

2016

AB 1492 Timber Regulation and Forest Restoration Stakeholder Assessment

Prepared for California Natural Resources Agency
February 10, 2016



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Disclaimer: This is a summary of key themes heard during phone interviews with stakeholders regarding AB1492. There are no quotations or verbatim excerpts from interviews included. Instead, the characterizations of key themes belong to the authors from the Center for Collaborative Policy.

Overview: Approach and Findings

This assessment is based on interviews conducted by CCP with a wide range of forestry stakeholders in August and September of 2015. These stakeholders included:

- Local, state, and national environmental organizations
- Timber companies that operate in California
- Nonindustrial family forest owners and organizations representing them
- Trade associations of foresters and contractors in the timber industry
- Forest product harvesters
- Engaged citizens and members of the public
- State agencies that regulate timber harvests on private lands

Brief Summary of Findings

- There is widespread desire for the implementation of AB 1492 to result in improvement to the efficiency and the effectiveness of forestry management and regulation.
- There is considerable concern among all interviewed about the ability of regulatory agencies to coordinate effectively, and to engage a broad range of stakeholder interests.
- It is worthwhile to convene a stakeholder advisory committee only if the committee will have broad representation of interests and if the questions, concerns, ideas and any agreements of the committee will be integrated into Working Group and agency decision making.

Central Issues in Regulation and Management of Nonfederal Forests

Landowners, including the timber industry and nonindustrial owners, are frustrated by a **lengthy and costly regulatory process** for timber harvest plan (THP) reviews.

- Lengthy and costly THP review and approval processes are the primary challenges identified by most timber-industry stakeholders and many private landowners, for whom costs can be a significant barrier to land management.
- Reasons cited for lengthy and costly review include poor interagency coordination, increasing demands for environmental and natural resource review, and multiple and simultaneous permitting process for different agencies. Also, some describe that new staffing at regulatory agencies are not familiar with on-the-ground practices and/or are too narrowly focused on areas of specialization.
- Some interviewed suggest shifting the priority from resources spent on upfront permitting to on-the-ground monitoring and enforcement.
- Representatives of nonindustrial landowners cite the high costs of forest management as forcing landowners to sell their lands, potentially for development.
- Some are concerned that high regulatory demands and costs will result in prices for California timber which cannot compete with timber and forest products from other states and countries.

Many, including conservation organizations, restoration professionals, members of the public, and forest product industries, are concerned about **poor ecological conditions of California forests**.

- Many of the stakeholders interviewed describe much of the nonfederal forest lands of California as having poor conditions of ecological services, erratic and catastrophic disturbance regimes such as fire and pestilence, lack of critical habitat for certain species, threats to water quality and riparian habitat, and lack of diversity in forest structure and composition.
- Many expressed concern that the baseline targets for forest health and ecosystem services were established after decades of damaging forest harvesting and management practices. In this way, it is argued that compliance with regulation and forestry practices does not result in the conservation or improvement of state and private forests, but instead, perpetuates substandard and eroded conditions.
- The forest management practices that some perceive as preventing restoration or resulting in further degradation include clear cutting, group selection (which was described by some as another form of clear cutting), fire suppression, and the use of pesticides and herbicides.
- A common theme in interviews was that there has yet to be developed a means for monitoring and regulating for the cumulative effects of forestry. While management goals and regulatory compliance may be achieved at the site or watershed scale, the regional and large landscape effects are not well understood or managed for.

The **need for restoration** is a key area of agreement.

- Many stakeholders are in agreement that there is a large need for restoration funding targeted to improve ecological conditions and address forest conditions including the reduction of fire hazards, insect outbreaks, and water yield and quality. Environmental stakeholders further stress that restoration is necessary to increase forest resilience to drought and climate change impacts.

There is **widespread dissatisfaction with current practices in state agencies** responsible for regulating timber harvests.

- Most stakeholders expressed a high degree of frustration with one or more regulatory agencies. There were expressions of dissatisfaction in terms of the **efficiency** of regulatory processes, as well as **effectiveness**.
- CAL FIRE was seen by some as dominating the forest regulation and management process, particularly the review and approval of THPs. Some were concerned that partner agencies such as Department of Fish and Wildlife and State Water Resources Control Board did not have sufficient influence over the THP review process. This view was not universal; others felt that CAL FIRE (formally, "California Department of Forestry and Fire Protection") is the appropriate lead agency for THP review and that other agencies hold undue influence over these processes.

