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Board of Forestry & Fire Protection
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RE: "Implementation and Effectiveness of Rules"
or "2022 Regulations and Priority Review"

Board [and staff, including 'CalFire']:

In sum: It's broke, been broke. Fix it.

Broken promises, delayed action, half (or less) baked measures, and disingenuous posturing continue to jeopardize the forests and peoples of California. This is not an exaggeration. This is what I have seen in my lifetime. Perhaps some of this will be conveyed to you in a new memoir forth coming by Richard Wilson. It has already been conveyed by many over many decades. The forests and people are witnesses. Whole careers communicating the deep need for reboot and reform – adherence to the spirit and integrity of pertinent laws and regulations -- are ignored. Chris Maranto's heavy tome and evidence backing essential reforms remain hidden in multiple administrative and legislative closets..

Now that I've gotten that out of the way, let's examine some basic and obvious examples needing solutions "to better achieve resource protection". We must not lose sight of that in the posturing around "reduce[-ing] regulatory inefficiencies" while, ostensibly, "maintain[-ing] the same or better level of protection." "Reducing regulatory inefficiencies", not always, but is usually code for unfettered 'old-time' plantation economics at huge environmental and social costs.

Starting with three unrequited efforts from the 2020 and 2021 'traditional' Regulations and Priority Review:

From Richard Gienger
(and on behalf of Forests Forever and
Why Forests Matter)
Tuesday, 7 November 2020

RE: 2020 Regulation & Priority Review

Board, Staff, and CalFire:

There are a number of issues, interpretations, standards, and modifications that need to be addressed at your 9 December 2020 virtual Board meeting.

Among them:

** Reform the evaluation and response to cumulative impacts into a credible procedure in line with, among other things, data use, formats and transparency that are integral to the implementation of AB 1492.

** Reform and expand the use of sustained yield plans.

** Reform the information and standards for describing forest conditions – and implement practices that will result in practices that will result in healthy resilient forests with large components of larger, older trees at or past culmination of mean annual increment.

** Reform the implementation of 14 CCR 916.4 to include standards useful formats to enable stream and watershed restoration.

** Set standards for the use of LiDAR and other remote sensing systems that can be incorporated into review, approval, and implementation of measures for forest and watershed maintenance, restoration, and enhancement – that can be applied to their THP and other plan processes ASAP.

RE: 2020 Regulation & Priority Review

Marc Jameson – 22 October 2021 [especially the section on “the primary failure to construct rules which reflect the intent of legislation [which] has been associated with the term Maximum Sustained Production.”]

[REFER TO MARC JAMESON ATTACHMENT: "full-10-b-8...t_ada 2.pdf"]

His final two paragraphs of comments on the need for reform of MSP process and standards:

"In the 1970s, most even-aged stands being entered in the redwood region exceeded 70 years of age. What is the situation today? No-one knows for certain, but the Board and Department should have some idea. My guess is that most even-aged stands being entered for the first time in the redwood region are in the 30 to 40 year age class. Some of those stands being selectively harvested are probably seeing their level of annual growth slowly reduced through high-grading or over-harvest. Again, do the Board and Department have any idea what the true picture is today?

My request of the Board is that you find a way to include better verification of MSP projections made by timberland owners, particularly the larger ones, and to include periodic written departmental assessments of conditions. In addition, I believe that the definition of MSP needs to be modified to ratchet up toward a higher level of sustained production than exists today. How high is a subject for debate between landowners and the Board, but existing legislation and the true definition of terms should serve as a guide."

Loretta Moreno – 16 November 2021 [especially regarding absolute need for improved records and access to geospatial data, currently not required!]

[REFER TO LORETTA MORENO ATTACHMENT:
"Annual Call f...y Review.pdf"]

Now for the crippled implementation of AB 1492:

The Board, CalFire, the Natural Resources Agency have some heavy lifting to come any where near into compliance with AB 1492 – both legislative and regulatory intents and specifics. Here's a "Public Process Approaches" document for "AB 1492 Timber Regulation and Forest Restoration Program, from 15 June 2015 that show how far, criminally astray really, the TRFR Fund/Program has gone.

[REFER TO THE AB 1492 PUBLIC PROCESS ATTACHMENT:
"AB 1492 Pro...15-2015.pdf"]

And perhaps the most egregious bungle is the attempt to finesse a “solution” for the Jackson Demonstration State Forests issues – an incredible opportunity to have a showcase model for California Forests and Co-Management into the future. I’m a little hard pressed to go into the perspectives and details that need to be covered, so I am hoping that the 3 following attachments will give you a pretty good idea of what really needs to be done. A couple things that are particularly aggravating is the failure to publically address the issues head-on in the Management Committee (Top priority for 2022), putting an unreal spin on the situation, and failing to transcend the past and have the multifaceted and multicultural reforms necessary. As some might be prone to express: the solutions are outside of what is the normal “wheelhouse” of the Board and CalFire.

Soda Gulch:

[REFER TO THE SODA GULCH ATTACHMENT:
“mgmt-4-a-coyote-valley-thp...jdsf(1).docx”]

Caspar 500:

[REFER TO THE CASPAR 500 ATTACHMENT:
“Save Jackson Coalition’s...est-2.docx”]

rg & Forest Forever:

[REFER TO THE rg AND FOREST FOREVER ATTACHMENT:
“letrREjdsfEm...9.27.22.docx” ...]