

(Inaudible background conversation)

Mr. Stopher: Good morning, Mr. Chairman and members of the Board. Mark Stopher for the Department of Fish and Game. In addition to the -- uh -- PowerPoint presentation on the screen the Board Members should all have a -- um -- a gray scale handout with the slides on it. And then I've also provided a couple of additional handouts for the Board Members because the scale of the -- of the original handout wasn't sufficient for the graphics that are represented for timber harvesting plan and also a little bit more detail with respect to something else we did about the consequences and the effects of the -- uh -- the Joint Recommendations. I'm going to start this morning with -- uh -- a brief review of riparian functions and provide the basis for the Department of Fish and Game and CALFIRE recommendations. Uh -- we will go through this fairly quickly because these first -- oh -- dozen slides the Board has seen before. Just doing a -- a very short reminder then and spend the rest of the presentation talking about how the Department of Fish and Game and CALFIRE recommendations affect THP and lay out how the -- how -- how the THP will be developed with these recommendations

and what the affect is on the department's opportunity for (unintelligible). So these are the riparian functions that -- uh -- both the venture you can consider and the agencies considered as we developed our recommendations. On the right are five riparian functions which were explicitly considered in the Sound Watershed Consulting document and on the left are -- uh -- comparable riparian functions that the agencies considered as we developed our recommendations. The substantive difference is a recognition that riparian zones -- watercourse and lake protection zones also provide habitat for terrestrial species and other aquatic species, amphibians for example that were not as thoroughly considered and as not a focus of the work in the Sound project and so it's before us. The core zone which we refer to in both your Class I water courses and Class II's. Riparian functions there that we're looking for are bank stability. Recruitment of large width shaded canopy over the stream. The opportunity for sediment filtration across that riparian zone to intercept fine sediment. The input of nutrients, organic material. The alacritous inputs of these materials that support the food web in the stream and again, habitat for riparian and terrestrial species. A

few of the slides have a -- have a (unintelligible) and reference. This one says SWC we got from page 8. That infers or implies that this statement was taken from some larger consultant report, the introduction on page 8 would be the reference. With respect to sediment filtration, the SWC report said that riparian numbers are affected by limiting sediment and limiting the streams, certain erosion, skid trails, yarding grouts and bank erosions where buffers are employed. Primarily on higher order streams. Which means those further up in the watershed. The inner zone provides these functions. Live wood recruitment.

Board Member: Wait, excuse me, higher order streams higher up in the watershed?

Mr. Stopher: Sorry --

Board Member: High -- higher or was --

Mr. Stopher: -- oh, no, I'm sorry, I had it backwards.

Board Member: -- okay.

Mr. Stopher: Sorry, my -- my voice got (unintelligible) my break I guess.

Board Member: Okay.

Mr. Stopher: Uh -- so in the inner zone we're not talking about bank stability anymore, but we are talking about large wood recruitment, shade

canopy, sediment filtration, again move trend inputs, organic material inputs, and again, habitat for riparian and terrestrial species. This is a -- this is a quote from the SWC report. It's a 30 meter wide buffer strip on both sides of the stream with both the equipment excluded and no tree removal generally reduces local impacts to the stream that are similar to a no harvest level. This statement is then used as an argument for a combination core zone and inner zone that's only 100 feet wide. So it makes a point here that these watercourse and lake protection zones that we have have not have a history of no management. Many have been managed several times. Some of them have had roads down the belt. Some of them have used transport logs. Some of them have roads in them. There are skid trails in them. And they have been managed in the past and in the future. While this is true, we're not proposing that there is going to be absolutely no management or activity in these first 100 feet. There are existing roads for example, and they are not systems that have never been managed before. That's primarily the basis for the argument for the outer zone. In this outer zone the riparian functions there are functions that benefit the riparian habitat. We're looking at

the wind bumping through the inner zone. Micro-climate not increased at the inner core zones. Maintains humidity. (Unintelligible). Separate filtration for adjacent harvest units. If you have these it will be applied where we have uneven aged -- pardon me -- even aged management. We have slow vary -- uh -- to some degree. Large wood improvement. Just a small fraction of it comes from the outer zone. Typically though it would be associated with unstable areas which would potentially deliver large wood. It's not zero. And again, habitat for terrestrial species. Reviewed this slide last time and this is existing (unintelligible) rules making reference to the need to maintain functional wildlife habitat and an emphasis on recruiting this form of later serial habitat in the water forest and lake protection zones. The -- if you don't consider that during this rule making process, then when? When would we do that? Would that be in another rule making process where we would talk about watercourse and lake protection zones? Now is the time to resolve these issues properly. All right -- uh -- going forward some text got an SWC document again to address a couple of questions that deal with the longitudinal extent of riparian buffers along Class I's and

