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California Department of Forestry and Fire Protection  
North Coast Regional Headquarters  
Attn: Forest Practice  
135 Ridgway Avenue  
Santa Rosa, CA 95401  
05/07/09

Re: Responses to Second Review Team Recommendations, Bohemian Grove NTMP, 1-06NTMP-011-SON

Dear Director:

These are Redwood Chapter comments on the revised Bohemian Grove NTMP. We had previously commented on the first NTMP submission. The Bohemian Grove represents one of the most remarkable remnant stands of old-growth and late successional redwood and fir forest within Sonoma County – the Redwoods on the Bohemian Grove property “...comprise one of the two finest stands of virgin timber in the lower Russian River area.” (from “Walking Bohemia’s Home: Introduction to the Redwoods”). As a result of its relatively pristine character, the Grove has significant wildlife habitat for threatened and sensitive species, including Northern Spotted Owl.

The most contentious issue concerning the Bohemian Grove’s Non-Industrial Timber Management Plan (NTMP) is whether the club adequately protects the old growth resources (both redwood and its large old Douglas fir) on its property. Failure to deal transparently with this issue discredited the Bohemian Club’s original NTMP filing in 2006 because the first NTMP did not disclose the existence of any old growth on the property. Therefore, one would expect the treatment of this important matter to be carefully addressed in the revised document. Unfortunately, this is not the case. The treatment of old growth protection in the revised NTMP remains a) incomplete, b) inadequately clear, and c) insufficiently protective where clear. Below we will pose six questions which demonstrate these deficiencies.

In a February 25, 2009 cover letter accompanying submission of the Bohemian Grove’s revised NTMP, Bohemian Club President Jay Mancini asserted: “*Consistent with our standard practice over the years, no large old growth trees have been or will be proposed for removal, except in rare individual cases where a tree could fall and injure people.*” Considerations flowing from this remark will be the starting place for our comments.

**1. Is Mr. Mancini’s statement accurate, considering the record of timber harvesting at the Grove?**

Unfortunately, it is not, as several past Bohemian Club Timber Harvesting Plans (THP’s) document the Club’s past harvesting of old growth stands. Consider the following quotes from previously filed THPs:

“The stand to be logged is an old growth stand of redwood and Douglas-fir. The stand itself has never been logged.” (1988)

“The stand to be logged is basically an old growth stand of Douglas-fir and redwood.” (1989)

"The stand itself varies from old growth, residual Douglas-fir and redwood ..."  
(this THP allowed the construction of a new logging road to cut the Bull Barn old growth stand in half, 1989)

It is also documented that the Bohemian Club planned to cut old growth redwoods and old Douglas-fir in the heart of the Bull Barn in August 2001. This harvest was prevented by the objections of a Club member. See the August 19, 2001 letter from John Hooper to the Grove Committee.

Despite this, the Club later resumed marking old growth redwoods for harvest in connection with the 2005 Kitchen Creek THP. See photos of marked trees at: <http://www.bohemiangrovelogging.org/photo.htm>

## **2. Does the revised NTMP adequately protect the old growth Redwood on the property?**

While the revised NTMP does now acknowledge the existence of a 54 acre Bull Barn old growth redwood stand, the plan's assurances about other old growth stands are vague and confusing. Examples follow: :

The revised plan states that there is nothing "special or unique" about the property *except* for the Main Grove and the Upper Bull Barn area. This statement implies that other old growth stands and trees on the property are not special or unique. Accordingly (see below) these other old growth areas are not protected in a meaningful way. Also, note that an entire strata of old growth stands (RD5D) has been omitted from the revised plan (page 105) although old growth stands of up to an acre in size outside the conservation easement areas are referenced in the new plan. (Page 200, revised NTMP).

See pages 99 and 116 (revised NTMP): reference is made to "a few scattered old growth trees" without identifying their locations; permanently marking them; or requiring any buffer area around them.

See page 172 (revised NTMP): reference is made to "50 old redwoods" outside the Main Grove and Bull Barn stands. The public and responsible agencies have no way of knowing where they are or how logging crews will recognize and avoid them.

See page 99 (revised NTMP): "Approximately 150,000 board feet (MBF) of the redwood inventory are old growth trees that are individual relics or in small patches less than 1 acre scattered across the TMP area. Approximately 200,000 board feet (MBF) of Douglas-fir inventory are old growth Douglas-fir, which are described as green culls and have no merchantable value due to advanced stem and bole decay and oversized limbs."

