



CALIFORNIA
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ASSOCIATION

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June 19, 2003

The Honorable John Laird
Chair, Environmental Safety and
Toxic Materials Committee
California State Assembly
State Capitol
Sacramento, CA 95418

REFERENCE: SB 923 (Sher)
CLFA POSITION: OPPOSE

Dear Mr. Laird,

The California Licensed Foresters Association (CLFA) has examined Senator Sher's SB 923, and respectfully opposes this bill.

We are concerned that this legislation presents yet another disincentive to forest management in California, which is already arguably overregulated. At a time when we are importing an unprecedented 80% of our wood products from other states and foreign countries – despite our state's great wealth of ecologically sustainable forest resources¹ – this legislation can only make matters more difficult for our professional members, clients, employers, families and communities in forested regions of the Golden State.

Specifically, SB 923 threatens California forestry by eliminating the ability of forest landowners to secure waivers of waste discharge requirements from regional water quality control boards if they are proposing timber harvest activities in watersheds listed by the federal government as impaired under Section 303(d) of the Clean Water Act. The bill will also institute fees for the issuance of water quality waivers, and require expensive water quality monitoring efforts by project proponents.

Under current law, regional water quality control boards are required to set conditions under which they will issue waivers for forestry activities. The process is still relatively new, because the requirement did not take effect until January 1st of this year.

The forestry waiver policy is therefore only just currently taking shape. CLFA believes it to be premature in 2003 to layer onto this new and evolving regulatory process additional requirements and expenses. The current procedures need more time to be hashed out and assessed.

We note that with regard to water quality impacts to 303(d) listed watersheds, current California forest practice regulations already require that Timber Harvest Plans proposing operations located upstream from such water bodies must “provide feasible mitigation measures to reduce any such impacts from the plan to a level of

¹ California has approximately 17 million acres of commercial timberland, almost 20% of the state's entire land area.

insignificance... The [CDF] Director's evaluation of such impacts and mitigation measures will be done in consultation with the appropriate RWQCB" (14 CCR 898). Thus the current standard is already quite explicit: water quality impacts must be reduced "to a level of insignificance." Why then require a forest landowner in compliance with this high standard to secure a full-blown waste discharge permit, thereby adding additional regulatory process and expense both to the private party and the state?

New waiver permit fees and water quality monitoring requirements, as proposed in this bill, would place additional financial burdens on landowners, raising their incremental cost of doing business and therefore also the attractiveness of discontinuing forest management altogether – and looking to convert their land to other uses.

CLFA believes that it should be state policy to encourage California forest landowners to maintain their lands as native forest greenbelts, by having a forest practice regulatory system that is cost-effective, tough but fair. We believe that the current unstable regulatory situation, among other trends, is rapidly pushing California forestry to the breaking point. In response, CLFA has produced a white paper, *California Forestry 2050*, which is posted on our website at <http://www.clfa.org/2050onCLFAletterhead.pdf>. We encourage legislators to visit this posting and consider its ideas prior to voting on this and similar forestry "reform" bills this summer.

In summary, CLFA opposes SB 923 as an expensive, unnecessary and potentially harmful piece of legislation. Thank you for your consideration of these comments. Please do not hesitate to contact me for clarification or further information.

Sincerely yours,

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cc: Assembly Environmental Safety and Toxic Materials Committee.
The Honorable Byron Sher.
CLFA Board of Directors.
Brad Seaberg, Chair, Northern California Society of American Foresters.

The California Licensed Foresters Association, with approximately 800 members, represents the common interests of Registered Professional Foresters in the State of California. The Association provides opportunities for continuing education and public outreach to its membership, which includes diverse professionals affiliated with public agencies, private timber companies, consultants and the academic community. Governed by an elected Board of Directors, CLFA was established in 1980 after the passage of the landmark California Professional Foresters Law.