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**RE: EPIC Comments Regarding Draft Working Group Charters for the Timber Regulation and Forest Restoration Program**

The Environmental Protection Information Center (EPIC) presents the following comments regarding the “Timber Regulation and Forest Restoration Program.” EPIC has reviewed the draft working group charters for Ecological Performance, Data and Monitoring and Administrative Performance Measures. EPIC appreciates the opportunity to provide feedback on these draft documents, the progress and forthcoming plans for this program.

EPIC is a community-based, membership-driven organization that advocates for science-based protection and restoration of northwest California's forests. With over 37 years of experience engaging on private forestlands management and policy, EPIC has taken an active role in following the implementation of AB 1492 and the Timber Regulation and Forest Restoration Program from adoption. EPIC and its membership have a vested interest in ensuring that implementation of AB 1492 is not only consistent with the intent of the legislation itself, but that is also congruent with basic and urgent need to reform private forestlands regulation and practice.

**Summary**

The approach of the California Natural Resources Agency (CRNA) and the California Environmental Protection Agency (CAL EPA) to implementation of the provisions and intent of AB 1492 through the draft charters seems, on its face, complicated and convoluted. The charters do not provide vision or enlightenment that can provide the sustainable forest practices we need in the 21<sup>st</sup> century. The processes thus far developed appear to be very top-heavy and process-heavy, with no meaningful attempt to articulate the ultimate goal of the program. The charters are lacking any real attempt to articulate what is meant by, and what the implications might be, of promulgating so-called “ecological standards and performance measures.” From our perspective the implementation process is largely a ‘black-box’ approach that is virtually inaccessible to necessary stakeholders or the general public. The agency-centric approach that has thus far been developed will only serve to have the same old people, in the same old places,

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doing the same old things; this is not a true public process designed to deliver necessary change. The draft charters for the Timber Regulation and Forest Restoration Program are lacking fundamental foundational definitions, goals, and objectives, and is too heavily predicated upon agency-driven process.

### **Basis and Foundation for Timber Regulation and Forest Restoration Program**

The draft charters for the Timber Regulation and Forest Restoration Program fail to acknowledge the existing problems and do not articulate the definition, purpose, and function of so-called “ecological standards and performance measures” – an oversight which implicates all three draft charters. There have been numerous studies conducted in the past that have detailed the failings of the existing forest practice regulatory system. A review of these studies is necessary in order to embrace the problems that currently exist. Lacking a foundational analysis of the existing forest practice regulatory system, it is difficult to see how the Timber Regulation and Forest Restoration Program can achieve the intent of the Legislature, or the goals of the program itself.

EPIC supports the concept of a comprehensive review and analysis of the existing forest practice regulatory system, including the creation of pilot projects designed to study existing available information, its organization and utility. These pilot projects should also be established to build upon the Redding Pilot project, which looked at transparency, efficiency, and relations between review team agencies. To say it simply, we cannot know what ecological standards and performance measures will be necessary without first establishing a foundational understanding of the efficacy and weaknesses of the existing regulations and review team processes.

### **Ecological Standards and Performance Measures**

The draft charters Timber Regulation and Forest Restoration Program do not articulate what is meant by so-called “ecological standards and performance measures,” or why such standards are necessary. Looking back at the available critiques of the existing forest practice regulatory and review system, it is fairly clear that a lack of thresholds of significance to ensure best management and the achievement of properly functioning ecological systems has plagued the process for some time. Clear ecological standards for the attainment of water quality objectives, forest resource conservation, and wildlife management on a comprehensive landscape scale are sorely lacking, and must be defined. The charter misses this key point and instead gets caught up in all the so-called “challenges” and meetings, draft papers, and yes, ultimately “standards” - but again without a basic fundamental starting place that says “this is what we want to achieve - a balanced thriving ecology that is able to sustain itself and support natural life - at a time when that may not be so easy.” Ecological performance needs definition and requires identification and development of measures or standards as tools to enable that performance. This charter misses the fundamental foundation, and without that, the draft charter lacks real meaning.