See page 126 (revised NTMP): "Large limbed trees and decadent trees that have high wildlife and aesthetic value will be retained in clumps or as scattered individuals throughout the forest to become legacy trees". A new concept of "legacy trees" is now introduced which are not mapped or otherwise identified. The public cannot tell if these are the same trees described earlier or an entirely different category of trees.

The above vague references do not constitute adequate protection, just as Mr. Mancini's cover letter only vaguely states that only *large* old growth trees will be spared from harvesting. But no standard is set for the public to know which of these trees is large enough to be worthy of protection and Mr. Mancini's assertion is not enforceable. In fact, a provision in an earlier version of the NTMP (page 151; 2007 version), which specified that no old growth trees *over 40" diameter* will be cut, has been dropped in the revised plan, adding to its ambiguity. In short, the descriptions regarding harvesting of redwood old-growth in the revised NTMP serve more to obfuscate than to clarify and so it can not be determined from the revised plan that it provides adequate protection for many stands of, patches of, or individual old growth trees providing habitat values.

## **3. Do the Maps in the revised NTMP accurately reflect the locations of old growth Redwood on the property?**

The maps provided in the revised NTMP are incomplete and inconsistent with previous submissions. See page 90: (revised NTMP) A "large old tree Map" identifies 10 stands of "large old trees" across the property (including the Main Grove and Bull barn stands). However, plans provided in earlier versions of the NTMP, plus agency correspondence in the public record, identified as many as 20 stands. (DFG letter, Armor, Oct. 4, 2007. - see Table 1 and Figure 1) There is no explanation as to why 10 previously identified stands are omitted in the

revised version, nor is the mapping detailed enough to discern the boundaries of the stands that are identified. Are the identified stands to be protected completely? Are there going to be buffer zones around them or are logging related activities permitted to occur in them as long as certain **large** old growth trees are not cut?

#### **4. Does the revised NTMP adequately reflect habitat conditions?**

Even if selected large old growth trees are spared, significant environmental consequences for indigenous wildlife are possible due to the operations of the NTMP.

During the second review hearing at CDF on March 30, 2009, California Department of Fish and Game (CDFG) biologist Stacy Martinelli expressed concerns that old growth trees were not adequately protected in stands which have been identified as potential Marbled Murrelet Habitat (MAMU). Ms. Martinelli proposed to impose as a condition of NTMP approval, a permanent marking of habitat trees within those stands. However, the language accepted by the Bohemian Club's forester remains too narrow to provide genuine habitat protection for this endangered species. All that the RPF agreed to (CDF letter to RPF, March 30, 2009) was to mark and not to cut **specific** "large trees containing potential murrelet habitat " (i.e., having large flat limbs, etc.), Recommendation #1. There is no language requiring permanent marking of entire stands of these MAMU habitats, even though the text of the revised plan calls for a permanent 300 foot buffer around MAMU habitat areas ( see revised NTMP, pages 36, 164 and 284). Additionally, 10 other previously identified old tree stands are no longer acknowledged or mapped. This means that, as long as certain trees are avoided, active timber harvesting and road building can occur in these fragile habitats. Should not these old tree stands be especially identified by GIS and mapped, and marked on the ground? (viz, Shintaku memo)..

#### **5. Does the revised NTMP adequately protect old growth Douglas-fir?**

Douglas-fir is a species which is as integral a part of the central coast redwood ecosystem as the redwoods themselves. Many of these Douglas fir are targeted for intensive removal under the Club's plan. As justification for this, the RPF refers to the CDF memo (3/2/05) from Duane Shintaku regarding the disclosure, evaluation, and protection of large, old trees. Regarding this, the RPF asserts "The only large old trees that are covered in the memo and also present on the property are redwoods". (RPF letter to CDF, March 21, 2007). But the property contains also large old Douglas fir. Note that the Shintaku memo says, **re "Disclosure, evaluation, and protection of large old trees"**. *"During plan preparation, the RPF should identify large old trees and stands [emph. added] of trees having significant or unique characteristics and those activities or operations having the potential to affect such trees, resulting in significant adverse impacts on the environment.... the plan should include the location and description of the trees and the nature of the impacts..."*

Moreover, in response to DFG recommendation #6 (made in MacLean, December 1, 2006) that enforceable conditions to ensure the adequate retention and recruitment of functional terrestrial wildlife habitat structures be incorporated into the NTMP, the RPF responded vaguely: (Kent to CDF, March 21, 2007) "The habitat elements listed in this recommendation are currently protected within the 221 acres of WLPZ on the NTMP, and within the Main Grove and Upper Bull Barn Forest Management Area, as well as with the NTMP provisions stated above [which see]. *However, because these elements will receive protection as a result of implementation of the plan generally, it is not necessary or reasonable to impose these requirements as enforceable conditions of the NTMP* [emph. added]."

