



# FORESTS FOREVER

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Dec. 26, 2015

**RE: Forests Forever's Comments on 12/2/15 Draft, Pilot Projects Concept Paper**

Russell Henly  
Asst. Secretary of Forest Resources Management  
California Natural Resources Agency  
1416 Ninth St., Suite 1311  
Sacramento, California 95814

Dear Mr. Henly:

Pursuant to your request when I spoke at the Dec. 15, 2015, public meeting, I am writing to provide you with Forests Forever's comments on the Revised Public Review Draft (dated 12/2/15) of the Forest Planning Watershed Pilot Projects Concept Paper.

We see the successive concept paper drafts heading in the right direction with regard to setting the stage for the pilot projects planned under the Timber Regulation and Forest Restoration (TRFR) Program, especially the first one. We commend you for demonstrating good listening skills and orchestrating a public process that feels open to all input, as well as being productive. We are encouraged to seeing the process on through to a truly positive outcome for California.

I will highlight a few of the pluses we see in this letter, as well as pointing out some remaining shortcomings.

As I mentioned on Dec. 15, the first revision should come at the top of the bullet-point list on page one of the concept paper, second paragraph. Just above "Data collection and characterization," a new first bullet point should be "Forest condition description and remedial measures as appropriate." We regard the very first pilot project—and possibly one or more subsequent pilot projects of the four under discussion—as needing to primarily address the need for *establishing actual forest conditions that now exist*. We have referred to such pilot projects as "foundational" for this reason: All stakeholders must agree on the baseline conditions in the forests—conditions, that is, that have developed in the course of logging activity has occurred subsequent to enactment of the modern FPA in 1973 and subsequent FPRs. Once that has been done and everyone has signed off we would have a platform on which to build *whatever may be deemed to be needed*—including but not limited to (at long last) a system for gauging and then regulating cumulative watershed effects (CWEs) from logging.

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Another spot in the document where a reference to establishing baseline, or existing, forest conditions is needed is the “Proposed Critical Questions” on pages three and four. We recommend adding a seventh critical question in the number one position, stating that the primary aim of the first pilot project is establishing baseline conditions. As I mentioned in my comments on Dec. 15, a good analogy is navigation: Before you can plot a course to any port or destination you must first establish your current position on the globe. Similarly, we need to know exactly “where we are” in terms of California forest watershed conditions. After that, but only after that, we can go anywhere we wish.

It should be pointed out that establishing baseline, or actual, forest character per se is more important even than forest restoration, which leads off the “Proposed Critical Questions” (at bottom of page three and, we feel, elsewhere throughout the concept paper). What we’re driving at is the need to address the *causes and origins of forest damage*—the need to improve activity *under or within the THPs themselves*—rather than merely addressing symptoms or, if you prefer, cleaning up the messes that flow from those practices.

Here is a good quote from a recent piece of writing by an astute observer: “If real (existing) conditions that cannot be denied, and... have to be agreed on by all stakeholders ([including] how to describe [the conditions]), and are formally, factually, and publicly ‘aired...’ then reform has a solid basis that cannot be easily ignored (by any player, including but not limited to the timber industry) when, after all, they agreed with the description of conditions... The quicker we can get to evaluating the basic factual forest conditions overlain by the standard process of forest regulations—and making findings and recommendations—the better.”

We believe this stress on foundational, existing, forest conditions is a *relatively simple* frame for the pilot project(s), and is consistent with your statement on page three, paragraph three, sentence two, which we applaud: “We believe that the process will be best served by a more focused, direct, and simple approach for the first pilot project in particular.” And (page two, paragraph two, sentence four), which we support enthusiastically: “Products resulting from the pilot project are intended to *support the development of improved, standardized information for conducting cumulative impact evaluations* at the planning watershed scale [emphasis added].” But we should all be clear, or get clear, on the need to establish foundational conditions *before* looking ahead to working out a CWEs analysis protocol.

On to a second major point. The very first sentence of the concept paper should be amended to read, “This concept paper describes potential approaches... opportunities to increase efficiencies *and effectiveness* for timber harvest planning and permitting...” [emphasis added]. We hope and trust that in places throughout the draft concept paper where “efficiencies” are mentioned as a primary goal, or *the* primary goal, of the pilot project(s) that this is an oversight in editing, as *both* goals are extremely important—effectiveness perhaps even more so than efficiency. Forests Forever wholeheartedly supports *both* objectives.

