



Ebbetts Pass Forest Watch

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TRANSMITTED VIA FACSIMILE & ELECTRONICALLY
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April 16, 2009

Assemblymember Nancy Skinner, Chair
Assembly Committee on Natural Resources
State Capitol
PO Box 942849
Sacramento, CA 94249-0014

RE: [Comments on AB 1066](#)

POSITION: [Oppose](#)

Dear Assemblywoman Skinner & Members of the Committee:

The undersigned organizations join Ebbetts Pass Forest Watch to respectfully oppose AB 1066 (Mendoza), which would extend the effective period for a timber harvest plan (THP) by seven years (from three to 10 years). Because a THP does not operate in a static environment, this tripling of the period of time for a landowner to harvest timber in a specific manner will exacerbate a number of serious problems with forestry regulation in California.

One can understand how greatly extending the life of a timber harvest plan would benefit landowners by allowing them to more easily adjust harvest activity to times of higher log prices. But this flexibility will come at a high cost to the environment because it will greatly compound the difficulty of conducting environmental assessments that reflect true and current conditions in California's forests and the resources that depend on their health. Official assessments of the current deficiencies in the way our forest practice rules (FPRs) operate confirm that AB 1066 is an ill-timed change.

The June 7, 2000 Federal Register Notice listing the Northern California Steelhead as a threatened species came on the heels of a comprehensive review of the "interim" rules to address salmon protection, which are still in effect. These rules have not changed significantly since then, and the National Marine Fisheries Service (NMFS) continues to

refer to this notice as a key enumeration of the failures of the state's forestry regulation.

NMFS reviewed the California FPRs in conjunction with its determination to not list the Northern California steelhead ESU in 1998 (63 FR 13347). That review concluded that although the FPRs mandate protection of sensitive resources such as anadromous salmonids, the FPRs and their implementation and enforcement do not accomplish this objective. Specific problems with the FPRs include:

- (1) protective provisions that are not supported by scientific literature;
- (2) provisions that are scientifically inadequate to protect salmonids including steelhead;
- (3) inadequate and ineffective cumulative effects analyses;
- (4) dependence upon registered professional foresters (RPFs) that may not possess the necessary level of multi-disciplinary technical expertise to develop THPs protective of salmonids;
- (5) dependence by CDF on other State agencies to review and comment on THPs;
- (6) failure of CDF to incorporate recommendations from other agencies; and
- (7) inadequate enforcement due to staffing limitations.

NMFS further concluded that until a comprehensive scientific peer review process was implemented and appropriate changes to the FPRs and the THP approval process were made, properly functioning habitat conditions would not exist on non-Federal lands in the northern California steelhead ESU.

--Federal Register/Vol. 65, No. 110, June 7, 2000, page 36085-Emphasis added-

A myriad of other agencies, experts and commissions have also found serious problems with the logging rules, particularly with the assessment of the cumulative effect of multiple logging plans across space and time. The dysfunction in the assessment of cumulative effects is a primary reason why salmon, steelhead, and other endangered species are being driven to the brink of extinction from death by 1,000 cuts.

Unfortunately, AB 1066 does nothing to address any of the well-known problems with California's logging rules. Instead of addressing the problems with cumulative impact analysis, it makes logging plans much longer and larger without improving the assessment of impacts across the landscape.

We respectfully suggest that modification of timber harvest rules in California need to be more comprehensive, in order to address problems such as those leading to species extinction. We welcome that discussion, and believe that SB 144 by Senator Pavley provides an excellent beginning for this discussion.

From a regulator's perspective, this proposal makes a difficult job even more challenging. Under this bill, CalFire would have the daunting administrative task of keeping track of each logging plan for up to 17 years (including restocking period), but would have significant obstacles in modifying the permit to respond to changed circumstances over the 10-year life of the plan. It could be even longer if an extension is granted under existing law.

In short, while this proposal might benefit the timber industry, it would not improve any of the problems with California's logging rules. We believe that a more comprehensive approach that addresses the issues identified above, particularly cumulative impacts, is in order.

We respectfully request your No vote on this bill.

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