

AFS
CALIFORNIA/NEVADA
CHAPTER DOCUMENTS
1993

AMENDED IN SENATE MAY 17, 1993

AMENDED IN SENATE APRIL 14, 1993

SENATE BILL

No. 1094

RECEIVED
JUN 25 1993

Introduced by Senator Killea

AMERICAN FORESTRY SOCIETY

March 5, 1993

An act to ~~amend Section 752 of~~ add Section 756.5 to the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

SB 1094, as amended, Killea. Forestry: professional foresters.

Existing law provides for the registration of professional foresters and for certified specialists and qualified but exempt certificants to perform specified services pertaining to forestry.

This bill would specify that a *person shall not be required to obtain certification as a professional forester, certified specialist, or qualified but exempt certificant shall perform services that are authorized or required pursuant to unless that person works on a forested landscape, as defined, and undertakes activities which are directly governed by specified provisions pertaining to forestry and forest practices or, for compensation, conducts specified activities.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 part.

1 ~~SECTION 1. Section 752 of the Public Resources~~

2 ~~SECTION 1. Section 756.5 is added to the Public~~
3 ~~Resources Code, to read:~~

4 756.5. (a) A person shall not be required to obtain
5 certification as a professional forester, certified specialist,
6 or qualified but exempt certificant unless that person
7 works on a forested landscape and does either of the
8 following:

9 (1) Undertakes activities which are directly governed
10 by Part 2 (commencing with Section 4100) of Division 4
11 or regulations adopted pursuant to that part.

12 (2) For compensation, conducts timber appraisals,
13 timber inventories, timber damage assessment, fuels
14 management and prescribed burning, and site
15 preparation and reforestation associated with timber
16 operations.

17 (b) For purposes of this section, "forested landscape"
18 means a tree-dominated landscape and its associated
19 vegetation types, and which either has a significant stand
20 of tree species or is naturally capable of growing a
21 significant stand of native trees in perpetuity, and is not
22 otherwise devoted to nonforestry commercial, urban, or
23 farming uses.

24 Code is amended to read:

25 752. (a) "Professional forester," as used in this
26 article, means a person who, by reason of his or her
27 knowledge of the natural sciences, mathematics, and the
28 principles of forestry, acquired by forestry education and
29 experience, performs services, including, but not limited
30 to, consultation, investigation, evaluation, planning, or
31 responsible supervision of forestry activities when such
32 professional services require the application of forestry
33 principles and techniques.

34 (b) A professional forester, certified specialist, or
35 qualified but exempt certificant shall perform those
36 services that are authorized or required pursuant to Part
37 2 (commencing with Section 4100) of Part 2 of Division
38 4 or pursuant to regulations adopted pursuant to that

AMENDED IN ASSEMBLY APRIL 22, 1993

CALIFORNIA LEGISLATURE—1993-94 REGULAR SESSION

ASSEMBLY BILL

No. 1185

Introduced by Assembly Member Cortese

March 2, 1993

An act to add Section 852 to the Fish and Game Code, and to amend Section 772 of the Public Resources Code, relating to licensing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1185, as amended, Cortese. Fish and game: licensing : *professional foresters.*

(1) Under existing law, persons who take fish and game are, generally, required to obtain licenses or permits from the Department of Fish and Game. Existing law also requires persons engaged in certain activities, occupations, and professions to be licensed or certified.

This bill would, unless otherwise required by the Fish and Game Code, exempt ~~public employees or their agents~~ anyone conducting scientific or regulatory investigations, determinations, or reviews *for specified purposes* from required professional licensing or regulatory certification in order to conduct fish and wildlife management activities required for the ~~preservation~~, conservation, ~~and protection~~, enhancement, *and restoration* of natural resources, including fish and wildlife and their habitat.

(2) *Existing law permits a person to be registered as a certified specialist in one or more fields of forestry instead of being registered as a professional forester. Existing law also requires the State Board of Forestry to develop specialties and establish the scope of practice.*

This bill would delete the provision authorizing

certification as a specialist as an alternative to registration as a professional forester and would delete the requirement that the board develop specialties and the scope of practice.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 852 is added to the Fish and
2 Game Code, to read:

3 852. Unless otherwise required by this code, ~~public~~
4 ~~employees or their agents~~ anyone conducting scientific
5 or regulatory investigations, determinations, or reviews
6 *for the primary purpose of conserving, protecting,*
7 *enhancing, and restoring fish and wildlife* do not require
8 professional licensing or regulatory certification to
9 conduct fish and wildlife management activities required
10 for the ~~preservation, conservation, and enhancement~~
11 *protection, enhancement, and restoration* of natural
12 resources, including fish and wildlife and their habitat.