II's. This statement which is taken directly out of the SWC report, Chapter 3, Page 1 and 2, indicates that the findings -- and I'm going to start in the middle here -- the findings are researched outside California suggest that buffers extending from 150 to 200 meters -- 500 to 650 feet -- upstream may be adequate to protect water temperature in low water streams. Whether this buffer is adequate for California streams and regions would need to be validated. And this was identified as a key information gap in that respective section of the SWC report. So there is still uncertainty about this.

(Unintelligible) information outside of California, mostly to the north where it's somewhat cooler, somewhat wetter than climate in California. In the southern portion of the range for the United States for Coho salmon -- at least the Continental United States -- talking about habitat conditions that are warmer and drier than they are in the north. This also appears to lower the streams. Not all of our fish bearing streams are lower streams. SWC report identified the water character response. The heat input is moderated by inflow contributory from ground water. The magnitude of response is dependent on the temperature difference between inflow and stream

temperature and a relative contribution to discharge. Perhaps this argues for developing site specific, THP specific prescriptions for every timber harvesting plant. The process that we're following however establishes a set of standard prescriptions which are intended to provide functional riparian -- um -- habitat and a wide range of habitats in California and then allow an opportunity to make modifications where warranted. It is simply not pragmatic to believe that we can on every timber harvesting plant collect the kind of information and develop site specific prescriptions for them without relying upon standard prescriptions at this point in comparison. A couple of studies that were not included in the SWC report, new reference -- uh -- recommendations at least, that extend beyond 650 feet. There's examples -- uh -- of that, in some cases at least 650 feet is not the concentration.

Board Member: So is that -- is that in California?

Mr. Stopher: Those were -- uh -- some of them -- uh -- I believe it's from Washington as well. And -- uh -- my memory has failed me on the first one.

Board Member: Washington State and Oregon.

Board Member: Well, for this point.

Mr. Stopher: Pardon me?

Board Member: Oregon.

Mr. Stopher: The joint recommendations by the department for the Class II-L prescription would apply to the lowest 1,000 feet of Class II-L water courses would include a zero to 30 foot core zone which is no harvest, 30 to 100 foot inner zone with 80% overstory canopy protection. After 1,000 feet upstream of the Class II moving upstream from Class I at 1,000 feet, beyond that we would see Class II (unintelligible) which is again applies to the segment of any Class II in all of this and more than 1,000 feet from the riparian stream. It would also apply to any first order Class II watercourse. So for example, if the Class II-L extended upstream for 800 feet and then split into two first order streams Class II-L prescription would only go for the 800 feet and then beyond that you would have the Class II-S prescription. The zone is consistent with Table IV --

Board Member: Which is?

Mr. Stopher: -- of the complete language -- I'll put it up here in a second.

Board Member: All right.

Mr. Stopher: I know the existing Forest Practice full prescriptions would -- would apply in the inner zone. That's on the outside of the forest stream. Let's take a look at it with respect to Class II (unintelligible) identification. It recalls the plead language proposes to use an office method to determine Class II-L and II-S designations and then where the landowner, the RPF believes that that particular Class II-L does not have the characteristics of lake surface based on the flow into the Class I. They may use field methods to modify that determination. And then for the timber harvest and planning it would have to be supported by substantial evidence and certified by the RPF in terms of them signing the plan as to the sufficiency of the (unintelligible). The office based designation relies upon developing mapping at a level of details sufficient to determine the stream waters of the Class II water courses in defined areas. Those that are second order or larger or higher will be designated Class II-L. Again, the RPF believes that that is an inappropriate classification because that stream does not provide critical flow to the Class I. We have two different ways to -- uh -- to feel that out. To collect information, present it to the THP for the review team to consider and that to be

