



March 26, 2014

The Honorable Edmund G Brown, Jr., Governor
State of California
State Capitol
Sacramento, California 95814

Dear Governor:

In 2012, Administration officials initiated work on legislation that eventually was enacted as AB 1492 which, among other things, established a timber retail tax and refocused forest management and timber harvest practices in the State. The openness and inclusiveness of the process used in developing this new legislation was greatly appreciated.

Your personal staff and staff of the Natural Resources Agency held many discussions with us and other stakeholders. We had opportunities to raise questions about and propose provisions and language to be included. Not everything we wanted was included, in fact very little was. But one thing included at our request, and seemingly with the endorsement of your staff, was the requirement to prepare and adopt "ecological performance measures." These standards are intended to provide regulatory agencies, the timber industry, and the public a high degree of confidence that the rules regarding how to harvest timber on specific lands adequately address the ecological values of our forest landscapes that are so important to the entire state - values that go far beyond the simple production of lumber.

In AB 1492, the Legislature stated that "the state's forest practice regulatory program needs to develop adequate performance measures to provide transparency for both the regulated community and other stakeholders." And further, the Legislature's intent is to "(m)odify current regulatory programs to incorporate, and provide incentives for best practices, and develop standards or strategies, where appropriate, to protect natural resources..." The Legislature reinforced its intent by requiring the Secretary of Natural Resources, in consultation with the Secretary of Environmental Protection, to annually prepare and submit a report, including measures to assess the efficiency and effectiveness of the program and "(e)valuating ecological performance."

The Legislature recognized that merely complying with the current timber harvest rules does not ensure that the full range of ecosystem values and benefits will be protected throughout a region or watershed or over time. New science based performance standards or quantifiable statements capturing the state's vision for its forest lands and forest dependent resources are therefore required.

Performance standards are meant to serve as benchmarks to address the cumulative effect of multiple individual timber harvests and other forest management activities. Ecological performance standards describe the desired outcomes resulting from specific regulatory requirements related to such things as habitat disturbance, tree species and vegetation composition, distribution of seral stages, water quality, and numerous other natural attributes. These standards are necessary to enable the public to have a degree of confidence and a way to measure whether the full range of ecosystem values and functions are being fully protected and restored by way of timber harvest and other forest management practices.

The Department of Forestry and Fire Protection and the Board of Forestry, on their own and without prior consultation, initiated a plan to supposedly implement these provisions contained in AB 1492. Even though they recognize that no performance measures have been specified, they are moving to appoint a Board supervised Effectiveness Monitoring Committee (EMC) to monitor forest practices, ostensibly in compliance with existing forest practice rules. While compliance with regulations and laws is always good, this is not what is required in AB 1492.

While the charter for the EMC contains many new pleasant sounding words, the goals of the Committee are old, e.g., support adaptive management, ensure consistency with the Clean Water Act and the federal and state endangered species acts, ensure appropriate scientific methods are used, etc. This is not much different than what the Monitoring Study Group has purportedly been doing since its creation in 1989, and that process has largely only served to promote industry positions. The EMC is not an appropriate response to AB 1492’s call for setting, and monitoring compliance with, ecological performance standards. Only a high-level effort, independent of the Board of Forestry, can possibly accomplish AB 1492’s intent.

The Administration must start again to develop an appropriate plan to meet the requirements of AB 1492, this time consulting with all the stakeholders in deciding how best to develop performance standards (measures) and program efficiencies that truly reflect the state’s vision and desired outcomes of a coordinated forest management program. We are committed to help in this regard.

Sincerely,

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CA Native Plant Society

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CC: Honorable Fran Pavley, Chair, Senate Committee on Natural Resources & Water
Honorable Wes Chesbro, Chair, Assembly Committee on Natural Resources
Honorable Richard Bloom, Chair, Assembly Budget Subcommittee No. 3
Honorable Jim Beall, Chair, Senate Budget Subcommittee No. 2