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Sent via Electronic Mail to: AB1492Program.Comments@Resources.ca.gov

December 15, 2015

Russell Henly
Assistant Secretary of Forest Resources Management
California Natural Resources Agency
1416 Ninth Street Suite 1311
Sacramento, CA 95814

Re: EPIC Comments Regarding Forest Planning Watershed Pilot Projects Concept Paper—Revised Public Review Draft

Dear Mr. Henly:

The following comments are presented on behalf of the Environmental Protection Information Center (EPIC) regarding the December 2, 2015 Revised Public Review Draft of the Forest Planning Watershed Pilot Projects Concept Paper (hereafter referred to as “Revised Concept Paper”) for the Timber Regulation and Forest Restoration Program (TRFR). EPIC appreciates the opportunity to provide further comments and suggestions regarding the development, design, and implementation of the Forest Planning Watershed Pilot Project component of the TRFR program, as we believe this is an essential component to achieving the overall objectives of the program and the legislative intent of AB 1492.

While the Revised Concept Paper provides additional information and clarity, there are still outstanding issues that need consideration and explanation. Fundamentally, the Revised Concept Paper still lacks a clearly articulated nexus between the information gathered pursuant to the Pilot Projects, its evaluation, and the implications for defining and developing ecological performance standards, which is a critically important component to the overall success of the TRFR program.

The following comments are intended to augment our October 23, 2015 comments on the previous Draft Concept Paper, and to address the changes made from the draft to the present revised version.

Critical Questions to Inform Pilot Project Development, Implementation, and Analysis

In our October 23, 2015 comments regarding the initial Draft Concept Paper, EPIC suggested that a nexus be clearly established between the information gathered as part of the Pilot Project process and the establishment of a clear definition of ecological performance measures. To this, EPIC suggested that a list of critical questions be developed to guide the

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development, implementation and analysis of results of the Pilot Projects towards assisting the agencies in defining and developing ecological performance measures.

The December 2, 2015 Revised Concept Paper contains a list of six proposed critical questions to inform the development, implementation, and analysis of results of the Pilot Projects. (Revised Concept Paper, at p. 3-4). The six proposed critical questions seem to focus too heavily on the potential for identifying possible restoration opportunities, and too little on the fundamental questions of the quality, strength, and ultimately, utility, of the information gathered, and the implications of the information gathered not only for identifying restoration opportunities, but also for informing the development of ecological performance measures which can help prevent adverse cumulative impacts resulting from present-day harvesting activities.

Along these lines, Critical Question #3 proposes to evaluate the methods used in existing THPs to evaluate the potential for significant adverse cumulative impacts to watershed and biological resources. This approach fails to also question methods currently used and available to evaluate significant cumulative impacts to forestland resources generally, the state of these resources, and the productive and restorative capacity of the forest itself. The short-sighted and compartmentalized focus on individual listed species and impaired watershed values fails to take into account the entirety of the forest ecosystem as a functional, integrated whole.

Another major failing of the critical questions articulated in the Revised Concept Paper is a failure to question the overall strength and verifiable validity of the existing information provided in THPs and other readily available sources regularly utilized by the industry and the review team agencies to evaluate significant adverse cumulative impacts and potential restoration opportunities. In other words, what are the currently available information sources, how was this information gathered, by whom, and how does the rigor of the methods by which the information has been gathered and presented stack up against well-established scientific methodologies and protocols? The THP process to-date has long relied largely upon information gathered, synthesized, analyzed, and presented by timber industry sources by necessity, as no other readily available independent information gathering has generally occurred on privately-managed forestlands. Consideration of the source and the overall strength and rigor of the information based on evaluation of source is integral to establishing a more fundamental understanding of the information that is currently being utilized.

Finally, and most importantly, the six critical questions do not seem to be designed to inform or define the process for development of ecological performance measures. The overall strength and utility of the information currently readily available is only of any value, ultimately, if it informs the question of how the current information and process is translating into on-the-ground impacts to public trust resources and the function of these, i.e. ecological performance.

Selection Criteria for Initial Pilot Study Watershed

The criteria established for selecting the initial pilot project study watershed articulated in the Revised Concept Paper appear to be generally reasonable. (*Ref:* Revised Concept Paper, at p.7-10). Establishing a “reference” or “control” watershed is particularly important, however it is necessary to also define what constitutes a “reference” or “control,” and to clearly identify what attributes and values are being compared.

The Revised Concept Paper indicates that a so-called “data-rich” watershed is most desirable, so that the Pilot Project does not rely on information contained in THPs alone. (Revised Concept Paper, at p. 8). Here again, EPIC encourages that the development and implementation and analysis of the Pilot Projects include a critical evaluation of the overall weight given to various types and sources of information when compared to others.

Pilot Project Working Group Membership, Selection, and Responsibilities

The overall composition of the Pilot Project Working Groups articulated in the Revised Concept Paper does not include potentially valuable and knowledgeable stakeholders, such as watershed residents, where Pilot Projects are to occur where residential uses exist. The overall biased presumption of government-generated processes that regular individuals living in affected areas are not knowledgeable or qualified to participate in government-generated processes has long-plagued the THP review and approval process. To limit participation in the Pilot Project Working Groups on the basis of formal affiliations, or educations, or any other criteria not only creates unnecessary barriers to accessibility to the average person, but also deprives the Pilot Projects process of valuable first-hand experience and knowledge.