reclassified to that prescription. First is documentation notes no surface flow contribution to a Class I water course later than July 15th on an average precipitation year. Now if it is a -- any -- any form of wetter year and it's drier before that, that will be sufficient as well. Detail -- a more detailed analysis demonstrating water character would not be significantly impacted by harvesting. The test -- the big test was looking for detail by looking at the relative contribution of Class II and Class I and the temperatures of those two different water rights and then used for the mixing ratio formula demonstrating what the effect of those contributions of that flow. So that sounds pretty -- pretty challenging. How difficult is it to designate a Class II-L or Class II best water courses in the office? I asked staff to provide -- uh -- select three different timber harvesting plans for the -- to demonstrate how -- how difficult this is. This is a timber harvest plan from Humboldt County. And -- uh -- this is pretty all that came in the door except that we have huge red lines that indicate Class I's. And the blue line is the Class II's. This is as it was mapped by the forester in the THP as it came in the building. The next step I asked staff to look at was which of these Class II's

are second in order of our larger Class II's? So you can see this is not -- this is the first order, the thicker ones indicate the second order Class II's. Class II-L's. The width of the line is not the same as the width of the buffers. And the representation is to make -- make them distinct. Then finally, the next question is how far does 1,000 feet go? How far in the Class II-L description? So I asked staff to indicate that with the red slash right here. So in this case it's -- well each of these include some portion of Class II while here's a Class II-L description. I would say for now it could get a Class II-S description for the extent of the Class II. Relatively simple example. Look at a more complex example, again, the Class -- uh -- Class I are in red. These are all (unintelligible) exchanges somewhat, and Class II's are in blue. It has two L's, indicated again by the heavier lines. And then again, 1,000 feet is indicated as (unintelligible). The -- so again, the lower three should get a Class II-L prescription - - uh -- without there being the Class II (unintelligible) five examples. And any time you plan harvesting not until the (unintelligible). Class I's and -- and the Class II's are indicated with the first slide. Class II-L's are delineated here in this case right here. Right here.

And then 1,000 feet is indicated and that's down there. So the lower 1,000 feet is Class II-L prescription. Above that will get Class II-S. Questions have been raised about how difficult it is when a stream runs off the THP map, how far -- you know -- how much work is it going to be to make these kinds of visitations using existing information? Well, we did them for 12 THP's as part of the same analysis for the presentation and out of those 12 THP's we had one water course that we had to look for additional information that wasn't presented in the THP. But in this case the additional information was to call our biologist and ask -- uh -- what their observations were and get the THP so that they explained to us that it was clearly a step lower than the water and based upon that reporting other THP's (unintelligible) on the ground. It's likely that this methodology will someday encounter a water course where it would be difficult. This available information will not be sufficient to determine state water. At that point it's the -- the agency has to make the call as to what the available information does to the (unintelligible). And these seem to do that all the time. So I think the answer to my first question is the office space designation for

Class II-L water courses is kind of complicated at this time. But what are the effects of the Fish and Game and CALFIRE recommendations on timber harvesting? And one short way of looking at this -- what -- what is the additional increment of timber harvest prescriptions for THP's that were imposed by the joint recommendations? This is the table forest straight on the plead. Nothing here. I just want to put it up as a place holder to remind you that Table 4 blanked out the water schedule in the coastal anadromy zone and outside the coastal anadromy zone, what the respective core zone widths are and what the inner zone widths are, are generally -- well they are less, but outside the coastal anadromy zone and they within -- um -- the -- this -- this table presents both prescriptions for Class II-S prescriptions and Class II-L prescriptions and the numbers here are at peak. So for example, on a 30 to 50% slope in coastal anadromy zone the Class II-S prescription has a 50-50 foot core zone and -- and a 60 foot inner zone. This is the Class II-S. The same slope in the same location for a Class II-L with a 30 foot core zone in the same input inner zone, again, 70 -- the inner zone was 80% over to our academy. I asked staff to identify a dozen

THP's. Generally I told them that I wanted at least three from Mendocino, at least three from Humboldt, three from Siskiyou, preferably plans that had Coho and fast growing water courses, and a few plans for a little bit more interior, one -- here we have one from Trinity and one from Shasta and one from Tehama. The analysis was digitized to THP's and they digitized all of the Class I's to water courses in those THP's and then characterized for each stream range whether or not the one side of the stream had a THP limit or both sides did. In other words did the stream run through it per unit, or is it on the edge of the unit. So that was the Class I analysis in two -- presented two categories. The Class II analysis is a little more complex. I wanted them to break them into segments that were Class II-L and send them down creek for Class I were one side of the unit. The second were both sides were being of this unit. Class II-L more than 1,000 feet, one side. Class II-L more than 1,000 feet with two sides. Class II-S one side, and Class II-S two sides. For the 12 THP's this is the stripped form of our GIS analysts I think two days. From this it can generate a data table to compare to these numbers. I just wanted to demonstrate that this -- this represents all of the data.

