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Board of Forestry and Fire Protection
Attn: Matt Dias
Acting Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460

BOARD OF FORESTRY AND FIRE PROTECTION

RE: Working Forest Management Plan

Dear Board of Forestry

This letter is in response to a request from Alan Levine of the Coast Action Group, who has asked me to review the proposed rules regarding the proposed action "Working Forest Management Plan" rules and regulations. By way of background, I have been a Registered Professional Forester (#1776) and a consulting forester since 1978, and I have 35 years of professional forestry experience in California. I have degrees in forestry from Yale University (1981) and University of California at Berkeley (1972).

Specifically my comments address the following:

1. Carbon sequestration and greenhouse gases (GHG). It is quickly becoming to be recognized that carbon sequestration is an important value associated with California forests. Due to climate change and more extreme wildfire incidents, California forests have lately become net emitters of large amounts of sequestered forest carbon accompanied by enormous loss of biodiversity, and unfortunately this trend is likely to continue. The 45-day notice includes the statement that the WFMP "will ensure achievement of other long-term environmental benefits, including fire resiliency, improved fish and wildlife habitat, aesthetics, and added carbon sequestration (PRC §4597(a)(5))." Yet there is no requirement for any of this in the proposed WFMP rules. The ISOR talks over and over again about "increased carbon sequestration". Yet actually there is no mention of standard for forest GHG sequestration or climate values in the proposed rules. The WFMP allows public funds for "plan review", and potentially for "safe harbor", "restoration" in return for "stricter environmental standards" in WFMP requirements. Other than the unevenaged management requirement it is unclear as to what, if any, are the "stricter environmental standards" within the WFMP, or that any measurable standards will be met via "unevenaged management". As the years go by, the WFMP applicant should be required to use the periodic inventory to clearly and credibly demonstrate that the forests are

stocked with trees of a variety of age classes that can produce increasing inventories over time through improved forest management.

2. Inventory. The WFMP program seeks to "Implement rigorous timber inventory standards that are subject to periodic review and verification by the Department". The WFMP document does state that "WFMP shall describe a future schedule of inventory sampling and analysis of LTSY" (page 31) but it does not appear to set forth a requirement for inventory updates or demonstrations of ongoing sustainability. The WFMP inventory sampling schedule is required simply to "consider" the vital matters of site class, growth projections, and accuracy. Specific accuracy standards are important parts of any inventory and the inventory and accuracy requirements for WFMP should be clearly indicated in the proposed rules.

3. Sustained Yield. The WFMP requires "the long-term objective of an unevenaged timber stand and sustained yield" and shall require "certain information":(45 day notice, page 4). LTSY is defined as growth and yield being balanced after up to a 100-year period. The document does require an assessment of baseline conditions and an "estimate" of LTSY, presumably through modeling. However it is not clear that sustained yield (or, importantly *lack* of sustained yield) can be demonstrated until a substantial portion of 100 years has passed, or that a landowner will ever demonstrate LTSY accurately. The WFMP actually requires (page 28) that, for the purposes of demonstrating LTSY, up to 25% of the 15K acre project area (e.g 3750 acres) can demonstrate sustainable inventory stocking within +/- 25% at one standard error. That standard could be achieved with as few as 8-10 plots or as few as one inventory plot per 400 acres. Such an inventory is hardly sufficient to demonstrate sustainability under any measure. Therefore the LTSY provision may not be enforceable should a landowner harvest unsustainably, either unknowingly or maliciously. Fifteen thousand acres is a lot of forest. I would suggest adoption of language from the ARB Forest Protocol, or develop similar language which would establish a high-quality baseline and forest inventory updates with specified confidence, a high stocking reference, and required periodic 12-year verifiable re-inventories at the same levels of accuracy and with confidence deductions. Such inventories can then be compared against the earlier inventories and baseline growth projection models to demonstrate sustained or increasing forest inventory in a credible statistical manner.

4. Aggregation. The WFMP program dangerously allows "a collection of two (2) or more landowners with a combined acreage of timberlands less than 15,000 acres" to join to develop a WFMP, and then to have the administrative process, including submittal of Forest Harvest Notice, overseen by the "Designated Agent". These could open up loopholes in the Forest Practice Act. For instance, an unqualified Designated Agent and multiple RPF's may be involved, but whose responsibility would it be to assure sustained yield when that requirement is distributed across a large number of properties? What if some landowners are justifying unsustainable harvest practices by riding on the shoulders of the inventories of other conservation-minded landowners whose lands are

administered by RPF's who may not even know each other or the Designated Agent? What if a crafty Designated Agent consolidates three hundred 50-acre properties, scattered among multiple districts and counties, into a single WFMP? There is no credible reason why a cluster of smaller landowners would not individually file NTMP's or independent WFMP's if each wants to avoid the THP process. To me the "collection of landowners" and "Designated Agent" provisions do not make any sense. Why is this circuitous process in the proposed law?

5. CalFire review. The legal requirements are becoming increasingly complex and there are required sub-specialty items in inventory, GIS, R&E species, geology, fisheries and more. These plans, WFMP's, do not expire. Does CalFire have adequate and assured funding, staffing and training processes that assure that plans are being adequately and competently reviewed and monitored by qualified RPF's and other experts?

6. Inconsistent 45-day Notice. The 45-day notice includes the provision that "The Board is proposing action...To adopt 14 CCR §§ 1090.28 and 1094.34, which would allow restoration projects, required as a condition in a NTMP or WFMP, that have a significant public benefit, to be eligible for State restoration grant funding pursuant to AB 904 chaptered in PRC § 4597.19." Forest protection required by NTMP's and THP's (and presumably WFMP's), are included as part of the Z'berg-Nejedly Forest Practice Act and the Forest Practice Rules. Why should landowners be reimbursed by the state for logging their forests when they are not required even to show anything other than ambiguous and minimal sustained yield over 100-years?

As an RPF I am conceptually in support of the WFMP implementation in concert with restoring and sustaining California forests and wild lands. I am also mindful that the WFMP process is potentially a major concession to some large California private forest landowners and timberland organizations. There should not be so many ambiguous terms as seem to appear in the rules as proposed. I believe that, if the Board of Forestry addresses the concerns I and others have outlined, that the standards, goals and credibility of this important program will be lasting, efficient, enhanced and enforceable.

Sincerely

A handwritten signature in black ink that reads "Thomas Gaman". The signature is written in a cursive, slightly slanted style.

Thomas Gaman, RPF 1776