



January 6, 2012

The Honorable Fran Pavley, Chair
Senate Committee on Natural Resources & Water
California State Capitol
Sacramento, CA 95814

SB 455 (Pavley) – OPPOSE UNLESS AMENDED – Please Hold in Committee

Dear Senator Pavley and members of the Senate Committee on Natural Resources and Water:

On behalf of Sierra Club California, the Center for Biological Diversity, and Forests Forever, we are writing to indicate our strong opposition to SB 455 (Pavley) unless and until there are significant amendments. We urge that the measure be held in committee until provisions to better protect forest ecosystems are more fully developed and included in the bill. Without such changes, we believe that SB 455 would greatly exacerbate ecosystem threats posed by the most intensive logging practices, such as forest clearcutting, while potentially undermining environmental safeguards under current law.

The primary effect of SB 455 is to provide the forest products industry with a regulatory alternative to the conventional three-year timber harvest plan (THP) that would authorize commercial logging operations for 20 years and cover up to 100,000 acres, under what the bill calls a “watershed timber harvest plan” (WTHP). At a minimum, the bill should unequivocally prohibit timber companies seeking to use a WTHP from conducting clearcut logging operations, in the same way that the Legislature outlawed even-age management by landowners utilizing life-time Nonindustrial Timberland Management Plans (NTMPs) on their forestland. If the goal is to encourage sustainable forestry practices, the largest timber companies can not be held to a lower environmental standard than other landowners.

We appreciate that it is the author’s intent to provide for better regulation of the cumulative effects of logging on a watershed scale in return for what would be a dramatic expansion in the size and length of commercial timber harvest permits. However, as currently amended, SB 455 provides for no specific enhancements in the way cumulative effects are assessed by the state agencies, and may actually reduce the specificity of the environmental impacts disclosed in the timber harvest review process.

As most recently amended, SB 455 is specifically tailored to facilitate the largest and most intensive logging operations by giant timber companies like Sierra Pacific Industries (SPI) and Green Diamond. The promotion of forest clearcutting, especially in the Sierra Nevada, would potentially speed the conversion of complex, mixed-age forests to even-aged monocultures. These are precisely the types of operations that result the greatest environmental impacts. In our view, widespread clearcutting of forests in California exacerbates climate and environmental impacts and should be discouraged, not facilitated.

At a time when regulatory oversight by public trust agencies like the Department of Fish and Game is being reduced due to severe budget cuts, we are concerned that SB 455 fails to adequately protect the habitat for our wildlife and fisheries, as well as our critical supplies of clean water and air on which all Californians depend. We are concerned that the massive expansion in scope and duration of commercial logging operations allowed by SB 455 will increase the analytical complexity and the need for greater regulatory oversight by the state. This will create a greater need for state funding and staffing by the three state agencies that review timber harvest plan proposals via the current “functional equivalent” process under the California Environmental Quality Act (CEQA).

Because of the significant environmental concerns we have outlined, it is imperative that environmental protection provisions be more fully developed before the bill is allowed to move forward. To name one example, SB 455 would require timber landowners electing to use a watershed timber harvesting plan to increase their forest carbon stocks by an unspecified percentage over the 20-year life of the WTHP. While we understand that it is your intent that SB 455 improve the management of California’s forests carbon stocks, the language of the bill could have the unintended effect of substantially undermining existing regulatory requirements that mandate full mitigation of the greenhouse gas impacts of timber operations. The bill also contains a provision that would require timber landowners to mitigate for the depletion of carbon stocks associated with a timberland conversion. This is a laudable objective that we strongly support. However, the provision as currently drafted provides no definition or guidance, making the meaning and value of this requirement highly uncertain.

SB 455 was significantly amended four days before the committee hearing and now comprises 42 pages of new language and strike-outs. We request that the bill be held so that the committee has an opportunity to hear from affected members of the public who live in the forested regions of California and who have the most direct knowledge of the real impacts this bill will have on their communities and local neighborhoods.

While we greatly appreciate Sen. Pavley’s interest in forest policy reform and her leadership on environmental issues such as climate change, we urge that this bill be held in committee until the issues and concerns we have outlined are addressed and needed changes are incorporated into SB 455.

Sincerely,

Kathryn Phillips, Sierra Club California
Brian Nowicki, Center for Biological Diversity
Luke Breit, Forests Forever