13 *This section does not apply to registered professional*
14 *foresters.*

15 SEC. 2. Section 772 of the Public Resources Code is
16 amended to read:

17 772. (a) ~~Instead of being registered as a professional~~
18 ~~forester, an applicant may request to be registered as a~~
19 ~~certified specialist in one or more fields of forestry.~~
20 ~~Registration in a specialty area does not prohibit a~~
21 ~~professional forester from providing services within that~~
22 ~~professional forester's area of expertise. Specialties shall~~
23 ~~be developed by the board based on need, in conjunction~~
24 ~~with the examining committee and its ad hoc~~
25 ~~committees, and shall establish the scope of practice.~~

26 (b) ~~As an alternative to a board-developed specialty,~~
27 ~~any~~ Any public agency or professional society may
28 voluntarily submit for board recognition its independent
29 certification program as full qualification without
30 examination for the board's certificate of specialization.
31 That certification as a specialist shall be granted
32 ~~provided if~~ the board determines *that* the program fully

1 protects the public
2 encompassed by the
3 subject to board regi
4 by that specialty. The
5 action pursuant to th
6 to allow time to com

ative to registration as
the requirement that
scope of practice.
fiscal committee: no

1 protects the public interest in that area of practice
2 encompassed by the program. Those certificants are
3 subject to board registration and discipline with review
4 by that specialty. The board shall not take any corrective
5 action pursuant to this section until December 31, 1993,
6 to allow time to comply with this section.

do enact as follows:

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by this code, public
conducting scientific
minations, or reviews
nserving, protecting,
wildlife do not require
tory certification to
ent activities required
n, and enhancement
estoration of natural
fe and their habitat.
egistered professional

lic Resources Code is

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to be registered as a
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does not prohibit a
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rtise. Specialties shall
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Linda
RECEIVED
JUN 25 1993

File
Cal-Neva
Chapter
AB 1185

Date of Hearing: April 13, 1993

AMERICAN FISHERIES SOCIETY

ASSEMBLY COMMITTEE ON WATER, PARKS AND WILDLIFE

Dominic L. Cortese, Chair

AB 1185 (Cortese) - As Introduced: March 2, 1993

COMMITTEE W P & W VOTE> _____ COMMITTEE> _____ VOTE> _____

SUBJECT

Department of Fish and Game: Licensure of Employees

DIGEST

Existing law:

- 1) Defines "professional forester" as a person who, by reason of his or her knowledge of the natural sciences, mathematics, and the principles of forestry, acquired by forestry education and experience, performs services, including, but not limited, consultation, investigation, evaluation, or responsible supervision of forestry activities when such professional services require the application of forestry principles and techniques.
- 2) Defines "forestland" and "timberland" in relation to commercially valuable species of trees.
- 3) Defines "forest resources" as, among other things, fish, wildlife and recreation attainable from forest land.
- 4) Authorizes the Board of Forestry to register individuals who engage in the practice of forestry.
- 5) Authorizes persons, as an alternative to professional forester registration, to be registered by the Board "as a certified specialist in one or more fields of forestry".
- 6) Authorizes the Board to develop these specialties and determine their scope of practice.

This bill clarifies that public employees and their agents are not required to obtain a professional license or certification in order to conduct fish and wildlife management activities unless that requirement is specifically contained in the Fish and Game Code.

FISCAL EFFECT

Potential savings to natural resources professional because a license would not

- continued -

be required. To date, no application fee has been established, except for Certified Rangeland Manager, which is proposed to be set at \$50 for members of the California Section, Society for Range Management Program, and \$100 for non-members.

COMMENTS

- 1) Background: The California Association of Professional Scientists became concerned when legislation was passed, AB 1903 (Hauser), Chapter 748, Statutes of 1991, which potentially gave the Board of Forestry the authority to license other natural resource professionals, whether or not these individuals worked in the commercial production of timber or performed activities impacting trees with potential commercial value.

These concerns come from the extremely broad definitions of "forest resources" and "forest land" which the Board defines under proposed regulations:

"Forest resources" means those uses and values associated with, attainable from, or closely tied to, forestlands and rangelands, and includes but is not limited to aesthetics, fish, forage, recreation, soil, timber, water and watersheds, wilderness, and wildlife.

"Forestland" means those landscapes which have tree-dominated cover types, or are capable of supporting at least a 10% tree canopy cover at maturity.

The proposed regulatory definitions for the purpose of implementing the Board's licensing authority appear to no longer tie forest land to commercially valuable trees but instead expands to include any land with a 10% cover of any species of trees. In addition, "rangeland" is defined as "those lands which are not forestland", and are suitable for grazing. Therefore, "forest resources", the manipulation and management of which requires a Board license or certification, includes fish and wildlife on all forestland and rangeland.

These definitions are so broad as to include nearly all California landscapes, local and state park properties, Department of Fish and Game wildlife management areas and ecological reserves. In addition, it is unclear whether most urban and agricultural areas would be included.

This proposed regulatory definition can be read to require Fish and Game biologists, Department of Park and Recreation plant ecologists or botanists, University of California' academic staff who consult with local and state parks departments, water districts, and special districts to be licensed as professional foresters prior to practicing in their fields.

In addition, the statutory and proposed regulatory definitions related to the practice of forestry do not specify any purpose or objective to the activities undertaken and are not tied in any way to the commercial production of timber but instead potentially give the Board of Forestry licensing control over a wide range of natural resource professionals who

- continued -

do not have as their primary responsibility the management of commercial timber lands or the management of lands for the purpose of producing commercial timber value.

- 2) The sponsor of this bill concluded that Chapter 748, Statutes of 1991, had the unintended affect of potentially requiring all resource professionals such as wildlife biologists, range managers, botanists, ecologists, water quality biologists, and other resource professionals to be licensed by the Board of Forestry. In addition, these other natural resource specialists are regarded as separate and equal to forestry throughout the academic and scientific community and to state or imply that they are specialties within forestry is wrong.
- 3) The Board of Forestry opposes this bill because the Board has recently adopted forestry reforms; much of the reform was driven by concern over preservation of endangered species, and enhancement of critical wildlife habitat across a forest landscape which increases a registered professional forester's responsibilities, in consultation as necessary with wildlife biologists, to design timber operations and forest stand structure which properly address wildlife considerations in the timber harvest planning process.
- 4) The sponsors of this bill argue that although timber management plans need to more fully address fish and wildlife concerns, it does not mean that the forester need be an expert in these areas or that the person who prescribes fish and wildlife protections is practicing forestry, but merely that the timber harvest plan must incorporate appropriate protections for fish and wildlife.
- 5) According to the author's office, this bill will clarify that natural resources professionals who are not engaged in the practice of forestry do not need to be licensed by the Board of Forestry.