First, where, beyond mere assertion, is there any demonstration by the RPF that the FPRs will, in the implementation of the NTMP, provide protections equivalent to the conditions of Recommendation #6.? Where is a recital of specific FPRs which validate that claim, or a demonstration that the WLPZ and the two management areas mentioned include all of the area which would be encompassed by Recommendation #6? Secondly, as the RPF claims that the protections afforded by the FPRs are in some sense equivalent to the protections of #6, why then does the RPF assert that it would be unreasonable to require the protections recommended in #6 to be enforceable in the NTMP? Why does not the RPF simply assent? There is a paradox here which indicates an unclarity in the RPFs position. We do not find that this dispute has been clearly resolved in the revised NTMP.

See also pages 137-138 of the revised NTMP. The plan allows almost 40% of the largest Douglas-fir to be harvested within the first 20 year period. But old growth Douglas-fir was already aggressively logged during the

harvest regime from 1984 to 2005, when an estimated 7.7 million board feet of Douglas-fir was removed from the property. This proposed harvest must have significant cumulative impacts on forest wildlife values. There is no meaningful analysis in the NTMP of what the environmental impacts of removing 11 million board feet of redwood and Douglas-fir have been during that period, in spite of documentation that entire stands of both species have previously been harvested. (See previously operated THPs during 1084-2005).

**6. Does the Bohemian Club/Rocky Mountain Elk Foundation conservation easement adequately protect old growth values within the boundaries of the easement?**

The easement covers three areas on the property. The easement permits such a wide range of active management that it is doubtful that the old growth values it purports to protect would actually be protected. For example:

Note that the Main Grove Forest Reserve Area (MGFRA) and the Upper Bull Barn Forest Reserve Area (UBBFRA) permit the production of a broad range of timber products. Permitted uses in the UBBFRA, include: *construction of gazebos; hunting and trapping; construction of new roads and fences; development of water sources; use of herbicides and pesticides; cutting and removal of trees for posts, poles, firewood and other products to be used primarily on the Grove property; cutting and removal of live, dead, dying and down trees; and thinning stands.* (pages 13-14).

We do not believe that the permitting of this array of uses is consistent with protection of old-growth habitat values in this area.

In sum, our conclusion from the above considerations is that both the identification and the protection of the old growth resources and habitat on this property - the largest remaining along the lower Russian River - remains inadequate and constitutes grounds for denial of this NTMP. To reinforce this point, note that the Alternatives Analysis of the revised NTMP nowhere directly discusses as an alternative what is surely the most pertinent and realistic alternative: a significant reduction in the proposed harvest rate. Although the NTMP studiously avoids direct mention of reduced logging as an alternative, we know that in fact a reduced rate was in force during the previous harvesting regime of the Grove. It is the present NTMP which proposes to greatly accelerate the rate of harvesting, for either unclear or disputed reasons (which disputes are documented elsewhere in the record), such as a reduction in fire danger. In the present days of human-induced global warming, the environmentally superior alternative must become the preferred alternative.

Finally, the method with which CDF dealt with the revision process of this massive NTMP deserves comment. This regards the manner in which the PDFs of the NTMP were dealt with on CDF's publicly accessible FTP server. In CDF's office, revision pages are dealt with clearly; that is, it is relatively easy in the office for the public to track modifications to a plan, including page renumberings. But the way in which CDF delayed (for about a month, until just before Second Review) in assembling a final version of the revised plan on the website greatly mitigated against the utility of the public's remote access, which is the whole point of CDF's making available the FTP server. For any timber plan under review, CDF should keep on its FTP server an updated and complete copy of the plan which accurately reflects any changes being made to the plan in its office, including reflecting updated page numbering.

Thank you for consideration of these issues.

Sincerely



Jay R. Halcomb, Chair  
Forest Protection Committee  
Redwood Chapter, Sierra Club