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*Sent via e-mail to: [board.public.comment@fire.ca.gov](mailto:board.public.comment@fire.ca.gov)*

July 25, 2014

Mr. J. Keith Gilles, Chairman  
California Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 94244  
Attn: Mr. Matt Diaz, Assistant Executive Officer

**Re: EPIC Comments on 15-Day Emergency Notice “Native American Notification Amendments 2014”**

Dear Chairman Gilles and Board Members:

The Environmental Protection Information Center (EPIC) presents the following comments regarding the 15-day emergency notice “Native American Notifications Amendments 2014” rulemaking package. EPIC appreciates the opportunity to address the Board on this important matter.

EPIC is a community-based, membership-driven non-profit environmental advocacy organization with nearly 20,000 members and online supporters. EPIC works to protect and restore ancient forests, watersheds, coastal estuaries, and native species in Northern California. EPIC uses an integrated, science-based approach, combining public education, citizen advocacy, and strategic litigation.

EPIC and others were part of the lawsuit *EPIC v. Johnson*, which established, among other things, that CAL FIRE must consult with native peoples to ascertain the location of significant archeological and cultural sites. Today, EPIC remains interested in seeing that native peoples are adequately consulted and that significant historical sites are protected during the conduct of timber harvest.

EPIC supports the Board’s efforts to establish a notification process and waiting period for emergency timber harvest activities. However, the currently-proposed seven (7) day waiting period is unreasonably and unnecessarily short. A seven-day waiting period would include a week-end, which effectively leaves native people with only five days’ notice prior to commencement of emergency timber operation.

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This time period is simply too short to allow for native peoples to receive the notice, conduct the necessary research, and provide a letter of response. EPIC recommends that the Board adopt a ten (10) day waiting period, or a seven (7) business day waiting period.

The Board has a legal and moral obligation to ensure that significant cultural sites are protected during emergency timber operations. Lack of adequate time for disclosure of these sites entirely defeats this purpose. EPIC requests that the Board to reject the current rulemaking proposal and modify the pleading to allow for ten (10) actual days, or (7) business days for native peoples to respond to the notification of intent to conduct emergency timber operations.

EPIC appreciates the opportunity to address the Board on this matter. Please do not hesitate to contact me if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob DiPerna", with a long horizontal flourish extending to the right.

Rob DiPerna  
California Forest and Wildlife Advocate  
Environmental Protection Information Center  
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