SUPPORT

Sierra Club
Mountain Lion Foundation
National Audubon Society
Public Employees for Environmental
Responsibility
American Fisheries Society
California Association of Professional
Scientists (CAPS)

OPPOSITION

Board of Forestry
California Licensed Foresters Association
California Cattlemen's Association



American Fisheries Society

ORGANIZED 1870 | INCORPORATED 1910

RECEIVED

MAR 15 1993

FISHERIES DIV.
DEPT. FISH WILDLIFE & PARKS

Kevan A. F. Urquhart
California-Nevada Chapter
994 Graywood Circle
Stockton, Ca. 95209
916-654-6955 (days)
209-952-5525 (eves)

March 10, 1993

Glenn R. Phillips
Montana Dept. of Fish, Wildlife & Parks
1420 6th Ave. E.
Helena, MT 59620


Mr. Phillips:

I have enclosed my report to the Cal-Neva EXCOM, which summarizes recent activity related to the licensing issue. The second item is a chronology of the events leading up to the current situation, produced by Gail Newton of SERCal. All further attachments are minutes of the meetings I have attended on behalf of AFS. I have included them FYI, but it isn't necessary for you to read them unless you want to know every detail of our progress towards producing a new licensing program for biologists.

As legislation is introduced, I will be contacting you by phone or FAX to request letters of support for our position. I will have a draft statement for you, along with the names and addresses of legislators we need to contact.

Feel free to call me if you have any questions about the enclosed materials or the licensing issue, in general.

Sincerely,


Kevan A. F. Urquhart
Awards Committee Chair

cc: Tom Taylor, Pres. - Altura AFS

DETAILED NOTES OF ALL PSLTF meetings held so far are attached, FYI

Report to the CalNeavAFS EXCOM
of Progress on the Licensing Issue
March 8, 1993

The Professional Societies Licensing Task Force (PSLTF, my acronym) has met twice since the first of the year.

The Planning and Conservation League (PCL) has two spot bills ready to carry licensing legislation for the PSLTF. The PSLTF has not yet finalized its proposed licensing bill.

Representatives of the PSLTF have met once with the Board of Forestry (BOF) to see if they can reach an agreement on exempting biologists from the BOF's licensing program. They will meet again this week. So far, no satisfactory solution has been negotiated.

CAPS has reintroduced the same bill to exempt "public employees and their agents" from licensing by the BOF. They did this as a trial balloon to attract input, and to have legislation in process which could be modified into something acceptable to all groups. I have drafted a letter for Tom Taylor's signature criticizing the proposed legislation on two grounds: 1) it does not address the needs of biologists in private practice when they are working for someone other than a public agency; 2) it could be construed to exempt foresters working for public agencies from having to get licensed as a Registered Professional Forester (RPF) by the BOF, which is not our goal and will draw major (legitimate) opposition from the BOF.

If the PSLTF does not have its Licensing bill ready for this year's legislative session, they will introduce legislation to delay the application of the BOF's RPF licensing process to other non-forestry professions. They will use the progress on their own licensing bill and our inherent conflicts with the BOF's licensing process as justification for the delay. The PSLTF may also pursue legislation to specifically define 'forestlands' vs. 'wildlands', and substitute the word 'forestland' for 'wildland' in the existing RPF Law.

When any of these pieces of legislation are ready for: 1) formal consideration in legislative committees, 2) up for a floor vote, 3) in bicameral conference committee, or 4) ready to be signed by the Governor we will need to send out a flier to our members asking them to write/call the appropriate parties. The BOF will probably fight this all the way to the end. I suggest the EXCOM assign someone other than myself to look into setting up phone tree, and that we budget enough funds to send out four to five one-page fliers to our members between now and the end of summer.

The parent society (via Paul Brouha) and the Western Division are backing us, and will lobby on our behalf when prompted.

~~ALLIED COMMITTEE~~

A QUICK HISTORY:

1970: CEQA enacted

1972: Professional Forester's Law passed

August, 1989: BOF re-interprets existing 1972 law, and proposes regulation changes.

May, 1990: AG's opinion about definition of wildlands.

January, 1991: BOF letter to Christine Peralá (botanist, working in Southern California oak woodlands), SERCAL member.

February, 1991: BOF letter to Carol Rice (Ecologist).

June, 1991: MOU between the BOF and the Board of Landscape Architects

: Assemblyman Campbell, SERCAL, IECA, and Sierra Club testify in Natural Resources Committee against AB 1903. Bob Willhite (Executive Director for Licensing for BOF) compromises and promises to drop "Specialty Certificate" language.

October, 1991: AB 1903 signed into law by Governor, with "Specialty Certificate" language included.

January, 1992: AB 1127 (changed "wildlands" to "forestlands") pulled out of committee by Campbell and SERCAL.

