



CALIFORNIA
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FORESTERS
ASSOCIATION

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May 8, 2018

The Honorable Ricardo Lara, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, CA 95814

RE: SB-1414 (Beall) Timber harvesting plans: San Jose Water Company – **Oppose**

Dear Senator Lara:

The California Licensed Foresters Association (CLFA) continues to oppose SB 1414 and believes the bill, as amended March 22, 2018, still usurps the authority of the California Board of Forestry (BOF). Disapproval of a Timber Harvest Plan (THP) based on this proposed legislation could result in litigation. We strongly caution the Senate Appropriations Committee to consider that this bill would set a precedent that would result in unnecessary litigation, even if not by the currently targeted landowner. This is unnecessary at a time when foresters and landowners are gaining trust with public agencies and building positive working relationships.

The proper path to include the Midpeninsula Open Space District (Midpen) in the THP review process is through the BOF. The BOF consists of 9 members appointed by the governor - five members from the general public, three forest products industry representatives, and one range-livestock industry representative. This membership ratio was enacted to increase public input into Board matters. All appointments are subject to confirmation by the State Senate. Therefore, SB 1414 usurps the carefully crafted procedures and authority granted by the Legislature which already includes involvement from the State Senate and the Governor of California through the appointment process.

The bill's findings and declarations do not identify a problem with the current ownership's management of the property. According to the bill, if Midpen were to own the property, the proposed public hearings would not be necessary. This is a clearly biased provision implying that a timber harvest by Midpen would require less public input. The speculation that Midpen would be a better steward of the land is not substantiated. The bill states: "Given the potential for the significant damage to the publicly owned parcels, the negative impacts of commercial harvest in this area need to be carefully examined to ensure they do not damage water quality, erode fire suppression and prevention efforts, frustrate conservation priorities, including preserving critical habitat for wildlife and fish populations." CLFA would argue that impacts are already carefully examined within the current process. It seems that the frustration is due to the subject property being a private ownership. It is not a foregone conclusion that a non-enterprise special district such as Midpen (not a public agency) would be a better steward than a private one.

The California Public Resources Code states the following regarding the BOF: "The Board is charged with protecting the forest resources of all the wildland areas of California that are not under federal jurisdiction. These resources include major commercial and non-commercial stands of timber, areas reserved for parks and recreation, the woodland, brush-range watersheds, and all such lands in private and state ownership that contribute to California's forest resource wealth." This established mandate of the Board already fully meets the intent of the proposed legislation rendering the bill unnecessary. That is, unless there is another unstated intent the bill seeks to pursue.

CLFA believes the bill itself is an attempt to practice forestry without a license in the State of California. The proposed bill, with regard to the subject landowner, states: "Any such timber harvesting plan or associated permit shall be based on thinning overly stocked areas to reduce wildfire risk or to enable larger and more fire-resistant trees to grow and sequester carbon. The San Jose Water Company shall manage its timberlands in an integrated manner so as to



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accomplish both of these goals." This would be practicing forestry silviculture without a license. Silvicultural prescriptions for commercial harvests must be prepared by a California Registered Professional Forester (RPF).

In conclusion, we continue to oppose the bill for the following reasons:

- There is no statement of a problem other than unsubstantiated risk.
- The bill usurps the authority of the BOF, the Senate and the Governor.
- The bill supports the transfer of San Jose Water Company's land to Midpen which means that Midpen being part of the timber harvest review team would be a direct conflict of interest.
- There will be increased costs to the state as various interagency review teams will need to conduct hearings, not to mention the bill would mostly likely invite litigation for which the state would likely have to defend.

For these reasons, CLFA strongly opposes SB 1414.

Sincerely,

Kieran O'Leary
President
California Licensed Foresters Association

A handwritten signature in blue ink that reads "K O'Leary".

cc: The Honorable Jim Beall
Senate Appropriations Committee

CLFA was formed by Registered Professional Foresters (RPFs) in 1980. The Association represents Industrial, Consulting, Academic or Public foresters working together for the common cause of enhancing the role of the Professional Forester in California

