
California Native Plant Society, Forestry Program



Date: September 30, 2002

To: Brad Valentine
California Department of Fish and Game (DFG)
Post Office Box 47
Yountville, CA 94599

Eric Shott
National Marine Fisheries Service (NMFS)
777 Sonoma Avenue
Room 325
Santa Rosa, CA 95404

John Hunter
United States Fish and Wildlife Service (USFWS)
1655 Heindon Road
Arcata, CA 95521

Mike Jani
Mendocino Redwood Company LLC (MRC)
Post Office Box 390
Calpella, CA 95418

From: Greg Jirak
California Native Plant Society (CNPS), Forestry Program Coordinator

Subject: Science panel for MRC HCP/NCCP

A public workshop was held September 25, 2002, public workshop at the Tradewinds Lodge in Fort Bragg to discuss MRC's proposed habitat conservation plan (HCP) and natural community conservation plan (NCCP). During this workshop, formulation and operation of the "science panel" was discussed.

CNPS understood MRC to propose:

1. That the public would be allowed to submit names for the science panel, but would not be allowed to participate in the selection of members. Someone present claimed that "this was the way the law was written."
2. That a "firewall" would be erected between the science panel and MRC, the agencies, and the public. The intent of such firewall is to preserve the independence of the science panel.

The Natural Community Conservation Planning Act (NCCPA) specifies that independent scientific input be included as part of the planning process. NCCPA §2810 describes the planning agreement (PA) in general, and §2810(b)(5) the process for inclusion of independent scientific input.

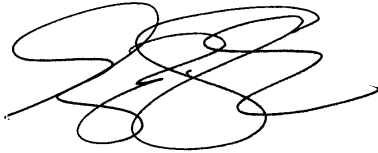
Nothing in NCCPA §2810 in general, nor §2810(b)(5) supports the claim that the public is limited to suggesting names for the science panel or is prohibited by law from actively participating in the selection of its members. Indeed, §2815 can be interpreted to require such participation, when it states, “The department shall establish, in cooperation with the parties to the planning agreement, a process for public participation *throughout* plan development... [emphasis added.]”

CNPS is also concerned about the firewall concept. Independent, properly professional individuals should be chosen to serve on the science panel. However, some of the best qualified specialists may not be residents of the local area. It is unclear to CNPS how local site-specific information is to be adequately conveyed to the science panel if it is hermetically sealed off from MRC, the agencies, and the public.

Accordingly:

1. Pursuant to NCCPA §2815 and §2810, CNPS requests that MRC, the Agencies, and the public each be represented equally in the science panel selection process. CNPS does not find exclusion of the public, or less than equivalent representation, acceptable.
2. CNPS would appreciate further clarification of the science panel firewall concept. A properly functional science panel will be critical to the success of the planning process, and local, site-specific information from MRC, the agencies, and the public must be conveyed to t

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Jirak', with a stylized, cursive script.

Gregory A. Jirak, CNPS, State Forestry Issues Coordinator

Cc: Austin McInerny, Project Manager, Jones and Stokes
A.J. Keith, Stillwater Sciences
Sue Britting, President, California Native Plant Society
David Chipping, Conservation Director, California Native Plant Society