



**Ebbetts Pass Forest Watch**  
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September 23, 2009

Mary Nichols, Chair  
California Air Resources Board  
1001 I. Street  
P.O. Box 2815  
Sacramento, CA 95812

**Re: Ebbetts Pass Forest Watch Comments on Forest Project Protocol**

Dear Chairman Nichols and members of the California Air Resources Board:

Ebbetts Pass Forest Watch (EPFW) thanks you for the opportunity to submit comments on the Forest Project Protocol, adopted by the CCAR on September 1, 2009. These comments are additional to those EPFW already filed as part of a group letter dated September 18, 2009.

EPFW appreciates the time and hard work from many parties that has gone into creating the CCAR Forest Project Protocols. However, we are highly disturbed and disappointed that, following the close of public meetings significant edits were added to the version set forth for adoption by CCAR. These edits subverted and negated much of the intent of the entire document through four main additions.

The first of these was allowing the landowner to only discuss a specific project rather than inventorying their entire land holdings. This opens up the door for an owner to pick a specific, high-quality parcel of their lands, from which to benefit financially through offsets, while intensively managing the remainder of their property in ways that damage the climate and carbon sequestration. This opportunity for “gaming” the system should be eliminated by reverting the language to its original format.

The second was the addition of the Sustainable Forestry Initiative (SFI) certification as a means to assure sustainable forestry management, unfortunately call “harvesting practices” in the document. This industry-controlled system is the one under which hundreds of thousands of acres in the Sierra Nevada are being converted from biodiverse natural forests into limited-species tree plantations. SFI is not a stewardship standard that values all the co-benefits of the forest, but rather an industrial model that values maximum resource extraction of trees above all else.

The third was the inclusion of evenaged management standards into section 3.9.2 “Natural Forest Management.” The comment letter we previously signed detailed some of the many objections EPFW has to this addition to the Protocols.

The fourth area that EPFW feels must be changed is also in Section 3.9.2:

All Forest Projects must promote and maintain a diversity of native species and utilize management practices that promote and maintain native forests comprised of multiple ages and mixed native species at multiple landscape scales ("Natural Forest Management").

All Forest Projects are required to establish and/or maintain forest types that are native to the Project Area. For the purposes of this protocol, native forests are defined as those forests occurring naturally in an area, as neither a direct nor indirect consequence of human activity post-dating European settlement.

This is another place where the process may be “gamed.” To the reader, it may appear that there must be a mixture of species and age classes across the landscape. To most, this means multiple ages and multiple species across the entire landscape. However, as it is written, it allows plantations of various ages within the project or landscape area to meet the “letter of the law.” As well, many would assume that “mixed native species” would point toward the type of desirable forest composition as set forth in the California Forest Practices Rules: “The goal of forest management on a specific ownership shall be the production or maintenance of forests which are healthy and naturally diverse, with a mixture of trees and under-story plants.” Unfortunately, the definition put forth in Section 3.9.2 does not delineate that mixed native species” shall include more than commercial species of conifers. There is no requirement that there be hardwoods, other conifers, or “under-story plants.” Without these, there is no true natural forest but simply a collection of trees, possibly age- and species-segregated. The Protocols must be amended to clarify that a landscape of various age plantations does not meet the intent of "Natural Forest Management," climate protection or the overall intent of the Protocols.

All of these flawed sections undermine the ability of the Protocols to achieve the goal for which they were intended as stated in the Introduction. Following is some of the Introduction’s language with the parts that are threatened by the late edits cited above:

The goal of this protocol is to ensure that the net GHG reductions and removals cause by a project are accounted for in a complete, consistent, transparent, accurate, and conservative manner and may therefore be reported to the Climate Action Reserve

(“Reserve”) as the basis for issuing carbon offset credits (called Climate Reserve Tonnes, or CRTs).

The Reserve is a national offsets program working to ensure integrity, transparency and financial value in the North American carbon market.... Adherence to the Reserve’s high standards ensures that emissions reductions associated with projects are real, permanent and additional, thereby instilling confidence in the environmental benefit, credibility and efficiency of the U.S. carbon market.

Key words that are crucial to the success of the Protocols as a regulatory climate-beneficial process include “accurate,” “conservative,” “real,” “credibility,” and “instilling confidence.” All of these are threatened by adopting Protocols that are flawed and counter-productive. To preserve the integrity and trustworthiness of both the CAR and the Air Resources Board, EPFW urges you to strike these passages from the Protocols before adoption.

The issue of SFI certification brings forward a confusion within the Protocols, that of the use of the term “sustainable.” This term is touted by all as a positive value, but unfortunately it is not defined the same by all. Since it is not defined or consistently used in the Protocols, sometimes being used more as “sustainable yield” and other times more as “ecological sustainability,” readers are left to believe it means whatever they choose. Because of this, there is room for confusion, conflict, and misuse.

Many industrial timber companies, particularly those that operate under SFI certification, say that the wholesale removal of a diverse forest and its replacement with limited-species tree plantations is “sustainable” because marketable wood fiber will eventually be grown on those denuded sites for subsequent re-harvest. This is a usage of the term “sustainable” equated to that of “sustained yield.” However, this is a limited definition of sustainability.

The concept of sustainable forest management is related to but different in significant ways from an earlier concept of sustained yield—the amount of wood that a forest can produce on a continual basis.... The concept of sustainable forest management, however, includes managing the forest for more than outputs; it focuses on maintaining processes and seeking to sustain communities, economies, and all the elements of a forest (Floyd 2002). [See Floyd (2002) for a fuller description of the evolution of concepts of forest sustainability in the United States.]<sup>1</sup>

Here are more thoughts on the complex topic of forest sustainability:

The *Dictionary of Forestry* also states that sustainable forest management is an evolving concept that has several definitions. It offers two, the second of which specifically incorporates the seven criteria from the Montreal Process:

*1. The practice of meeting the forest resource needs and values of the present without compromising the similar capability of future generations – note sustainable forest management involves practicing a land stewardship ethic that integrates the reforestation, managing, growing, nurturing, and harvesting of trees for useful*

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<sup>1</sup> United States Department of Agriculture (Forest Service). National Report on Sustainable Forests – 2003. 4-5.

*products with the conservation of soil, air and water quality, wildlife and fish habitat, and aesthetics.*

*2. The stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality, and potential to fulfill, now and in the future, relevant ecological, economic, and social functions at local, national, and global levels, and that does not cause damage to other ecosystems—note criteria for sustainable forestry include (a) conservation of biological diversity, (b) maintenance of productive capacity of forest ecosystems, (c) maintenance of forest ecosystem health and vitality, (d) conservation and maintenance of soil and water resources, (e) maintenance of forest contribution to global carbon cycles, (f) maintenance and enhancement of long-term multiple socioeconomic benefits to meet the needs of societies, and (g) legal, institutional, and economic framework for forest conservation and sustainable management.<sup>2</sup>*

It is important that CAR and the Air Resources Board clarify the meaning of this term so that the Protocols can be accurately analyzed.

**EPFW thanks the Air Resources Board for their serious consideration of our comments. We look forward to remaining a participant in this important process and reiterate our opposition to your Board approving the Forest Project Protocols as currently written.**

**Respectfully submitted,**

**Addie Jacobson on behalf of Ebbetts Pass Forest Watch**

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<sup>2</sup> *Ibid.* 4.