- Many within the forest products industry requested greater transparency around the amount of resources spent on THP review in order to assess whether efficiency is increasing or decreasing with increased levels of staffing of agencies.
- A common theme in interviews was a high level of skepticism regarding the composition of the Board of Forestry. While the structure of the Board includes seats for members of “the public”, many view those seats to be occupied by persons who have previously worked in timber and forest products industry, or in state agencies. Some voiced concerns that conservation and environmental interests are not able to influence board proceedings.
- Many described the Board of Forestry as being inefficient, taking months and years to advance key initiatives. Some expressed concern that Board staff have undue influence over the issues which are considered by the Board.

There is **widespread concern about fire.**

- Many also noted the checkerboard nature of forest land ownership and deep concerns about lack of management, particularly for reducing fire hazards, on adjacent federal lands.

Many stakeholders share concerns about **future threats to healthy forests, communities, and livelihoods.**

- Many stakeholders noted pressures on forest communities and ecosystems from social and environmental factors. These include climate change, drought, the rise of illegal marijuana cultivation, and shifting rural economies and communities.
- The diminishing harvests and lack of infrastructure to process forest products means fewer jobs to support rural communities.

What Would Make AB 1492 Implementation Successful?

Most stakeholders want a **transparent, inclusive process for AB 1492** implementation.

- There is widespread desire for greater transparency and inclusiveness of the working groups responsible for implementing key components of the law (Data & Monitoring, Ecological Performance Measures, Administrative Performance Measures, and Interagency Information Systems).
- Many expressed concern for the all-agency membership of these groups, desiring access of a broad range of interests and expertise to inform the work of the Working Groups.
- Many expressed confusion about the status and progress of these Working Groups, unsure of what has been accomplished, and when work products will be available for review and input.
- Several expressed the desire for more access to the information and rationale used in agency analysis and decision making related to Timber Harvest Plans.
- Many want more information about how agencies are using funds, particularly new revenues through AB 1492.

Timber industry and nonindustrial stakeholders seek **improved efficiency of the THP process**.

- As their primary concern is with the current regulatory environment and costs, timber industry stakeholders and nonindustrial private landowners seek improved interagency coordination, including less duplication on permit applications and fewer conflicting reviews from agencies. However, virtually all interviewed stakeholders expressed some concern and dissatisfaction with the lack of efficiency and effectiveness of interagency coordination for the management and regulation of state and private forest lands.

Those interviewed held **disparate views** of the importance of, and possibilities for, the development of **Ecological Performance Measures**.

- Some feel that the development Ecological Performance Measures (EPMs) are critical for finally gaining some insight into, and influence over, the cumulative effects of forestry and forest management.
- Others feel that EPMs are only mentioned briefly in AB1492 language, and that this reflects the relative importance.
- Virtually all see the development of meaningful and practical EPMs as a major challenge. All emphasized the importance of science-based metrics. Many stressed the importance of metrics which are replicable, do not require excessive costs to collect and monitor, and which are understandable to audiences of different expertise. Many hoped that existing data and metrics can be used to inform EPMs.
- Many speculated that it may be unrealistic to agree on thresholds for ecological systems for use in forestry regulation. Instead, it was suggested that agreement on desired conditions be the first step, followed by building agreement on ranges of tolerable conditions to guide management and regulation.
- Even those skeptical of Ecological Performance Measures suggested that if practical metrics can be developed, this may add accountability for regulatory agencies and forest managers, and in this way build public trust.
- The ideal metrics for ecological performance will be scalable such that the same or similar metrics and data can be used to assess plot, landscape, regional and bioregional scales.

What Do You Want to Avoid With AB 1492 Implementation?

Avoid a more expensive and lengthy regulatory process.

- Industry stakeholders are concerned about AB 1492 funds going primarily to increasing staff, agency over-reach, and elaborate EPM systems while failing to reduce costs, length, and efficiency of THP reviews. Many are concerned that the EPM working group is reinventing the wheel, i.e., throwing out existing science and monitoring efforts, in a way that will prove expensive and burdensome.
- Nonindustrial private landowners tend to share many of the concerns as industry, including the desire to avoid greater complexity and costs, but are also concerned about

regulations that are oriented toward industrial operators and don't take into account the different needs and capacities of nonindustrial owners.