Regarding the selection process, it is entirely unclear from reading the Revised Concept Paper what criteria have been or will be established to allow the TRFR Program to objectively evaluate and select Pilot Project Working Groups members. Obviously, the individuals selected to sit on the Pilot Project Working Groups is a critical component to the overall success of the project, and the lack of clear and objective and publically-accessible criteria to ensure stakeholders that the selection process will have integrity is a significant failing of the Revised Concept Paper. In our October 23, 2015 comments, EPIC recommended that members of the public be added to the Advisory Committee that is to develop the criteria for, and ultimately select the Pilot Project Working Group members. EPIC maintains that this is necessary, again, to ensure transparency and integrity in the selection process.

The roles and responsibilities of the Pilot Project Working Group member similarly does not appear to be clearly or fully articulated. From reading the Revised Concept Paper (p. 9-10), it appears that the only role of the working group members is to attend meetings. It is critically important that Pilot Project Working Group members participate in all phases of development, implementation, and analysis of results of the Pilot Projects, especially any on-the-ground field inspections or evaluations, and not just Review Team Agency representatives and private landowners. All stakeholders must have equal access to all available components of the process, especially field evaluations. As we noted previously, field evaluations are needed to determine validity of information and condition assessments.

Thus, we disagree with, the Revised Concept Paper position that neither the Planning Watershed Working Groups nor the Review Team agencies will conduct watershed assessments or cumulative impacts analysis using information being gathered and evaluated for the Pilot Projects. (Revised Concept Paper, at p. 4). How is it possible to evaluate the quality, strength and utility of existing information and to identify gaps in existing information or deficiencies in the gathering, presentation, or synthesis of existing information without actually applying the information to the analysis of adverse cumulative effects, or to determine if existing information is adequate to inform the development of ecological performance measures? How is it possible to inform development of appropriate ecological thresholds when the information being gathered

and evaluated will not be applied for this purpose during the Pilot Project analysis and synthesis phases?

Suggestions for Selecting Initial Pilot Project Planning Watershed

While EPIC declines to endorse a specific Planning Watershed for selection as the subject of the initial study area, it is vitally important for the Planning Watershed selected to be in multiple ownerships, and managed under different prescriptive regimes in order to capture the diversity of timber harvest silvicultural, operational, regulatory, and resource conservation strategies employed across the state.

For example, the Stevens Creek Planning Watershed industrial forestlands are in mixed ownership among Humboldt Redwood Company, Green Diamond Resource Company, and Sierra Pacific Industries. Humboldt Redwood Company operates under the former PALCO Habitat Conservation Plan that governs its timber harvesting activities, and practices unevenaged management as a primary silvicultural method. The provisions of the HRC HCP differ from standard Forest Practice Rules, and accordingly, HRC THPs contain information different from standard THPs. Green Diamond Resource Company operates under an approved HCP for the northern spotted owl, and a separate HCP for to address aquatic species, and practices primarily evenaged management silvicultural methods. Both Green Diamond's northern spotted owl HCP and aquatics species HCP contain operational restrictions and asserted best management practices that not only differ from standard Forest Practice Rules, but also from those of the HRC HCP as well. Accordingly, information contained in Green Diamond THPs is different from information contained in standard THPs and HRC THPs. Sierra Pacific Industries currently does not have an HCP, practices largely evenaged management, but is subject to the provisions of standard Forest Practice Rules almost exclusively. Accordingly, SPI THPs differ not only in their operational constraints and alleged best management practices, but present a more pure look at how the provisions of the Forest Practice Act and Rules translate into information provided in THPs.

Utilizing a Planning Watershed with multiple landowners and multiple management regimes will provide Pilot Project Working Groups and Review Team agencies with a greater cross-section of examples of the different types of information, formats of information, operational restrictions, best management practices, conservation methods, and cumulative impacts assessment that currently populate the THP process. It is imperative in the context of defining and developing ecological performance measures that the Pilot Projects test as wide a variety of forest management approaches and information presentational and evaluation methods as possible because each variation in any of these values can have an on-the-ground ecological implication.

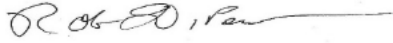
Conclusion

The Pilot Projects can only be deemed successful in the end if the methods, results, evaluation, and synthesis of information considered leads to the development of meaningful and verifiable ecological performance measures. It is one task to simply evaluate the baseline of what currently exists and what is currently being done, it is quite another to critically evaluate and respond to the implications for forest, wildlife, air, and watershed values in the context of historic and contemporary land management activities and any identified resultant cumulative effects. The purpose of ecological performance measures is to establish standards consistent with

the goals and objectives of the Forest Practice Act, to facilitate practices which enhance ecological systems, as well as to prevent and respond adverse cumulative effects. Simple evaluation is not sufficient in and of itself; it must be accompanied by meaningful actions and meaningful limits to enhance and protect the forest, wildlife, air, and water resources of the state.

EPIC appreciates the opportunity to provide further comments. Please do not hesitate to contact me as necessary should there be questions.

Sincerely,



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