If ecological standards and performance measures are intended to secure clean water, vibrant forests, healthy rivers, and abundant, self-sustaining wildlife populations, then some measureable objectives must be defined and monitored for achievement. Such measures must be science-based, and the development of such measures must be done out-in-the-open, in a transparent and collaborative process. As the program is currently structured, the composition of the various working groups, including the Effectiveness Monitoring Committee, exclude critical

stakeholders; instead, the program proposes to maintain the existing agency dynamics and roles, without meaningful public participation and independent scientific expertise. This is a 'black-box' approach to the definition and development of ecological standards and performance measures that provides no direction for development of the process.

While the Timber Regulation and Forest Restoration Program has created working groups to implement the various aspects of AB 1492, to date there has been no information provided as to how ecological standards and performance measures will be developed, and how the effectiveness of such standards will be implemented and measures for compliance and effectiveness. The nitty-gritty details of how these standards will be developed must be transparent and defined. Here again, the input of stakeholders from outside of the usual agency and industry suspects is critical. Scientific expertise must be built into the development of any ecological standards and performance. EPIC encourages the CNRA and CAL EPA to seek out independent experts from an array of fields to help with the development of models for investigating necessary and appropriate measures. It is critically important for the agencies to articulate by what means the development of ecological standards and performance measures will be achieved in order for the program to withstand scientific and political scrutiny.

### **Administrative Performance**

As with the other draft charters, the program to evaluate and improve Administrative Performance is lacking in that it fails to include key stakeholders. Here again, the Administrative Performance evaluation and improvement program is extremely top-heavy and agency-centric. This approach will fail to capture or benefit from the many years of cumulative experience that many stakeholders, both environmental and industry, have with the existing administrative process. For example, EPIC staff and contractors have engaged with the private lands timber harvest review and approval process for over 37 years. There are similarly others throughout the state with decades of experience working within the existing administrative system. The agency-centric focus of the Administrative Performance working group essentially leaves the evaluation of the efficacy of the existing program to the individuals who are administering the current program; this is akin to the fox guarding the hen-house. Here again, we see the same old people in the same old places doing the same old things; this can only lead to the same old results. It appears to be about function and efficiency, without understanding how to inform function to achieve ecological performance

### **Data and Monitoring**

The evaluation of existing data, its organization, accessibility and utility in the timber harvest review and approval process is an essential step towards the achievement of efficiency and transparency. Like the others, this draft charter lacks a focus and relationship to clearly define ecological performance standards. For the Data and Monitoring working group there is a fundamental failure in the selection of only one planning watershed for the evaluation of data and cumulative effects. There is a critical need for the so-called foundational pilot project to include more than one planning watershed in order to evaluate the influences of site-specific circumstances. It is essential for the data and monitoring group to critically evaluate information currently provided in THPs and other plans and to ascertain its organization, accessibility, utility, and management implications. This is an essential piece to defining both the state of administrative performance, and also is essential to the development of any ecological standards or performance measures.

## **What Is Currently Missing?**

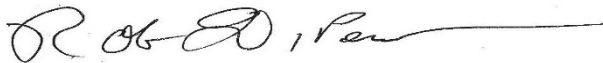
EPIC believes that the CNRA and CAL EPA are working to implement the provisions of AB 1492 in a selective manner. Mandates in the legislation to develop road management and riparian management plans appear to have been left off-to-the-side. Additionally, the current proposal to only conduct one “foundational pilot project” is a clear oversight. Basic science tells us that in order to achieve valid scientific evaluation of any hypothesis, the program must include not only a pilot study area, but also a paired control. It is essential from a scientific validation perspective that more than one pilot project watershed area be established for evaluation. The charters need to provide for the *capacity* to facilitate environmental protection – the ecological performance required by AB 1492 and that we need to restore and maintain our forested watersheds and all of their resources – and achieve compliance to ensure the future for clean water, strong healthy forest and thriving fish and wildlife populations. It is not enough to merely gather data, talk to the same players, try to be efficient, and then develop plans which document these efforts.

## **Conclusion**

The draft charters for the Timber Regulation and Forest Restoration Program have a long way to go before fully ready for prime-time. They should not be adopted or approved without further work and revisions. There is an urgent need to acknowledge and document the problems which ecological standards and performance measures are intended to address, how such measures will be defined, implemented and monitored, and a need to establish a basic foundation for the development of the program as a whole.

EPIC appreciates the opportunity to provide feedback on draft charters for the program. We ask for written responses to these and other comments. Please do not hesitate to contact me as necessary if there are questions or if there is a desire to discuss.

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