Avoid regulation that focuses narrowly on assessing impacts and avoiding further harm.

- Many expressed concern that current conditions are not a desirable baseline for management and monitoring. Instead, some seek more than simply avoiding further ecological degradation of California's forested landscapes and watersheds and instead to improve the landscapes' capacity to provide ecosystem services.

Comments on Public Process of AB 1492

Virtually all interviewed expressed substantial **concerns about insufficient public participation and transparency in the working groups so far**. There has been little information shared about who is on these groups and what they are doing.

There is **skepticism about the Stakeholder Advisory Committee role**.

- While some expressed optimism about this process, many expressed skepticism that the Stakeholder Advisory Committee will have an effective voice, and that any findings of the committee will be incorporated into Working Groups and agency decision making. A broad range of interests expressed the concern that the findings of an Advisory Committee will "sit on the shelf," as they feel has been the case in previous processes.
- In the environmental community in particular, this skepticism arises from a long history of conflict with CAL FIRE and perception of this agency's close association with the timber industry and lack of interest in public engagement.
- There were many questions about the Committee's roles and responsibilities and its interface with the four working groups.

Additional concerns noted by stakeholders included the **need for tribal involvement and accessibility to the public**, for example by holding meetings in different locations. Web based meeting technology could be useful but it needs to be easy and available to the public.

Disparate views on relevant expertise.

- Many expressed concern about the lack of cross-over between foresters and ecologists or biologists, though with different conclusions. Some feel that forestry professionals are focused on maximizing the harvest of forest products, and are not sufficiently adept at monitoring and managing for ecological services. Others felt that foresters, by definition, were the appropriate professionals to develop harvest plans and monitor forest health.
- Many stakeholders noted the need for more people with training in both areas and pointed to restoration professionals as key for balanced discussions of an Advisory Committee.

Other Stumbling Blocks, Political Considerations, and Challenges

Stakeholders expressed additional **concerns about agencies' roles in the regulatory process and the lack of capacity to fix them.**

- In multiple regions, stakeholders were concerned about a perceived lack of leadership across the agencies to improve interagency coordination, reduce squabbling and turf battles, or address agency cultural barriers to these and other needs.

Stakeholders on both sides acknowledge the **polarization** of these issues and are concerned about the **power of the other to undermine the process.**

- While environmental advocates note industry power and intransigence regarding additional regulation, industry cites a powerful environmental lobby. Both are concerned about the other doing an “end-run” around outcomes of AB 1492 that they find unfavorable.

Industry stakeholders also noted a **latent public distrust of landowners and forestry practices**, while stakeholders of all stripes noted a **general lack of public awareness, interest, or understanding** of forestry issues.

There are large **differences of opinion on the neutrality and composition of the Board of Forestry.** Some environmentalists viewed the Board as stacked in favor of industry, while others viewed the Board as fairly balanced, as did timber stakeholders.

Information Needs

Information needs noted by environmentalists focus on **ecological data and goals**, and include:

- Surveys and baselines prior to harvesting
- Agreement on desired conditions, including long term, bigger picture goals for the forests that aim toward an improved ecological trajectory
- Aggregation of new and existing data at useful scales
- Long term monitoring and science

Information needs most noted by timber industry stakeholders focus on **regulatory accountability and a streamlined EPM system.** Specific needs include:

- Data on how restoration funds are spent.
- Data on how agency funds are spent, especially in review processes, and how cost effective they are.
- Simple, actionable indicators and data that can show landowners are good stewards.

