



Keeping Northwest California wild since 1977

November 5, 2012

Mr. Stan Dixon, Chairman
California Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244

Re: EPIC comments on Board of Forestry 2013 Priorities

Dear Chairman Dixon and Board members:

The Environmental Protection Information Center (EPIC) presents the following comments regarding the Board of Forestry's request for public comment on the Board's 2013 priorities. EPIC appreciates the opportunity to address the Board on this matter.

The Board and particularly the Forest Practice Committee have been side-tracked from fully addressing its 2012 priorities by industry-driven inertia and the introduction of needless rulemaking packages such as the Class II-L identifications modifications amendments. It is imperative that the Board and particularly the Forest Practice Committee stay focused on real issues that will result in actual and positive changes in on-the-ground environmental conditions. The priorities discussed herein do not necessarily occur in the order of importance, but do reflect conservation issues that should be made as priorities for the coming year.

Northern Spotted Owl and 14 CCR 919.9(g)[939.9(g)]

EPIC continues to advocate that the Board introduce rulemaking to delete the provisions of 14 CCR 919.9(g)[939.9(g)] from the Forest Practice Rules. The necessity and utility of this Northern Spotted Owl "take" avoidance option are neither borne out by the best available science, nor by the frequency of use of the Rule itself. Given that the Board has not sought or secured a federal Habitat Conservation Plan (HCP) for NSO, and that the U.S. Fish and Wildlife Service has clearly indicated that the provisions of 14 CCR 919.9(g)[939.9(g)] are not the most likely to avoid "take" in most instances, the Board must act to bring its Rules into line with the guidance of the U.S. Fish and Wildlife Service. This can easily be accomplished by simply deleting the provisions of 14 CCR 919.9(g)[939.9(g)] from the Rules. Rulemaking should be introduced to the Forest Practice Committee to accomplish this goal as soon as possible.

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“Road Rules”

The “Road Rules” package has been stymied in the Forest Practice Committee, primarily due to industry consternation over the proposed Technical Rule Addendum No. 5. EPIC continues to support the “Road Rules” in concept as a long-overdue step towards bringing the Forest Practice Rules more in line with a federally-approved “take” avoidance strategy for listed salmonids. The introduction and practical application of the principles of hydrologic disconnection are an essential step toward not only minimizing, but also avoiding significant adverse direct and cumulative impacts from roads and related infrastructure.

However, significant improvements to the “Road Rules” package are needed in order to fully address direct, cumulative, and legacy effects of roads and related infrastructure. EPIC continues to advocate for a comprehensive road management or transportation plan to be included in the “Road Rules” package that would include a comprehensive executable plan to not only abandon or decommission roads, but to actually fully remove roads unnecessary roads entirely from the landscape. EPIC will continue to engage with the Forest Practice Committee in hopes of bringing the best “Road Rules” package possible before the full Board in 2013. The time has come for the Board to adopt a comprehensive revision and reorganization of the “Road Rules.”

Class II watercourse protections

The Forest Practice Committee spent far too much time trying to appease the timber industry by modifying the identification methods criteria for Class II-L watercourses. This, in our view, has been a waste of time, and an unnecessary use of the Forest Practice Committee. Rather than working to provide less Class II watercourses Class II-L protections (which would be the practical on-the-ground effect of the current Rule pleading), the Board must consider more stringent conservation measures for Class IIs in order to meet a federal “no-take” standard for listed salmonids, as well as to achieve full compliance with water quality requirements. The Board should immediately introduce rulemaking to provide Class II-L protective measures for all Class II watercourses.

Cumulative Impacts

This topic has essentially been an afterthought at the Forest Practice Committee for the better part of 2012. Even the little attention paid to cumulative impacts has been narrowly focused on the development of a cumulative effects analysis guidance document. The development and adoption of a cumulative effects analysis guidance document, while necessary and long-overdue, is in no way adequate to address the harsh on-the-ground reality of ongoing significant adverse and cumulative impacts. Rather, the Board must consider addressing the causal mechanisms of cumulative impacts, including rate of harvest, inadequate measures to protect hardwoods, inadequate measures to protect old growth and late seral forests and late seral forest characteristics, and standards to protect post-fire habitats for both listed and non-listed species. Lacking a comprehensive and aggressive approach to tackling the on-the-ground causal mechanism of cumulative impacts, the Board will only succeed in creating more paperwork and longer THPs with only qualitative narrative as opposed to actual on-the-ground application of

conservation measures.

Conclusion

The Board of Forestry must continue to strive to achieve its obligations to provide for enhancement and restoration of forest, watershed and biological resources through the aggressive application of practical on-the-ground measures. To this point, the Board has largely turned a blind eye to the ecological crisis with which we are faced. The meat-grinder mentality exhibited in the Forest Practice Committee has served to provide nothing more than stalling, derision, and inertia. Strong leadership from members of the Board is therefore necessary to push the Board and the Forest Practice Committee towards meeting its mandates to provide for enhancement, restoration, and conservation. The methods herein suggested would go a long way towards achieving these ends.

Sincerely,

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Industrial Forestry Reform Advocate

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