May, 1992: AB 3192 (Licensed Natural Resource Biologist Law-- not supported by most biologists) pulled out of committee by Hauser and Steele.

August, 1992: SERCAL, American Fisheries Society, Range Management Society, Wildlife Society, California Native Plant Society meet and agree to work together to resolve issue.

September, 1992: SB 1345, which exempts public employees from licensing, vetoed by the Governor.

PERSONAL

CONFIDENTIAL - RESTRICT CIRCULATION

Personal Notes on a Meeting of the
Professional Societies Licensing Task Force (PSLTF)
held in Sacramento on March 3rd 1993.

In Attendance:

Gail Newton, SERCal
Dave Magney, CalNPS
Kevan Urquhart, CalNevaAFS & CAPS
Jennifer Jennings, Planning & Conservation League (PCL)

Ms. Newton handed out copies of her recent article in the SERCal newsletter, and asked for comments on her press release. Comments were provided by Mr. Magney and myself. Ms. Jennings emphasized that we were inaccurately depicting AB 1903 as the cause of the licensing conflict. It was actually the Board of Forestry's (BOF's) new reinterpretation of the Registered Professional Foresters Law (RPFL) utilizing the vague definition of 'wildlands' in the Forest Practices Act and RPFL, combined with the legal opinion the BOF obtained from the State Attorney General's Office on the meaning of these various pieces of legislation.

Ms. Jennings cautioned us to emphasize these issues. She said we should avoid implying that it was a legislative error or Hauser's AB 1903 that precipitated the crisis. We want to avoid antagonizing the legislature, since we must rely on them to pass our own legislation correcting the problem. AB 1903 simply expanded and redefined the BOF's right to license and restrict the practice of subspecialties of forestry, and clarified that only RPFs can practice all subspecialties without restrictions. Again, it is the BOF's new reinterpretation of existing laws that leads them to believe that the opinion of an RPF is required to approve all environmental or natural resource activities on the 'wildlands' of the State. Since biologists are unlikely to qualify as an RPF, the BOF is requiring that they be supervised by an RPF, have their work signed-off by an RPF, or get certified as a Specialist within the RPF Licensing Program to operate independently. The key to the problem is the BOF's interpretation of vague language in existing statutes. The BOF's conclusions lead them to functionally define forestry as the master profession for all natural resources work, and the rest of us as subspecialties. The BOF is using their own reinterpretation of existing statutes, supported by the State Attorney General's opinion, to expand their regulatory authority over all natural resources professions.

Ms. Jennings presented us with a one-page draft of legislation she believes may solve our problem. It links together a wide range of existing statutes that illustrate legislative intent for the management of forestlands vs. wildlands and wildlife (i.e. the natural environment in general). It also makes minor modifications to RPFL and AB 1903 so that it is clear that the legislature intends an RPF license to be necessary only for foresters, not

other natural resources professions. She is still revising this legislation with Senator Thompson's office (Chair of the Senate Natural Resources Committee), and will provide us a final copy ASAP.

Ms. Jennings also expressed concern about a new bill by Dominic Coteze, which appeared to be a rerun of the same CAPS' bill that the Governor vetoed last year. This bill would only except State employees and their agents from licensing. I expressed my embarrassment at not being aware of this bill, and promised to check into it.^{1/}

Mr. Magney, and others TBA, will be meeting for the second time with the Executive Officer of the BOF on 3/10/93. I volunteered to assist him if none of the previous negotiating team were available. They will be continuing their negotiations to try and develop regulations acceptable to both the BOF and the PSLTF governing the licensing of non-forestry professions.^{2/}

^{1/} CAPS' lobbyists (Aaron Reed & Assoc.) have rerun the same legislation that failed last year as a trial balloon to draw attention and criticism from interested parties. They hope a modified version of it will pass this year. CalNevaAFS will be providing comments to CAPS on this bill. (3/5/93)

^{2/} For CAPS & AFS readers, the notes of their last meeting with the BOF are attached.

FIL, FAILED TO PASS
COMMITTEE

May 20, 1993

SENATE NATURAL RESOURCES AND WILDLIFE
Senator Mike Thompson, Chairman

BILL NO.: SB 646
AUTHOR: Leslie
VERSION:
 (Original):
 (Amended): 5/20/93
FISCAL: Yes
URGENCY: No
CONSULTANT: KL
HEARING DATE: 5/25/93

SUBJECT:

Professional Foresters

SUMMARY:

Makes numerous changes in the Professional Foresters Law to more specifically define forestry and identify forestry activities.

BACKGROUND:

The Professional Foresters Law sets out the requirements to become certified as a professional forester, certified specialist, or qualified but exempt certificant. The purpose of the law is to provide for "the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of wildlands and quality of wildland environment" and "to enhance the control of air and water pollution, the preservation of scenic beauty, the protection of watersheds for flood and soil erosion control and production and increased yield of natural resources including timber, forage, wildlife, water and outdoor recreation, to meet the needs of the people." (Pub.Res.C. § 751.)

A professional forester performs services including, but not limited to consultation, investigation, evaluation, planning or responsible supervision of forestry activities requiring forestry principles and techniques. (Pub.Res.C. § 752.) Instead of being registered as a professional forester, an applicant may request to be registered as a certified specialist in one or more fields of forestry. (Pub.Res.C. § 772.) A qualified but exempt certificant is a person certified through an independent certification program approved by the federal government. (Pub.Res.C. § 754.)