List of continued fees in the far left. Then the acres. And then all of the separate acre categories of looking at the stream. From this it's really relatively easy to -- um -- do arithmetic. One of the pieces of information is that when you look at all of the -- like the universe of Class II's and those small THP's the total stream length is about 112,000 plus 22,000. So we're talking about 135,000 acre feet Class II's with small THP's. A quarter of the linear feet how much would get the Class II-L prescription, how much would get the Class II-S prescription? As -- as it's all based on the office based method. About 16.7 feet -- uh -- percent -- excuse me -- of the water courses would get the Class II-L prescription. The remainder would get the Class II-S prescription. The next point of analysis is both with respect to the acreage in those THP's, how much would be included in each of those Class I core zone and inner zone? The Class II-L core zone and inner zone and the Class II-S core zone. So 5,437 acres in these 12 THP's. Out of those 4,947 acres are not in any of those categories. 340 acres are within the Class I growth area and this was calculated assuming growth area of 150 feet. This acreage is already in the Class I growth area. Class II-L less than 1,000 feet -

- remember the thick blue line below the red slash -- comprises a total of 80 acres. The Class II-L 1,000 real harvest acres, which is the same prescription for Class II-S with no harvest acres. I assume a 15 foot no touch corner zone amounts to 62 acres. Just comparing these to percentages 91% of the acres are not in those categories, 6.3% are in the Class I rule test. That's 150 foot rule test. And a grand total of 2.8% are in the Class II-L and Class II-S, corner zone and inner zone for Class II-L, too. This represents in acres that they are already operating under this restriction. This means that there is 2.8% of the Class I and Class II's that have additional timber harvest restrictions compared to the existing forest practice rules. And the outer 50 feet of this Class I rule is this rule package, supported by the departments growth -- growth proposed at the 50% full restoring canopy retention standard. The current standard is 65%. So you get additional practice opportunity at 2.1% to these zones. And additional stretching from 2.8%. So the question is what's the impact for the small landowners who don't do any site specific measures. Who don't set forth an amount to try to convert a Class II-L or a Class II-S, what is the impact on them? Here it is. There is

some restrictions on 2.8%, less restrictions on 2.1%. This analysis overestimates the impact which he experienced. The full way. Some of those THP's were outside the coastal anadromy zone but for purposes of the analysis we assumed the CAZ prescriptions for more restrictive provider and more package prescriptions. It assumes no field based modifications of the Class II-L and the Class II-S prescriptions. I don't know what that number is going to be. Right now it would be zero. Third, the current FPR is already required tree retention in those areas where there are additional streams, 50%, total of 10. These are additional restrictions, but the economic effect is not the difference between removing all of the trees and leaving all these trees. It's somewhere -- somewhere in between. And finally, I forgot what I was supposed to do now. First in spelling the plot assumes no site specific prescriptions. In other words that -- uh -- in no case does the landowner propose something under Option B then having a modification on that. So I propose to you that our recommendations have minor effects with the overall experience of the proposed. Options, options, options, options, there are 15 options in this rule free packet.

Ms. Shintaku: You -- you're right. We've had something like 37.

Mr. Stopher: And there's some discussion in the -- this room about just how many combinations does 37 options make? And -- and now that the way you calculate that it's called the fast broil. And so for this one we have 15. I did the calculation for you and we have 1.35 million possible combination sets.

