



**Humboldt
Redwood™**

October 17, 2019

Amanda Culpepper
Environmental Scientist
Timberland Conservation Program
Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Via Email

RE: Northern Spotted Owl Protection Measures for Currently Unoccupied, Historic Activity Centers

Dear Ms. Culpepper:

Thank you for organizing and facilitating the Northern Spotted Owl (NSO) Stakeholder Forum in Santa Rosa this month. I plan on attending in person, but also wanted to submit written comments for consideration by the regulatory agencies as soon as possible. I will focus these comments on NSO protection measures that are being recommended for currently unoccupied, historic NSO activity centers (AC) that occur in or near Timber Harvesting Plans (THPs).

As background, Mendocino Redwood Company (MRC) manages approximately 230,000 acres of redwood and Douglas-fir timberlands, primarily in Mendocino and Sonoma Counties. MRC has an approximately 30-year history of surveys and management of NSO and their habitat. MRC uses the current U.S. Fish and Wildlife Service NSO Take Avoidance Analysis and Guidance (Attachment A) recommendations for avoiding unauthorized “take” of NSO while conducting timber operations. Humboldt Redwood Company (HRC) operates according to the measures of the Federal and State-approved Habitat Conservation Plan for our lands in Humboldt County.

Included in Attachment A is the definition of AC:

Area of concentrated activity of either a pair of NSO or a single territorial NSO, represented by a mapped location (e.g. usually a nest tree) that occurs within, but not necessarily in the exact center of the “Core Area”, defined below.

Following the Attachment A guidance, and using the AC definition, MRC analyzes our survey and monitoring history for each NSO territory, and uses the California Department of Fish and Wildlife (Department) NSO Database in order to identify the most significant location (e.g. most recent nest site) in order to apply the AC and Core Area protection measures. In addition, known, historic NSO ACs are included in the Core Area to the extent feasible.

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What has recently become problematic for us to implement relative to our landscape management practices has been an interpretation and recommendation from the Department to apply full Core Area (i.e. 100 acres of nesting/roosting habitat) protection measures to *all historic ACs*, regardless of whether the AC is occupied or not. In some cases, this requires protecting a Core Area for a single year observation of NSO that has not been known to be used by NSO for over 20 years. This requirement can result in the protection of multiple Core Areas for single NSO territories, in turn leading to excessive and unnecessary set-aside of forest stands.

We are concerned that this requirement goes beyond the intent of the Attachment A guidelines, is not consistent with the definition of AC, and is not consistent with avoiding unauthorized “take” relative to the definition of “take” under the Federal or State Endangered Species Acts.

We would respectfully request that the Department review this interpretation of Attachment A and recommendation to apply full Core Area protection to all NSO ACs regardless of current status and location relative to the BMSL.

Thank you for your review and consideration of my comments.

Sincerely,



Sal Chinnici
Director, Forest Sciences
Mendocino and Humboldt Redwood Companies