We find it encouraging that the concept paper now emphasizes the use of *THP information already being collected as a primary source of data* (page one, paragraph three, first sentence). However the very next sentence characterizes the pilot projects as “provid(ing) opportunity for

public participation.” In every place in the concept paper in which public “input” or “participation” is mentioned there should be a clear, concise statement that the public (as represented by stakeholder groups discussed below) is not just being invited to a *comment opportunity*, but is actually *participating fully, equally, and actively in management of the pilot projects*. Our reading elsewhere in the document indicates, commendably, that this seems to be the intention, but the point is so important that it should be clearly referenced alongside any discussion of “input” and such terms wherever they arise. We suggest that you search the document on “input” and “public comment” and insert “and full participation in the management of the pilot projects,” or similar language, throughout the concept paper.

We appreciate the fuller emphasis throughout the paper on the pilot projects being “collaborative, multi-disciplinary efforts,” and especially that the PPWGs are to be “broad-based.” An example is page one, paragraph three, sentence two. We also find it very encouraging that you have taken the steps necessary to spell out who is to be seated on the (presumably first) PPWG; we offer the following further comments. First, “PPWG” is written in the singular (page nine, paragraph two under “Pilot Project Working Group” heading and “Membership” sub-head, first sentence). Language should be added where appropriate to indicate that an identical or similar membership will comprise *all subsequent* pilot projects. We note with appreciation that the nine-point list of PPWG categories that follows is very similar to the description in A.B. 875 (Chesbro, 2013), though it is not verbatim, as was stated at the Dec. 15 meeting. To clean this up and make clearer, we would like to see:

- Item three changed from “*Up to two* qualified representatives from the environmental community” to “*Two* qualified... community.” The problem with “up to two” is that, obviously, a literal interpretation would allow 2 members or 1 or zero. You stated that it was not intended that zero members should be included. But this concept paper, being a managerial document, should be literal and less ambiguous.
- By the same token, items five (re. RPFs), seven (re. watershed restoration practitioners), and nine (re. tribal representatives) should also state “Two” rather than “Up to two...” Of course we notice that item four (re. timber industry representatives) has the same “Up to two” language but we feel it is incumbent on timber industry stakeholders to push for different language here, and we doubt they’ll miss the opportunity if that is what they would like.

Along these same lines, the phrase “major guidance” still strikes us as a bit fuzzy (e.g. page two, paragraph two, sentence one: “The TRFR Program will lead the pilot project effort, with *major guidance* from the PPWGs.”) The precise idea we are looking for is a “fully participatory management role” by PPWGs and their membership. Perhaps a Glossary is needed for the concept paper, in which “major guidance” is among the terms defined.

We feel greatly encouraged by your having found and used the Center for Collaborative Policy for the stakeholder survey, and we feel sure CCP is well equipped to round up good people for *all* these roles, public and other. And we feel such work is clearly fundable from the A.B. 1492 revenue stream according to the intent of the bill.

We are concerned about consensus decisionmaking, indicated as governing PPWG business process (page 10 under “PPWG Meeting Processes” heading, third bullet point). In our

experience and that of many forest-protection advocacy groups, pure consensus decisionmaking typically empowers any one member to block a decision, and often leads to unduly messy, lengthy, energy-draining decisionmaking, or none at all. We recommend a modified form of “consensus” decisionmaking—possibly describing a super-majority vote (e.g. two thirds) that can be triggered under certain circumstances. This could allow business to flow in an orderly way while still achieving a high level of buy-in from all participants.

Last, we cast our “vote” for Usal Forest as being the site of the first foundational pilot project, aimed at establishing baseline forest conditions. This forest is in many ways ideal for the rollout pilot project. The owner, RFFI, has a mission congruent with the TRFR’s efficiency-and-effectiveness goals and is certainly supportive of the public-minded positive aims of A.B. 1492. Usal provides the array of planning-watershed units necessary for picking out a suitable site, and is ringed with roads that would provide access to the deepest interior of the forest for round trip flights by cost-saving drones to gather myriad data. We think the use of drones could be cheaper and more reliable than having foresters walk every acre and watercourse. Use of drones of course may be one of the cost-saving efficiencies to emerge from the TRFR.

Thank you for this opportunity to provide our comments ahead of the Jan. 8, 2016, deadline. Please by all means give me a call if you need any clarifications whatsoever.

Sincerely,

A handwritten signature in black ink that reads "Paul Hughes". The signature is written in a cursive, flowing style with a prominent loop at the end of the last name.

Paul Hughes  
Executive Director