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Sent via e-mail to: mark.mckenzie@sen.ca.gov on date shown below

June 30, 2014

Senator Kevin de Leon, Chair
California Senate Appropriations Committee
State Capitol, Room 2206

Re Assembly Bill 2082 (Chesbro, Dahle, Gordon)—Forest Practice: Resource Conservation Standards

Dear Senator de Leon and Appropriations Committee Members:

The Environmental Protection Information Center (EPIC) presents the following comments regarding AB 2082 related to minimum resource conservation standards or “minimum stocking standards” pertaining to forest practices on private forestlands in California. EPIC appreciates the opportunity to engage with the legislature on this important manner and hope that the Committee will take our comments into consideration during its deliberations.

Summary

While we appreciate the changes which have resulted in June 16 amended bill language, we are concerned that this legislation is being proposed based not on scientific study, but on anecdote, in the absence of documented review by CalFire or the Board of Forestry of what regeneration is occurring in the various districts under the existing resource conservation standards. We believe such a study is imperative to inform the Board of Forestry as to the need for any “alternative standards.” Accordingly, we request that the bill language include a provision that the Board may adopt such alternative standards only once it has been provided documentation from CalFire which summarizes records of stocking and landscape conditions upon completion of stocking and demonstrates the need for alternative standards.

Who We Are

EPIC is a regional community-based membership-based non-profit with over 2,000 members and online supporters. EPIC’s mission is to work to protect and restore ancient forests, watersheds, coastal estuaries, and native species in Northern California. EPIC uses an integrated, science-based approach, combining public education, citizen advocacy, and strategic litigation.

Environmental Protection Information Center

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Why This Matters To Us

For the last three decades, EPIC has been at the fore-front of environmental advocacy surrounding private forestlands in California. Our history and unique perspective on these issues is particularly germane, and the issue of adequate resource conservation standards is of great concern to EPIC and its membership. EPIC and its membership have a vested public trust interest in assuring that forestlands are adequately “stocked” post-harvest of forest products.

Specific Comments Regarding AB 2082

For decades, the Forest Practice Act has utilized and required resource conservation standards that define two alternative “minimum stocking standards” for all forest districts: average residual basal area or average point count as determined within five years after completion of logging (unless stocking is to met upon completion of timber operations). *See* Public Resources Code § 4561:14 CCR §1071. Point count is based on “countable trees” which is defined in Public Resources Code section 4528(b) as “a tree that can be used in calculating the degree of stocking,” under certain criteria. “Point count” values of various size trees are set forth in the Forest Practice Rules for the three different districts. *See* 14 CCR §§ 912.7, 932.7, 952.7. These minimum stocking standards are integral to the ability of private forest lands to ensure continuous timberland productivity and achieve maximum sustained production of high quality timber products.

AB 2082 would authorize the Board to adopt regulations which supplant these standards - average basal area or point count - in favor of undefined alternative standards “to reasonably address the variables in forest characteristics and achieve suitable resource conservation. to address the variables in forest characteristics.”

It appears that AB 2082 is intended to address the use of the point count stocking standard under a theory that in the Sierra Nevada there is a higher average point count of 266 trees per acre, from the historic average of 20 -50 trees per acre, and seedling survival is now above 90%, from the 55% historic survival rate. The concern is that this poses greater fire risk, and less space and nutrients per tree.

It is unclear why different stocking standards are needed if trees are growing back at a greater rate. Importantly, the standard for average residual basal area provides an alternative to the point count standard.

While we would agree that increased stand density has the potential to increase the potential for fire, and result in less space and nutrients per tree, we believe the existing Forest Practice Rules provide means to address these concerns, for example through the use of commercial thinning and fire prevention exemption. *See*, 14 CCR § §913.3(a), 933.3(a), 953.3(a),1038(i).

Conclusion

California has a commitment to restore, enhance and maintain the productivity of timberlands, and undermines our goal to achieve “maximum sustained production of high quality wood products.” *See* Pub. Res. Code § 4513. California needs to ensure, through the regulation of timber operations on private lands that we maintain growing forests, which depend on rigorous stocking standards. As we encounter the effects of climate change, with increased temperatures and fire regimes, we can anticipate that trees may or may not return as quickly or at the same level as in the past. With changing conditions, we need to use every viable tool to ensure that our forests return after logging, to protect not only the forests themselves, but also the important resources like water which they provide. To do this, we need to ensure that we have credible standards which do restore and renew private timberlands.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob DiPerna", with a long horizontal flourish extending to the right.

Rob DiPerna
California Forest and Wildlife Advocate

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