



CALIFORNIA
LICENSED
FORESTERS
ASSOCIATION

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January 31, 2005

Mr. Michael E. Alpert, Chairman
Little Hoover Commission
925 L Street, Suite 805
Sacramento, CA 95814

Reference: Comments on Governor's Reorganization Plan 1 (GRP1), Proposal to Eliminate State Board of Forestry and Fire Protection

Dear Chairman Alpert, Vice Chairman Zax and Members:

I am writing on behalf of the California Licensed Foresters Association (CLFA), which represents approximately 750 Registered Professional Foresters and other associated resource professionals involved in the management of forestlands in California. The continued protection and stewardship 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. Our licenses are granted by the State Board of Forestry and Fire Protection (BOF), which also promulgates forest practice regulations affecting state and private property and serves as a public forum for discussion of forest and natural resource issues in the state.

The Governor has proposed eliminating the BOF, in keeping with a recommendation made by his California Performance Review (CPR). CLFA's goal in submitting this letter is to provide input to the Little Hoover Commission (LHC) with regard to GRP1 by sharing our professional perspective and asking pertinent questions.

BACKGROUND

The BOF is one of California's oldest state boards. It first convened in 1885 and has been in continuous existence since 1905. The BOF is located within the Department of Forestry and Fire Protection (CDF). It's comprised of 9 members, each appointed by the Governor and subject to confirmation by the Senate.

BOF Members serve staggered, four-year terms. Seats on the BOF are apportioned as follows: 5 held by public members, 3 by forest industry representatives and 1 held by a range/livestock representative.

BOF Members serve at a per diem of \$100, plus travel expenses. Total aggregate payments to BOF Members, including the Chairman, in Fiscal Year 2003-2004 was just under \$90,000.¹

¹ Information provided by George Gentry, BOF Executive Officer, 1/05.

Since 1973, the BOF has been entrusted with writing regulations under the auspices of California's Z'berg Nejedly Forest Practice Act (FPA). Other BOF responsibilities include administering the Professional Foresters Law, overseeing CDF administration of the State Forests and public education/outreach.

NEED FOR FORESTRY REFORM

Forest management in California is subject to the strictest regulations in the nation. Although the BOF was designated under the FPA to have a leadership role through CDF administration of its rules as "lead agency" under a certified CEQA equivalency program, the BOF's regulatory discretion has declined in recent years. Competing factors have developed. These include species listings under the state and federal Endangered Species Acts as well as expanded regulatory authority granted to Regional Water Quality Control Boards. As a result, it's now common for a RPF representing a client landowner to need to secure several different permits from differing state agencies prior to initiating a logging operation. Average costs of Timber Harvest Plans prepared by RPFs have ballooned from several hundred dollars in the 1980s to in excess of \$20,000 today².

As a consequence, many California forest landowners face a situation in which sustainable forest management is no longer an economically viable activity for their property. The result is mill closures and rural economic stagnation, and all too often the conversion of native timberland into rural subdivisions, vineyards, or other developments.

But the state lacks a cohesive policy supporting sustainable forestry – and a home-grown timber industry – as responsible business investments in the Golden State. With California's population projected to almost double by 2050, this lack of planning foresight poses serious economic, social and ecological risks.

CPR PROCESS AND CLFA INPUT

CPR recognized the intense regulatory burdens on California forestry. RES21 (within Volume IV, Chapter 5 of the CPR Report) contains several recommendations for streamlining the bloated timber harvest permitting process. CLFA provided comments to CPR prior to development of its Report, and subsequently to the CPR Commission³. We continue to strongly support the concept of having a single point of regulatory oversight for timber harvest permitting in California.

QUESTIONS ABOUT POLICY AUTHORITY

- **PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC).** The PFEC sets the standards for RPF licensing and professional discipline. Currently, the PFEC is appointed by and serves at the discretion of the BOF. In the initial CPR Report, it was unclear to CLFA what would happen to the PFEC and we expressed this concern in a previous letter. However, GRP1 clearly provides that the PFEC will still exist and will be appointed by and serve at the discretion of CDF rather than the BOF, a proposal that CLFA is comfortable with.
- **BOF FUNCTIONS.** With the proposal to eliminate the BOF, CLFA is concerned about ensuring adequate RPF access to forest policy decision making. CLFA believes that every new forest practice rule package or policy being developed by CDF should

² Source: California Forestry Association.

³ Copies of CLFA correspondence to CPR are posted on our website, http://www.clfa.org/whats_new.htm.

include an advisory committee with RPF involvement. The job of such a committee would be to advise CDF on issues related to the necessity, practicality, and economic impact of the proposed rule package or policy prior to the preparation of a 45-day notice (as required by the Administrative Procedures Act). Currently, the BOF conducts this function in a public forum through use of its various Committees.

- **CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARDS.** Although CPR recommended their elimination, the Governor's Reorganization Plan does not. Retaining the Regional Water Quality Control Boards appears to be inconsistent with the goals of CPR. Regional Boards comprise a duplicative layer of government process, often at odds with the policies and objectives of the State Water Resources Control Board (SWRCB). In our letter to the CPR Commission dated September 30, 2004, we stated our belief that elimination of the Regional Water Quality Control Boards and subsequent staff consolidation into a uniform entity would help to maintain the agreement between the SWRCB and CDF with regard to state review of timber harvest plans. We stand by this view, and therefore cannot support the retention of the Regional Water Quality Control Boards.

CONCLUSION: NEED FOR BALANCE, STATE LEADERSHIP

CLFA hopes this feedback will be helpful to the Little Hoover Commission as you review GRP1. CLFA strongly believes that the current regulatory situation is harmful to forest management in California. We believe proper natural resource governance needs to effectively balance economic, social and ecological factors⁴. We believe the California public would be better served if the state, with RPF guidance, developed a long-term strategy to support sustainable forestry on the millions of acres of privately held commercial forestland within our borders.

Sincerely,

Chris Quirnbach, RPF #2623
President

Cc: CLFA Board of Directors.
Mr. Dale T. Geldert, CDF Director.
Mr. Mike Chrisman, Secretary for Resources.
Mr. Stan Dixon, Chairman, BOF.
Ms. Julie Lydick, Chair, NorCal Society of American Foresters

The California Licensed Foresters Association, with approximately 750 members, represents the common interests of California Registered Professional Foresters. The Association provides opportunities for continuing education and public outreach to its membership, which includes diverse professionals affiliated with government 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.

⁴ See *Natural Resource Governance and Forest Sustainability*, http://www.clfa.org/whats_new.htm.