



Sent via electronic mail on date shown to: PublicComments@BOF.ca.gov

August 16, 2019

California Board of Forestry and Fire Protection
Attn: Eric Hedge
Regulations Program Manager
P.O. Box 944246
Sacramento, CA 94244-2460

RE: EPIC and Sierra Club California Comments—45-Day Notice of Proposed Rulemaking: “Stocking and Silvicultural Standards Amendments, 2019”

Dear Mr. Hedge and California Board of Forestry and Fire Protection:

The following comments are presented on behalf of the Environmental Protection Information Center (EPIC) and Sierra Club California, regarding the 45-Day Notice of Proposed Rulemaking entitled, “Stocking and Silvicultural Standards Amendments, 2019.”

The Draft Proposed Rule Text constituting proposed changes and additions to the Forest Practice Rules and aspects pertaining to minimum resource conservation standards (stocking standards) for the various silvicultural prescriptions based on Forest District and Site Class, and accompanying proposed-modifications to the point-count requirements to meet minimum stocking standards and the methods for counting “countable” trees based on Forest District and site class appear reasonable.

However, the 45-Day Notice of Proposed Rulemaking and accompanying Draft Rule Text are being proposed in an isolated vacuum. As such, they fail to account for how the implementation of the proposed changes will affect other mandated aspects of the Forest Practice Act and Rules. These documents do not address the existing mandate to attain and ensure attainment of Maximum Sustained Production of High-Quality Timber Products (MSP) and Long-Term Sustained Yield. They also neglect how or if timberlands owners will need to adjust plans or “options” to show MSP in discretionary permitting frameworks like Timber Harvest Plans, Non-Industrial Timber Management Plans, and Working Forest Management Plans.

Further, the Initial Statement of Reasons (ISOR) does not present any evidence that the Board considered possible adverse environmental impacts that may result from adopting the 45-Day Notice and Proposed Draft Rule Text. The Board should consider how the proposed changes and additions will impact site occupancy and site recapture, water quantity, potential increases in shrub, brush or other early-seral vegetation and corresponding potential increases in wildfire risk and severity. Additionally, the Board should assess the impacts of climate change and of anticipated more frequent and prolonged droughts on the survivability or growth rates of trees. Finally, the Board must comply with legislative mandates that it ensure that California timberlands are storing and sequestering carbon dioxide in amounts necessary to contribute to state Global Warming Solutions Act and related climate-policy objectives.

If the Board intends for these and other issues to be left to the judgement of Registered Professional Foresters on a plan-by-plan basis when proposing alternative stocking levels to meet “Forest Health” objectives, then that

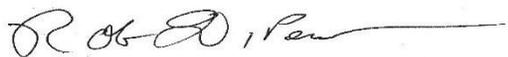
expectation must be explicitly stated in the Draft Proposed Rule Text. If this is not the Board's intent, there is more work to be done with the Draft Rule Text to make its expectations clear.

The Board must also ensure a means of monitoring and receiving regular reports on the impacts, level of success, and needed modifications to the Proposed Rulemaking once adopted.

On behalf of EPIC and Sierra Club California, we ask that the Board take more time to address the above stated concerns.

Sincerely,

Rob DiPerna



California Forest and Wildlife Advocate
Environmental Protection Information Center
145 G Street Suite A
Arcata, CA 95521
Office: (707) 822-7711
Cell: (707) 845-9528
rob@wildcalifornia.org
www.wildcalifornia.org

Daniel Barad



Campaign Representative
Sierra Club California
909 12th Street, Suite 202
Sacramento, CA 95814
Office: (916) 770-0284
Daniel.Barad@sierraclub.org