It is unlawful for any person to act in the capacity of or use the title of "professional forester" without being certified by the Board of Forestry. (Pub.Res.C. § 766.)

Part 2, Division 4, of the Public Resources Code sets out the duties and responsibilities of the State Department of Forestry and Fire Protection and the State Board of Forestry in protecting the forest, range, and forage lands of the state.

PROPOSED LAW:

SB 646 does the following:

- 1) Deletes references to wildlands from the purposes of the Professional Foresters Law.
- 2) Specifies that a professional forester is licensed to perform forestry services and if the expertise that is needed exceeds that possessed by the forester, the person may utilize the services of other qualified experts.
- 3) Specifies that this law does not preclude other environmental professionals from the application of their knowledge in their field of expertise outside the practice of forestry.
- 4) Defines "forestry" to include the science and practice of managing forested landscapes and the treatment of forest cover in general, wildlands fuel management, forest protection, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from forestry activities on watershed and scenic values.
- 5) Specifies the following forest activities:
 - a) Forest management planning, harvest scheduling, and timber harvest preparation.
 - b) Design or implementation of forest inventories involving estimates or measurements of forest trees.
 - c) Onsite evaluation of forest cover and mapping.
 - d) Technical studies conducted which require original evaluation, investigation or planning except those studies conducted in preparation of an environmental impact report necessary to convert forestland to nonforest uses.
 - e) Investigation, evaluation, and planning of forest transportation and operating systems.
 - f) The full spectrum of afforestation and reforestation.
 - g) Investigation, evaluation, and planning for uses of forested landscapes.
 - h) Forestry research which has a site specific impact on forested landscapes.
- 6) Deletes the "qualified but exempt" classification.

- 7) Defines forested landscape.
- 8) Changes requirements for a certified specialist by deleting the requirement for development by the board based on need in conjunction with the examining committee and its ad hoc committees.
- 9) Makes licenses and speciality certificates valid for two years.

COMMENTS:

- 1) As recently amended, this is a new measure. It deals with the ongoing dispute regarding the scope and practice of professional foresters and the extent to which licensing precludes other environmental professionals from carrying on activities that are the same, similar, or allied to those performed by licensed foresters.
- 2) This Committee previously passed SB 1094 (Killea), which does not require a person to obtain certification as a professional forester unless that person works on a forested landscape and undertakes activities governed by existing law or, for compensation, conducts specified activities.
- 3) AB 1185 (Cortese), currently in the Assembly Ways and Means Committee, exempts public employees conducting scientific or regulatory investigations, determinations, or reviews from professional licensing or regulatory certification to conduct fish or wildlife management activities.
- 4) Several measures dealing with this issues have been introduced in recent years:
 - a) AB 1903 (Hauser -- Chapter 748, Statutes of 1991) established the certified specialist but, to date, no certificates in the natural resource specialities have been developed.
 - b) AB 1127 (Campbell -- 1991), which would have redefined certification requirements for professional foresters by deleting the reference to wildlands, thus limiting the practice to forestry only, died in the Assembly.
 - c) SB 1345 (McCorquodale -- 1992) was passed by the Legislature to, among other things, exempt Department of Fish and Game personnel and other public employees from the certified professional forester requirements, but was vetoed by the Governor who indicated the exemption was "overly broad."

SUPPORT:

Unknown

OPPOSED:

Unknown

May 20, 1993

A handwritten signature, possibly reading "KX", is written below the date.

#646



United States
Department of
Agriculture

Forest
Service

Inyo
National
Forest

873 N. Main St.
Bishop, CA 93514
(619) 873-2400

Reply to: 1950 NEPA

Date: June 7, 1993

Greetings!

The Inyo National Forest is beginning a study that will lead to a recommendation of some, all, or none of the 19 streams or portions of streams that have been already identified as being eligible for "Wild and Scenic River" designation. The 19 streams are identified on the attached list.

Over the last three years, Forest personnel have reviewed many streams on the Inyo National Forest for eligibility for inclusion into the National system. To be eligible, a stream must be free flowing and have one or more outstandingly remarkable value. Eligibility determinations were the first of several steps that must be undertaken. The next step is the suitability report. Only those streams found eligible will be included in this study. This is the step we are now undertaking. Our study will be documented in the form of a legislative Environmental Impact Statement. When completed, the Record of Decision will be signed by the Secretary of Agriculture and will become the administration's recommendations to Congress. The authority for designating Wild and Scenic Rivers rests with Congress.

Our proposed action is to recommend 15 streams or portions of streams for designation. These streams are indicated by ** on the attached chart. The proposed action constitutes one alternative which will be analyzed.

We are now asking for information from you. You can assist us in the suitability study by providing us with the following information:

1. Characteristics which do or do not make the area a worthy addition to the National System.
2. Current uses on the private land that is involved.
3. Reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included.
4. Values which could be foreclosed or diminished if the area is not protected as part of the National System, and the reason(s) they would be foreclosed or diminished.
5. Other issues and concerns which you might have about the 19 streams being studied.

Certain on-going uses of a stream that is ultimately designated as a Wild and Scenic River might be determined to be inconsistent with its classification and thus would need to be curtailed. As a minimum, new water supply dams and water





diversions would be prohibited, although existing structures would normally be allowed to remain. Future management for the stream would be set forth in a specific management plan prepared after designation. It should be noted that management provisions on National Forest System land do not apply to land in private ownership. County zoning and ordinances would continue to govern.

