

Letter 83

California Oak Foundation
Addendum Letter

September 14, 2009

Comment 83-1

Commenter requests a clarification of a statement in the Initial Statement of Reasons regarding the use of forest protocols. Commenter asks if the Department of Forestry and Fire Protection will be the agency to determine if alternatives to the California Air Resources Board forest protocols may be appropriate.

Response 83-1

The portion of Initial Statement of Reasons quoted in the comment addresses the use of forest protocols in substantiating the use of sequestration as a mitigation measure for greenhouse gas emissions. (Initial Statement of Reasons, at p. 39.) That discussion does not relate to the discussion of the inclusion of forestry resources in Appendix G, as indicated in the comment. The purpose of the quoted passage is to explain that tools currently exist to assist lead agencies in quantifying the effectiveness of forestry projects for sequestration purposes. Specifically, the protocols provide substantial evidence to support a lead agency's determination that a particular type of forestry project may mitigate a certain amount of a project's greenhouse gas emissions. If a mitigation proposal did not rely on the protocol, however, the lead agency would have to identify other substantial evidence to support use of that mitigation measure. In that sense, "a greater evidentiary showing" would be required because the lead agency would not be able to simply rely on the protocol to provide the substantial evidence necessary.

As to the specific question in the comment, the Department of Forestry and Fire Protection has not been authorized to judge the adequacy of any other agency's substantial evidence. Each lead agency is responsible for determining whether substantial evidence supports its own findings and conclusions.