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June 23, 2004

Robert R. Treanor
Executive Director, Fish and Game Commission
1416 Ninth Street, Box 944209
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RE: Notice of proposed changes in regulation, Listing of Coho Salmon

Dear Fish and Game Commission:

This letter is provided as public comment on the matter of the proposed amendments to Section 670.5 of Title 14 of the California Code of Regulations (CCR) proposed by the Fish and Game Commission (FGC). The California Licensed Foresters Association (CLFA) has reviewed the proposed changes and is concerned about probable detrimental effects that these changes could have on the sound management of timberlands located within and adjacent to the Central California Coast (CCC) and the California portion of the Southern Oregon Northern California Coast (SONCC) coho salmon (Coho) evolutionary significant units (ESU). For reasons outlined below CLFA does not support the proposed changes in regulations.

Issues Outstanding:

- The recent lawsuit and decision by the National Marine Fisheries Service to count hatchery and native fish together when determining species status will likely have an impact on the California portion of the SONCC and also the CCC ESU. Efforts to list Coho, only to have the listing challenged and defeated in California courts, would be counter productive to all involved.
- In a petition to the Department of Fish and Game requesting the de-listing of Central California Coast Coho, Robert O. Briggs, provides significant data which indicates that Coho have never been a regular resident south of San Francisco¹.
- Habitat modification and destruction as well as human related activities that may affect Coho habitat are currently addressed and mitigated under the California Forest Practice Rules (FPR): *Protection and Restoration in Watersheds with Threatened or Impaired Values*. A state listing of this species will require additional duplicative regulations through the incidental take permit process. In the experience of CLFA, this process has

¹ Petition to Correct the Southern Boundary of the Central California Coho ESU", Central Coast Forest Association. 2002.

become increasingly difficult and burdensome to successfully navigate. Additional regulatory burden and fees incurred under the “take” permitting process would also serve as a disincentive to landowners wishing to do restoration work in affected watersheds. Duplicative rules and over-regulated processes provide significant obstructions to the invaluable management of timberlands throughout California.

- There is a lack of evidence which scientifically concludes that habitat is the major limiting factor in the recovery of Coho. As stated in the Initial Statement of Reasons, “...decline in the number of streams supporting coho salmon has stabilized since the mid – 1980s.” This statement along with current restoration efforts and other regulatory mechanisms already in place greatly reduce the probability that Coho habitat is the limiting factor in the recovery of the species. Studies within the range of Coho are indicating improving trends in habitat within Coho streams.
- Forestry in our state requires the input of Registered Professional Foresters (RPF), and other resource managers, including fisheries biologists and watershed specialists, who specialize in various aspects of forest land management. The Department of Fish and Game is a member of the multi-agency review team which actively participates in the timber harvest plan review process. As a result of the multi-agency review, concerns and mitigations are developed to address potential impacts to Coho salmon. Through this heavily mitigated process, forest landowners have been saddled with the brunt of the mitigations to facilitate species recovery. These same forest landowners have invested and suffered large losses in land value while only representing a small fraction of the potential stressors to Coho salmon.

Supported Alternative:

- CLFA would support Alternative (e): Decline to List (No Change Alternative) of the Initial Statement of Reasons for Regulatory Action. CLFA represents forest resource professionals throughout the state who are concerned that the listing of this species in both the CCC and the California portion of the SONCC ESU, will bring unneeded, unwarranted, and unjustified additional restrictions to the practice of forestry in California. CLFA believes that a better solution is to spend additional time to discover the true limiting factors to the species. Then, if listing is warranted, the most effective methods to aid in species recovery will be identified and addressed through the appropriate channels. Declining to list the species will also help encourage landowners to continue the voluntary stream habitat maintenance/restoration efforts conducted in the past.
- If the necessity for listing the species is factually documented and Coho become a listed species in both the CCC and the California portion of the SONCC ESU, CLFA would be interested in helping to develop effective mitigations related to forest management activities.

If CLFA can be of any assistance to the Fish and Game Commission in your deliberations, please do not hesitate to contact us. Thank you for your careful consideration of our comments.

Sincerely yours,

Chris Quirnbach, RPF #2623
President, California Licensed Foresters Association
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The California Licensed Foresters Association, with approximately 750 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.