The environmental document will analyze several alternatives. As a minimum, an alternative that recommends designation all eligible streams, one that recommends none of the eligible streams (the "No Action" alternative), and one recommending the designation of those streams identified in the proposed action will be analyzed. Based on the information and issues received in response to this letter, additional alternatives might also be formulated.

Your specific comments as noted above can be mailed to Forest Supervisor, ATTN: Wild and Scenic River, 873 N. Main, Bishop, CA 93514-2494. To be most useful, your comments should reach us by June 30, 1993. If you respond with comments, your name will automatically be kept on the mailing list to receive future information. If you do not respond at this time, but wish to remain on the mailing list, please notify us of your wishes. Failing to hear from you, your name will be removed. Comments do become part of the public record.

If you have questions, Dick Warren is your contact person. He can be reached at the phone number or address at the top of this letter.

Thanks for your interest in this project.

Sincerely,

DENNIS W. MARTIN
Forest Supervisor

Enclosure



ELIGIBLE SEGMENTS

Stream Name	Segment	Segment Description	Class	Total Miles	SCE*	REC*	GEO*	FWL*	HIS*	CUL*	OTHER*
Big Pine Cr.	1 **	Headwaters to Wilderness Boundary	W	5.0							Y
	2 **	Wilderness Boundary to Private Property	R	3.6		Y		Y			
Bishop Cr. - SFK	1 **	Headwaters to inlet at South Lake	W	3.9	Y	Y					Y
	2 **	Dam outlet at South Lake to Habeggars RV Park	R	5.0							
Convict Cr.	1 **	Headwaters to Convict Lk.	W	6.4	Y		Y				
Cottonwood Cr. (In the Sierra Nevada)	1 **	Headwaters to Forest Road 16S02	S	6.1	Y			Y			
	2 **	Forest Road 16S02 to DWP	R	1.4		Y			Y		
	3 **	DWP to Wilderness Boundary	W	3.7							
	4	Wilderness Boundary to intake	R	1.7	Y						
Cottonwood Cr. (In the White Mountains)	1	Headwaters to Forest Boundary	S	17.4				Y			Y
Deadman Cr.	2	Confluence with Glass Cr. to Big Springs	R	2.8		Y					
Glass Cr.	1	Headwaters to Obsidian Dome	S	4.0	Y	Y		Y			Y
	2	Obsidian Dome to Deadman Cr.	R	1.8							
Golden Trout Cr.	1 **	Headwaters to Kern River	W	16.9	Y			Y			
Hot Cr.	3 **	Fish Hatchery to Forest Boundary	R	2.6	Y	Y		Y			

ELIGIBLE SEGMENTS (continued)

Stream Name	Segment	Segment Description	Class	Total Miles	SCE*	REC*	GEO*	FWL*	HIS*	CUL*	OTHER*
Laurel Cr.	1 **	Wilderness Boundary to LADWP property	S	3.6	Y	Y	Y	Y			
Lee Vining Cr.	1	Headwater tribs to RNA Boundary Saddlebag Lk/RNA Boundary to SH 120 SCE powerhosue to DWP diversion pond	W	2.1	Y		Y		Y		
	2 **		R	3.0	Y						
	3 **		R	5.1	Y	Y	Y				
Lone Pine Cr.	1 **	NFK and SFK to Wilderness Boundary	W	5.3	Y	Y					
	2 **	Wilderness boundary to Forest Boundary	R	4.2	Y	Y					
McGee Cr.	1 **	Headwaters to Wilderness Boundary	W	6.8	Y		Y				
Mill Cr.	1 **	Headwaters to Wilderness Boundary	W	3.9	Y		Y				Y
	2 **	Wilderness Boundary to Private Property	S	1.2	Y		Y		Y		Y
	3	Private Property to Lundy Lake	R	0.7	Y				Y		
Mill Cr. - SFK	1 **	Headwaters to Wilderness Boundary	W	1.0	Y		Y		Y		
	2 **	Wilderness Boundary to Mill Cr.	S	1.8	Y		Y		Y		
Owens River	1	Big Springs to private property	R	0.8		Y					Y
Parker Cr.	1 **	Headwaters to Wilderness Boundary	W	7.1	Y						

ELIGIBLE SEGMENTS (continued)

Stream Name	Segment	Segment Description	Class	Total Miles	SCE*	REC*	GEO*	FWL*	HIS*	CUL*	OTHER*
Rock Creek	1 **	Headwaters to Wilderness Boundary	W	3.8							Y
	2 **	Wilderness Boundary to Toms Place	R	10.7	Y	Y		Y			
	3 **	Toms Place to Forest Boundary	R	6.7	Y	Y		Y			
Walker Cr.	1 **	Headwater tribs to Walker Lake	W	3.5	Y	Y	Y		Y		Y
		TOTAL MILEAGE		153.6							

Notes: "Class" in the table above denotes the probable designation of each segment. "W" = Wild, which is the least developed and usually accessed only by trail; "S" = Scenic; where more development and road access is appropriate, and "R" = recreation which is the most developed of the three classes and often has paved road access.

