distribution of the DEIR**

The CEQA Guidelines require that the “... Lead Agencies should furnish copies of draft EIRs to public library systems serving the area involved.”<sup>51</sup>

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<sup>47</sup> DEIR, p. 4.

<sup>48</sup> Contrary to CEQA Guidelines §15124.

<sup>49</sup> Contrary to CEQA Guidelines §15126.

<sup>50</sup> CEQA Guidelines §15084(e).

<sup>51</sup> CEQA Guidelines §15087(e).

However, at a minimum, CDF did not furnish copies to the Coast Community Library in Point Arena, or to the Mendocino Library in Mendocino.

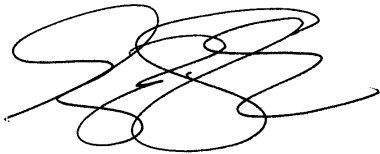
## Summary

CNPS feels that the DEIR and DMP are significantly deficient in the following ways:

- a. **Contradictory NPPA Stance** – The DEIR proposes an interpretation of the NPPA that is at odds with the BOF's and AG's defense of the Weburg litigation. This defense promulgates the well-established notion of harmonizing CEQA with NPPA.
- b. **Insufficient Disclosure of Impacts to Botanical Resources** – The botanical work in the DEIR appears to have been hurriedly compiled, and contains numerous inconsistencies and errors. It lacks site-specific information, and acknowledges the profound lack of baseline data regarding botanical resource population status and distribution.
- c. **Insufficient Information Regarding Management of Sensitive Botanical Taxa** – The botanical work in the DEIR acknowledges that for many such taxa insufficient information exists to propose adequate conservation management.
- d. **Insufficient Discussion of Cumulative Impacts** – No baseline data exists for botanical resources on JDSF. Lacking such baseline data, it is difficult to properly discuss the cumulative impacts on botanical resources. The DEIR also fails to discuss the cumulative impact of herbicide application on JDSF.
- e. **Insufficient Mitigation of Impacts to Botanical Resources** – The mitigation measures proposed in the DEIR for botanical resources depend crucially upon adequate staffing and funding to implement, but such resources are not committed in the DEIR.
- f. **Insufficient Botanical Survey Guidelines** – The DEIR and DMP fail to explicitly require conformance with CDF and DFG botanical survey guidelines.

CNPS recommends that CDF revise the DEIR and DMP to address these concerns, then resubmit the DEIR and DMP for public review and comment.

Sincerely,



Gregory A. Jirak, CNPS Forestry Program Coordinator