



CALIFORNIA
LICENSED
FORESTERS
ASSOCIATION

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March 24, 2004

The California Performance Review
c/o Office of Governor Arnold Schwarzenegger
State Capitol
Sacramento, CA 95814

To Whom It May Concern:

I am writing you on behalf of the California Licensed Foresters Association (CLFA), which represents approximately 800 Registered Professional Foresters and other associated resource professionals involved in the management of private forestlands in California. The protection of these natural resources is ensured through use of a Registered Professional Forester, also known as an RPF. RPFs are individuals that have demonstrated a thorough knowledge of the wildland environment and have been licensed by the State of California to provide technical assistance to landowners on wildland management issues.

CLFA would like to take the opportunity provided by the California Performance Review process to recommend some changes to government with regards to forest management in California.

Protection of the State's natural resources for the use and enjoyment of this and future generations is a fundamental responsibility of state government. By the same measure, promoting responsible use of the State's natural resources for the benefit of this and future generations is equally important.

Forest products are one of the few natural resources in this state that are truly renewable and that provide a needed and environmentally responsible product. The use of wood as a primary building material is far more environmentally responsible as measured by energy required to produce comparable products and impact on the landscape, than any substitute product including steel and plastic.

California is on the verge of destroying its forest products industry through a complex system of multiple state agencies with overlapping jurisdiction that have been allowed for many years to engage in a power struggle over which agency has primary authority to regulate the State's forest products industry. This power struggle has produced a multitude of complex forest practice rules and laws, creating a prescriptive and disciplinary approach to management of the State's natural resources. This power struggle and prescriptive approach has now reached the point where it is on the verge of rendering management of this State's bountiful and extremely productive forest resources an uneconomical business. **The state's goal must be to promote responsible forest stewardship in the most cost effective manner available.**

As an example:

- Each department of California's Resources and Environmental Protection Agencies routinely strives to independently enforce its unique resource protection mandate without regard to the legislative mandates and responsibilities of sister departments. This situation has resulted in conflicting and contradictory demands by state regulatory agencies. It has violated the Lead Agency concept intended by the California Environmental Quality Act to produce an orderly and efficient analysis and resolution of environmental impacts, resulted in excessive state costs by agencies exercising duplicative regulatory control, and added tremendous cost to businesses responding to these conflicting, contradictory, and unnecessarily burdensome regulatory requirements.
- The regulatory costs of prescriptive standards have encouraged an alarming trend of divestiture and land use conversions of forestland throughout California. Recognizing the tremendous value of forest resources from a managed forest landscape, California Licensed Foresters Association (CLFA) desires to promote a healthy business environment which encourages landowners to keep investing in California forestlands. The CLFA position on forest practice regulation reform, towards a performance-based approach, stems from recent investigations on the cost-effectiveness of out-of-state program approaches. Comparable resource protection (verified by field monitoring studies) at significantly reduced costs indicate a substantial value to Californians. The state of Montana, for example, has been able to demonstrate tremendous effectiveness simply through an educational focus on Best Management Practices (BMPs). The state of Oregon has satisfied numerous federal requirements through its performance-based rule language and service mindset, while the state of Washington has set itself a ten year goal to reduce its reliance on prescriptive standards.

Result:

- California is depriving itself of much-needed state tax and services revenue and is not acting in a responsible manner.

CLFA believes that it's time to streamline the complex costly and prescriptive approach to management of the State's natural resources.

The solution to the management of the State's natural resources should be built around the following principles:

Changes to California's forestry regulation system should take stock of the following reform starting points:

1. Understand that other states have successful programs promoting resource protection.
2. We should measure a program's success by its ability to achieve its objectives, within reasonable economic limits.
3. Our Forest Practice Rules (FPR) are designed to be prescriptive standards. They were developed with good intentions, but have outlived their purpose. Some regulatory personnel and concerned public members are no longer convinced that application of the FPR

prescriptive standards under the Timber Harvesting Plan (THP) review process equate to a negative declaration of adverse impacts to the environment.

4. Best Management Practices (BMPs) can be developed and approved by multi-disciplinary groups. We should develop BMPs for California and seek EPA approval of them.
5. Forest Practice Rules do not have to be prescriptive to be effective. Water Quality regulations and the Administrative Procedures Act of 1979 call for performance-based approaches.
6. Forest Practice Rules do not have to be prescriptive to comply with CEQA.
7. Performance-based approaches provide flexibility in the methods to achieve resource objectives.
8. Though currently required by the Forest Practices Act, THPs do not have to be a discretionary permit, making them a “project” under CEQA.
9. The land use, and its associated management program, could be considered the “project”, leaving operational planning documents and notification documentation outside CEQA review.
10. Focused auditing programs are more cost effective than our review and enforcement program.
11. Many monitoring efforts do not ask/answer the right questions. When we feed the answers into our prescriptive approach, we increase the regulatory burden.
12. California is missing out on excellent research results by adhering to a non-BMP approach.
13. California is well into diminishing returns with its prescriptive program.
14. Focusing upon education gives high returns in a BMP program. Service forestry and BMP education outreach efforts are more cost effective than our review and enforcement program.
15. Job satisfaction and cooperative effort is higher under a service forestry/outreach program than our review and enforcement program.
16. An environment which promotes high BMP compliance levels is one where landowners can see a future return on long term investments. Our current system has promoted divestment by some landowners.
17. Third-party certification programs provide cost saving opportunities to regulatory agencies seeking to verify resource protection objectives. British Columbia recently saved approximately \$40,000 through one such compliance inspection.

Thank you for the chance to provide input regarding potential solutions to help improve governmental agency interaction and regulatory processes associated with forest management in California. If you need additional information from CLFA, please do not hesitate to contact us at the above address.

Sincerely,

Gary F. Howard, RPF # 1017
CLFA President