Next Steps: Considerations for Convening an Advisory Committee

Despite the skepticism, virtually all interviewed felt that it was worth convening an advisory committee to engage with the four AB1492 Working Groups. In order to participate and/or value such a committee, the following elements were seen as critical:

- Broad representation from the range of interests and stakeholder groups, including general public interests.
- A clear charge and operating protocols for the committee which describes whether, when, and how the committee will interface with and influence the work of the four agency Working Groups.
- Specifically, it is important for the lead agencies to describe whether this committee is to simply review and comment on materials, or to provide consensus recommendations. There were mixed views on the value of seeking consensus. While consensus recommendations can be more influential, some feared only watered-down, lowest common denominator statements would be agreed upon, given the differences in focus and opinions among interest groups. Likewise, some were concerned that agreement seeking will slow down and/or limit the scope of investigations of the Advisory Committee
- There was concern for the substantial time required for Advisory Committee members, and whether 12 meetings over approximately two years is enough to fully review the work of the agency Working Groups. All acknowledged that committee members will likely have large workloads of reviewing information in between meetings.
- Many acknowledged the difficulty in scheduling Advisory Committees. Predictable dates, set in advance promote attendance and enable advanced planning. However, the committee should only meet when there is sufficient information and products to review from the Working Groups.

Appendix 1. Stakeholders and Agency Staff Interviewed

Name	Affiliation
Justin Augustine	Center for Biological Diversity
Dave Bischel	California Forestry Association
Susan Britting	Sierra Forest Legacy
Eric Carleson	Associated California Loggers
Rick Coates	Forest Unlimited
Clayton Code	California Licensed Foresters Association
Bill Condin	California Department of Fish and Wildlife
Noelle Cremers	California Farm Bureau
Sandy Dean	Humboldt and Mendocino Redwood Companies
Matt Dias	Board of Forestry
Rob DiPerna	Environmental Protection Information Center
Bill Eastwood	Humboldt County Fire Safe Council, Southern Humboldt Fire Safe Council, Eel River Salmon Restoration Project, Private Land Owner
Liz Forsburg	The Nature Conservancy
Jay Francis	Collins Pine Co.
Jodi Frediani	Coast Forest Watch
Richard Gienger	Affiliated with a number of North Coast groups
Vern Goehring	Natural Solutions for Advocacy
Paul Hughes	Forests Forever
Mike Jani	Humboldt Redwood Company
Scott Kelly	The Conservation Fund
Nick Kunz	State Water Resources Control Board
Michael Laing	Northern California Council Federation of Flyfishers
Alan Levine	Coast Action Group
Paul Mason	Pacific Forest Trust
Claire McAdams	Buckeye Conservancy
Bob Mertz	Humboldt and Mendocino Redwood Companies
Chris Micheli	Aprea & Micheli A Government Relations Firm
Mark Pawlicki	Sierra Pacific Industries
Kathryn Phillips	Sierra Club California
Susan Robinson	Ebbets Pass Forest Watch
Bob Rynearson	W.M. Beaty and Associates
Gary Rynearson	Green Diamond Resources
Bill Short	California Department of Conservation
David Simpson	Mattole Restoration Council
Charll Stoneman	Stoneman Forestry Services
Greg Suba	California Native Plant Society
Paul Violett	Soper Wheeler
Marily Woodhouse	Battle Creek Alliance

Appendix B. Interview Questionnaire

1. Please tell me briefly about the mission of the agency/organization/company you work for, and your role therein. Historically, how has your agency/organization/company been involved in issues related to timber management on nonfederal lands, and how is it involved now?
2. What do you see as the central issues involved in regulating the management of nonfederal forestlands in California today?
3. Looking forward, and considering the key elements of the AB 1492 Timber Regulation and Forest Restoration Program, such as accountability, efficiency, ecological performance measures, and forest restoration:
 - a. What would you/your agency/organization/company need from the Program's efforts in these areas to consider them a success?
 - b. What would you want to avoid happening with respect to these four elements of the Timber Regulation and Forest Restoration Program and their outcomes?
4. Who are the other major interests involved in nonfederal timber management issues in California? Are any of their desires in direct conflict with yours? Do you currently work with any of these interests on a regular basis, or will you need to in the future?
5. Thinking more broadly, are there particular stumbling blocks or challenges associated with resolving any of the central issues related to timber management on nonfederal lands? Do you have any advice for overcoming any of these?
6. What are the most important political considerations to be aware of? How do you recommend these be managed?
7. What is the most pressing information that needs to be developed or examined to address the responsibilities of the AB 1492 Timber Regulation and Forest Restoration Program?
8. You have been provided with the one-page description of public process approaches for the AB 1492 Timber Regulation and Forest Restoration Program. Do you have any comment on them?
9. Is there anything else you think I should know?
10. Who else is essential to interview?