(Inaudible background conversation)

Mr. Stopher: On 15 options. Fortunately we don't have to analyze all of the (unintelligible). But they're -- they're really sorted out into the end part or consideration of this -- your consideration of this is guided by some principals that -- that help -- um -- help guide you through these -- this -- um -- large batch of possible choices. Uh -- the first principal is which option as you consider is more consistent for the Fish and Game -- pardon me -- Board of Forestry, Fish and Game Commission joint policy goals that were just recently adopted by -- by this Board? And the recommendations that we made were guided by and we considered the options. We said which of these is more consistent with the policy goal of recovery lists at some point to the point where they would someday feed those B lists again. As we

said before forest land management is not by itself going to result in either B listing or listing of the additional species but it can contribute a portion of that which was the intent I -- I've understood reviewing the policy. There are other elements of the joint policy too. There are five rules that kick in under there, and I would argue that the recommendations of CALFIRE and the Department of Fish and Game today are consistent with the -- uh -- with those policy goals relative to the offers that are proposed. Let's move in the other direction. Just a few key points and we -- we made this in our letter. CALFIRE and DFG support the site specific options given the standard prescriptions based upon specific proposals made in our comments and the -- the utility made -- uh -- these comments were made by in our attachment 2. They were also made by other entities -- uh -- comments. It's a matter of what the standard prescriptions are as to how Option B will be used. We think it will be both useful if we could get with the standard prescriptions are as those recommended without those recommendations. And there were a number of ways that we could support these site specific options and we could improve the general technical rule events, it could improve

trade, it could move with monitoring of the specific applications in this reporting to the Board of Forestry with them. And it could also improve presumably the development of at least two pilot projects presuming these would be a little bit larger than -- than individual site specific with THP. Then we could report to the Board on its progress. Our recommendations and our view of course are effective and pragmatic applications of the SWC literature review. Well, the SWC literature review came and contained a lot of information and it would be easy to pick out any one piece and say there was some information -- some literature out there that is not entirely consistent with or even the hope that any particular recommendation that either we made, or CFA made, or Water Board made -- uh -- was in the plead. And that's because it's adverse to the environmental testing. Um -- we have made recommendations for a rule package that does reflect regional differences and allows the opportunity for more site specific modifications. And I definitely want to make this point. The Fish and Game and CALFIRE recommendations focus of habitats, habitat protection for serving riparian functions provide a level of protection for Class I's that's appropriate for the fish that are

in the Class I's but provide greater protection to some extent upstream on the larger Class II's and the lower level of protection upstream from that, that provides bank stability, some shade canopy, and inputs of organic material and nutrients and some input in the large woods into those streams for (unintelligible) 7 -- um -- that keeps it's upslope rather than down in the flats (unintelligible).

Board Member: Mark, on the Class II-L analysis that you were doing then the 1,000 foot calculation based on acreage and everything else, did you compare that to going 650 foot -- the difference between the two options?

Mr. Stopher: No, but it's pretty simply -- you know -- the -- uh -- previous riparian.

Board Member: Okay.

Mr. Stopher: Mr. Chairman, I don't know if you want to direct the Board Members --

Chairperson: Yeah, I didn't realize that you were going to end it so quickly, so --
(Inaudible background conversation)

Mr. Stopher: -- I'm very -- I'm very decisive.

(Inaudible background conversation)

Chairperson: Uh -- let's see, Board do you want to ask questions right now or do you want to wait again until we hear from other agencies?

Board Member: Well, I'd like since you started it with this. I would like to ask some questions.

Chairperson: Okay. Yeah, I think that's fair, while it's fresh in everybody's mind.

Board Member: Yeah.

Chairperson: Go ahead (unintelligible).

Board Member: A question, Mark, on -- uh -- the Class II-L's -- I appreciate your fast work illustrating how (unintelligible) but the question I had -- uh -- is how many of those that were mapped actually meet the designations and continuously go through the four to five II-L's (unintelligible) have to have water during the (unintelligible) and have to be able to transport water through it and capable (unintelligible).

Mr. Stopher: There was no -- there was no -- um -- explicit field time for us to go out and evaluate that testing. As we were developing our recommendations however -- um -- I asked Kurt the senior ground scientist, Kirk Babcock is here -- um -- to look at the number of timber harvests in the plans (unintelligible) to look at.

Board Member: That was 16?

Mr. Stopher: Yeah.

Board Member: (Unintelligible)

Mr. Stopher: I asked the staff to look at 10 THP's that they had been participated and they seemed to be on tap. And regardless of inspection.

Board Member: And based upon those Class II's that they had firsthand knowledge of, what kind of correspondence did we have between using second order Class II-L and their -- their recollection of what those missions were on the ground? Do you recall what your stated percentage was per chance? Or was it that Class II-L's in your experience had correspondence of roughly 90% with having that (unintelligible)?