* Outstandingly Remarkable Values - SCE = Scenic; REC = Recreation, GEO = Geological; FWL = Fish and Wildlife; HIS = Historical; CUL = Cultural



American Fisheries Society

ORGANIZED 1870 | INCORPORATED 1910

Thomas L. Taylor, President
California-Nevada Chapter of
the American Fisheries Society,
1645 W. Euclid
Stockton, Ca. 95204

June 6, 1993

Mr. Dean Cromwell, Executive Officer
Ca. St. Board of Forestry
P.O. Box 944246
Sacramento, Ca. 94244-2460

RECEIVED
JUN 25 1993
AMERICAN FISHERIES SOCIETY

Mr. Cromwell:

I wish to express the opposition of our 800+ members to the regulatory language the Board of Forestry (BOF) proposes to use to establish the first specialty license under the revised Registered Professional Forester's Law.^{1/} The American Fisheries Society (AFS) is an international organization of professionals in fisheries and aquatic sciences dedicated to the advancement of fisheries science and the conservation of renewable aquatic resources. The definitions proposed to separate the practice of range management from that of forestry will be used to restrict the practice of our profession.

The proposed definition of forestlands does not coincide with any accepted definition, and is not supported by a review of any major textbook or reference work on botany or ecology, or even the dictionary. Forestlands are perceived by most people to include lands where trees dominate the landscape, not the greater than "10% tree canopy cover" that you propose. A more appropriate definition might be "greater than 50% tree cover, or habitats where trees are the predominant vegetation type and cover more than 1/3 of the surface area".

Cal-Neva AFS is very concerned about the BOF's attempt to license and regulate the practice of natural resource professions other than forestry. We believe the legislature never intended that the Registered Professional Forester's Law (RPF Law) would be applied in this manner. Additionally, the BOF does not have the technical expertise or ability to regulate natural resources professions other than forestry. There are approximately 1400 RPFs in the state vs. 10,000+ potentially licensable persons in other natural resources professions. It seems highly inappropriate for one profession, which is only a small fraction of all the various natural resources professions, to have the authority to license and regulate the practice of a much larger group of other professions.

^{1/} As revised by the language in AB 1903 of 1992.

We firmly believe that the BOF's attempt to regulate other professions constitutes a regulatory conflict of interest, because the other natural resource professions you are attempting to regulate may have different opinions which conflict with those of the forestry profession. The intent to license the staff of other State agencies [such as the Dept. of Fish and Game and the St. Water Resources Control Board] would usurp the legislative and regulatory authority vested in these agencies, and the Boards or Commissions that set their policy and objectives.

We do not oppose the BOF continuing to license foresters or subspecialties of forestry related to silviculture through the statutes in existing law. The BOF needs to realize that outside of the narrow traditional practice of forestry on timberlands, foresters are expected to share their authority with other professions. The public, other natural resources professions, and the legislature should not be forced to hand over the final authority for land and watershed management on most of the wildlands of the state to the BOF and its RPFs.

If there is any way our organization can be of assistance in resolving these conflicts, please contact me.

Sincerely,

Kieran A. F. Hynde for

Tom Taylor

Thomas L. Taylor



CALIFORNIA ASSOCIATION OF
PROFESSIONAL SCIENTISTS

June 9, 1993

Board of Forestry
1416 Ninth Street, 15th Floor
Sacramento, CA 95814

RE: Comments on the Establishment of the Certified Rangeland
Managers Program

Dear Member:

The California Association of Professional Scientists (CAPS) opposes certification of natural resources professionals by the Board of Forestry, except for the Registered Professional Foresters (RPF). The Board of Forestry is currently considering the recognition of a Certified Rangeland Manager (CRM) program developed by the Society for Range Management. The proposed changes to the Public Resources Code impacts all natural resources professionals even if no professional criteria and certification have been established for the natural resources specialty (see attached).

The Board of Forestry proposes to define the term forestland as "landscapes which have tree-dominated cover types, or are capable of supporting at least a ten percent tree canopy cover at maturity." This language is extremely broad and reaches far beyond generally accepted descriptions of a forestland landscape. Additionally, how the ten percent tree canopy is calculated is not defined.

The definition proposed for rangeland is even more confusing. The proposed language describes it as "lands which are not forest lands . . . and are not under cultivation for agricultural crops." The result, then, of any remaining land which is not forestland or rangeland, would be farm land, paved or urban development. If this is not the intent of the Board, the language must be modified.

The Board of Forestry states in its "Statement of Reasons for Adoption of Rules" in VI.B. that if you do not adopt the proposed rules, there will be continued confusion and controversy regarding professional qualifications and accountability regarding management of wildlands. To the contrary, CAPS believes that if these particular definitions are adopted, there will be greater confusion and controversy regarding the management of wildlands.

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Board of Forestry
June 9, 1993
Page 2

The document also states that certification of resource professionals will provide greater protection of the environment. However, I have requested on several occasions evidence in which an unregistered resource professional has harmed the environment from Board of Forestry staff. None has been provided.

Additionally, if an RPF does not have professional competency in a certified area of expertise, he or she should consult with a qualified expert. However, the proposed changes to the Public Resources Code does not identify the level of professional competency required in the specialty areas for an RPF. It is also unclear if an RPF would also need to pass the CRM exam, or if the RPF self-certifies.

The proposed amendments to 14 CCR 1602 would also create confusion since, by the Board's own acknowledgment, not all RPFs are experts in every natural resources area. Additionally, the Board of Forestry implies that the only qualified natural resources professionals are those who are licensed, registered or certified. This conclusion does not follow because it is solely based on an examination which is not required by all professions.

It is equally unwise to increase the cost of doing business in the state of California. The \$35 certification fee required by the Board of Forestry will be passed on to employers and clients. This is merely a transfer of funds from the federal, state, city, county, special district or private employer to the Board of Forestry. This will only impact both the private and public sectors negatively.

