



8/13/21

J. Keith Gillless, Chair
California Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Subject: Comment on the Board's draft Botanical Guidance Memorandum

Dear Chairman Gillless and Members of the Board,

After review of the Board's draft Botanical Guidance Memorandum, the board members of the California Licensed Foresters Association would like to offer support for the guidance memorandum as a guidance document with no regulatory effect and encourage the continued observance of that goal. On behalf of our membership, CLFA respectfully discourages the Board from providing instruction that could be interpreted as underground regulation, such as stating specific standards for scoping, and instead provide guidance that encourages project-specific considerations and RPF professional judgement. CLFA also encourages the continued pairing of this document with previously published and distributed guidance from CAL FIRE in years past, such as the CAL FIRE Botanical Resources Memo written by Director Shintaku in 2009 and the CAL FIRE memo from 1999 including "CDF Guidelines for Species Surveys and Mitigations" by Director Tuttle. The inter-compatibility of these documents with the guidance memorandum currently being prepared will best serve the licensed professionals in the state by providing consistency, as well as additional clarity.

Additionally, we would like to offer the following comments for your consideration in the continued development of this memo:

1. Page 2 -As was discussed at the July Board meeting, we support the removal of the phrase "species of consequential status" from this document, as it is not a clearly defined term and provides for further confusion rather than clarity. We agree that "if CDFW and other review team agencies wish to rely on rarity designations adopted by nongovernment entities, they should demonstrate their concurrence with those designations by formally recognizing them via the rulemaking process" (Page 5, paragraph 3).
2. We recommend the memo address and acknowledge disturbance-dependent rare species, which often benefit from the effects of harvest, in scoping and surveying processes.
3. Page 10, paragraph 3 - We recommend the memo support flexibility in the timing of submittal of botanical surveys results, as natural disasters and operational boundary changes often change the scope of surveys. Submitting survey results at the time of Plan submittal could incur substantial wasted costs to the landowner if unneeded surveying has occurred or re-surveying is needed. We encourage the Board to instead emphasize that new surveys may be necessary in the instance of the legal standard of significant new information, backed by substantial evidence.



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4. Page 10, paragraph 2 - We recommend removing the suggestion of providing information regarding the location of populations with survey results. This information could be abused by the public and is the basis for why specific locations are not disclosed with the free CNDDDB/BIOS access.

We would like to thank the Board for their effort on this Memo and encourage the Board to reach out to CLFA with questions in response to this comment or for desired input on this memo. Thank you for the opportunity to comment.

Respectfully,

A handwritten signature in black ink that reads "Jason Wells".

California Licensed Foresters Association
Jason Wells, RPF #3014
President