Chairperson: Well, he's going to respond.

Mr. Stopher: Again, that's not unfair to say we often rely upon our individual experience in the field.

Board Member: And then, I guess the other -- the type was Type 2 error of missing them. How many of the Class II's that were not classified as a Class II that may have met the definition? Is there any way to determine? Or you leave it in the -- the (unintelligible) recollection or review? Were there Class II's that should have been classified as a Class II-

L? Say maybe (unintelligible)?

Board Member: Well, certain (unintelligible).

Mr. Stopher: It's certainly possible to -- to -- um -- collect that form of information. I don't have it yet, but I'm confident there will be instances where we would have -- uh -- false negatives.

Board Member: Or we would falsely conclude that some Class II-L's -- in other words that it doesn't contribute certain (unintelligible) sometimes.

Mr. Stopher: If that is a Class II that is evaluated during the harvest inspection no minority of opportunities that we have to -- to do that -- uh -- that's something the review team has to deal with. But there is -- it's something that's been documented as well as taking these (unintelligible). There will be particular geology where -- uh -- hydrology is it might lead to a very lone Class II that -- um -- there is no apparent tributaries to. It's an unusual circumstance but there are some geologies where that happens. When -- when we look at one of the -- the -- uh -- there's a pretty good correspondence frankly between maps of Class II's and the topimaps being separate or they are larger. Even though the topo map may not be of a sufficient scale to show that tributary too. But again -- um -- there's going to

be some false negatives and some false positives. The false positives we have a remedy for that in the full package.

Board Member: But -- but you -- does the joint department's proposal in fact will do -- does the language really require that the RPF use the definition primarily or just the methodology as the prime -- in other words, if we put the RPF in, do you have to be submitting an incomplete plan because -- uh -- because of those potentials for -- for essentially using something that is necessarily correlating with what we have when we check the correlation between the definition? I mean do we have a definition? Do we even need definition to the methodology?

Mr. Stopher: Well the -- uh -- the definition was diffused for two purposes. That is to describe what it is we were trying to manage for. We were trying to manage for those extremes that have a higher probability of providing the surface (unintelligible) in the Class I. And correlating with that is that typically those would be large watersheds and the correlation of the stream water as well. It's a screening tool. It's not a perfect screening tool. It's a good screening tool. In terms of an RPF being at risk with respect to their license no more so than

following the rules of any other -- other respect. If a -- uh -- if the rule fails to include 100% -- uh -- these rules are good. They're not perfect. If they -- if he follows the rules I don't know why he would be (unintelligible).

Board Member: Well, I just want to make clear that we -- the way the structure has out that you will -- that the RPF will use this methodology and make other determinations according to the definition. There's really a two -- a two step there. There's a definition that has to be -- you have a type to identify your screening tool as well as this office space. So I -- I think that's what you're saying.

Mr. Stopher: I imagine there would be cases where -- this is the one I wanted to use here. For example, there are three Class II-L's on this stream. The RPF may know that ground well enough to know that that one in the northeast corner is like isn't wet late summer. And but they -- but they believe the other two probably are based on their experience. They could focus their reference and say that's the one I want to go look at and we'll look up information to -- um -- request the field based information to validate whether it might be a II-L or II-S. I expect the RPF would make some decisions based upon their

experience with the ground. Their work on laying out the THP and what they observed there, they wouldn't necessarily go to every one of those but there would be some that they will select based upon their experience where they think it's probably not to be a Class II-L.

Board Member: Then just one other question on that. Uh -- on the protections for the Class II-L's versus the Class II-standards, in reading the plead it -- it appears that the protections for Class II-L's extend the whole length of the Class II-L not just the -- uh -- the 1,000 feet that your goal has it. But in your explanation it sounds like you were saying that the Class II-L above 1,000 feet is the same protection as the Class II-S?

Mr. Stopher: That's correct. The Class II-L prescription applies for either the extending of the Class II-L or 1,000 feet, whichever is less. So whenever you're more than 1,000 feet, if the Class II-L only goes to 100 feet, 700 feet, 600 feet, that would be the extent of -- of the (unintelligible).

Board Member: Well, that's not major but it seems like --

Board Member: Well, whichever one is out of this test why don't you just keep it that way?

Board Member: Yeah.
