Marc J. Jameson
October 22, 2021

re. Board of Forestry and Fire Protection 2021 Regulations and Priority Review

Dear Members of the Board:

Comments and suggestions relative to your Regulations and Priority Review

MSP:

Over the many years of rule development; perhaps the primary failure to construct rules which reflect the intent of legislation has been associated with the term Maximum Sustained Production. While legislation clearly states "maximum", the rules have essentially altered the definition of the term to "moderate" or modest. In essence, each landowner is allowed to freely determine what maximum sustained production means to them. They can freely identify their "products" and calculate a level of sustainability that they choose, be it timber or fenceposts.

Another major reason for this failure to define maximum as it should be defined, is that the Board and Department really have little or no idea what is actually happening in the field. Each landowner submits their own inventory and projection to the Department and the Department struggles to determine whether or not it is accurate or even valid. I can recall one instance where a significant ownership submitted an Option A with a stated annual growth of 1800 board feet per acre per year; thus proposing to remain sustainable by harvesting at this level. An RPF supposedly did this work and certified its validity by signing the document. After over a year of back and forth with the Department; the estimated annual growth from that property was established at under 500 board feet per acre per year! No action was ever taken against the RPF or the landowner, yet this was clearly an example of gross incompetence, or perhaps intentional (probably a little of both). The Department attempted to conduct an independent inventory and growth assessment of the property in question, but was denied access and had no legal standing in regulation.

My point is that the Board cannot expect to know the status of sustainability in California if it is totally reliant upon estimates made solely by landowners. California is in need to some form of verification process, in order to know whether timber operations are sustainable and at what level. To my knowledge, the only tool available today is the U.S. Forest Survey. Thankfully, as of 2015, it appears that growth exceeds cut on California's private timberlands. However, this data is sketchy and not overly informative. In addition, several million acres of timberland have burned since that estimate was made. While large owners have submitted Option A's and SYPs, I see no evidence that these are monitored by the Board or Department. Even the most basic state or region-wide data does not appear to be tracked and reported consistently on an annual basis.

In the 1970s, most even-aged second-growth 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.

Shared roadways:

Roads shared by landowners are routinely damaged or degraded during timber operations, leaving landowners stuck with expensive repairs or passability issues that are not of their making. When confronted with complaints, the Department's response is generally that "this is a civil issue between landowners". Road passability and condition is a significant environmental issue. Rules should be implemented to insure than road conditions are not deteriorated by timber operations. If a THP identifies a road as permanent status, it should be maintained and left as permanent status upon completion of operations. Otherwise, environmental damage is extremely likely following completion of operations, and should be foreseeable. This damage may be inflicted by road users who had no part in the timber operations that degraded the road. Hauling and skidding on wet roads is the primary cause of these damages, whether or not they meet the definition of "saturated".

On many occasions, I have observed shared roads that may be rough and full of potholes, but are hard and passable during wet weather. Upon completion of timber operations, these roads are typically graded and perhaps waterbarred, leaving them looking better, but in reality, soft and impassable during wet conditions, leaving the other party to make expensive repairs or cause environmental impacts associated with use of the road. This constitutes a significant impact that is foreseeable, predictable. It also reflects poorly upon the Department and further imbeds an anti-logging sentiment in the general area.

NSO:

The northern spotted owl was listed approximately 30 years ago! Regulations require that habitat needs of the species be identified and preserved or sustained, ending the temporary measures put in place decades ago. And yet, timberland owners are still faced with the "temporary" process of 2 years of mandated species survey and departmental no-take determinations. Please confer with the CDFW to finalize the NSO situation and relieve timberland owners of this on-going expense.

When the NSO was initially listed, the "experts" in the field estimated that only a few pairs remained in the region, and that they were dependent upon old-growth forest. Survey was mandated, and this survey soon found population numbers to be over 3000 within the region, with coincident smaller home range requirements than anywhere else within the range of the species. Most of the birds were found to be associated with second-growth forest, and closely associated with even-aged management for their food source, though they tended to nest is second-growth areas with high canopy levels. In essence, the "experts" were found to be way off the mark, but timberland owners are paying the price.

Now, we're experiencing a reduction in even-aged management, and increase in barred owls, and a coincident decrease in NSO. Continuation of survey requirements for individual THPs should be discontinue in favor of a stable long-term solution for the species, which may well be nothing specific, given likely future habitat availability.

Jackson Demonstration State Forest:

My final request to the Board is increased support for JDSF, which is, once again, under attack by local citizens who either do no recognize, or do not care what the Forest was established for, and the great value that it serves, both to the region, and to the state. The fact that timber operations temporarily alter landscapes appears to be what drives local protests. JDSF is a state-wide resource, not just a local one. It needs to be vigorously promoted and defended, and its research budget increased. It is the source of more research and study of value to the state than any other regional forest entity, and serves as a shining example of what sustainability can look like, while also being a significant recreational resource and habitat. I urge the Board to maintain the value of the state forest as an example of forest sustainability by not incrementally reducing productivity in future management planning. Timber products are inherently sustainable relative to most of the alternatives. The issue is not whether more carbon can be stored on any specific acre or area, but whether and at what level of sustainable production, carbon from other sources can be offset and overall atmospheric carbon can be reduced.

Marc J. Jameson
RPF 1773