CAPS believes that increasing governmental oversight, at a time when streamlining the regulation process is encouraged, is contrary to the current political and fiscal climate.

In conclusion, CAPS believes it is inappropriate for the Board of Forestry to determine professional standards for each natural resources specialty and increase its control over California landscapes. Certifying these professionals creates a conflict of interest with the Board's duty to establish forest regulations and the enforcement of the Public Resources Code.

Sincerely,



Kristen P. Haynie
Labor Relations Consultant

Attachment

cc: John Grant, CAPS President

CERTIFIED RANGELAND MANAGER PROGRAM

The California Association of Professional Scientists opposes the changes to the Public Resources Code (PRC) and adoption of the Certified Rangeland Manager (CRM) program for the following reasons:

- The PRC would impact all natural resource professionals, even if no certification program is provided.
- "Forestland," as defined, is extremely broad and does not define how a ten percent tree canopy is calculated.
- The "rangeland" definition in conjunction with "forestland" would provide control to the Board for all lands which are not urban development or farmland.
- These definitions will create more confusion for all natural resource professionals.
- There is no evidence that unregistered resource professionals have harmed the environment. Therefore, the Board does not need to increase its oversight responsibility.
- The Board has only identified qualified experts as those certified, registered or licensed. Not all professions require an examination.
- If a Registered Professional Forester (RPF) does not possess the competency required in a specialty area, he or she must consult an expert. However, there is no criteria in determining if the RPF is qualified in the specialty area.
- Transfer of funds from private and public sector employers to the Board of Forestry through fees will have a negative fiscal impact on employers.
- Certification of natural resource professionals is a conflict of interest with the Board's duty to establish forest regulations and enforce the Public Resources Code.

File Cal-Neva
Chapter

SENATE NATURAL RESOURCES AND WILDLIFE
Senator Mike Thompson, Chairman

BILL NO.: SB 1094

AUTHOR: Killea

VERSION:

(Original):

(Amended): 4/14/93

FISCAL: Yes

URGENCY: No

CONSULTANT: KL

HEARING DATE: 5/11/93

JUN 25 1993

FISHERIES SOCIETY

SUBJECT:

Forestry: professional Foresters.

SUMMARY:

Requires a professional forester, certified specialist, or qualified but exempt certificants to perform duties specified in law pertaining to the protection of forest, range, and forage lands.

BACKGROUND:

The Professional Foresters Law sets out the requirements to become certified as a professional forester, certified specialist, or qualified but exempt certificant. The purpose of the law is to provide for "the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of wildlands and quality of wildland environment" and "to enhance the control of air and water pollution, the preservation of scenic beauty, the protection of watersheds for flood and soil erosion control and production and increased yield of natural resources including timber, forage, wildlife, water and outdoor recreation, to meet the needs of the people." (Pub.Res.C. § 751.)

A professional forester performs services including, but not limited to consultation, investigation, evaluation, planning or responsible supervision of forestry activities requiring forestry principles and techniques. (Pub.Res.C. § 752.) Instead of being registered as a professional forester, an applicant may request to be registered as a certified specialist in one or more fields of forestry. (Pub.Res.C. § 772.) A qualified but exempt certificant is a person certified through an independent certification program approved by the federal government. (Pub.Res.C. § 754.)

It is unlawful for any person to act in the capacity of or use the title of "professional forester" without being certified by the Board of Forestry. (Pub.Res.C. § 766.)

Part 2, Division 4, of the Public Resources Code sets out the duties and responsibilities of the State Department of Forestry and Fire Protection and the State Board of Forestry in protecting the forest, range, and forage lands of the state.

PROPOSED LAW:

SB 1094 requires a professional forester, certified specialist, or qualified but exempt certificant to perform the services that are authorized or required pursuant to existing law relating to the protection of forest, range, and forage lands.

COMMENTS:

- 1) The proponents contend that the Board of Forestry is engaging in regulatory expansion by broadly interpreting existing provisions of law to require certification as a professional forester to carry out many activities performed by "natural resource professionals" such as the practice of botany, wetland ecology, wildlife biology, fisheries biology, etc. This interpretation is apparently based on the undefined term of "wildlands" used in existing law and is supported by a draft Attorney General's opinion.
- 2) The opponents state that this measure could severely reduce the scope of practices for which the state today requires licensure as a forester, limiting those requirements to forestland practices. It would also effectively remove professional forester licensure requirements from individuals performing other, equally important forestry practices, which involve wildlife management.
- 3) AB 1903 (Hauser -- Chapter 748, Statutes of 1991) established the certified specialist but, to date, no certificates in the natural resource specialties have been developed.
- 4) SB 1345 (McCorquodale -- 1992) was passed by the Legislature to, among other things, exempt Department of Fish and Game personnel and other public employees from the certified professional forester requirements, but was vetoed by the Governor who indicated the exemption was "overly broad."
- 5) AB 1127 (Campbell -- 1991), which would have redefined certification requirements for professional foresters by deleting the reference to wildlands, thus limiting the practice to forestry only, died in the Assembly.
- 6) AB 1185 (Cortese) exempts public employees conducting scientific or regulatory investigations, determinations, or reviews from professional licensing or regulatory certification to conduct fish or wildlife management activities. This measure is currently in the Assembly Water, Parks and Wildlife Committee.

SUPPORT:

American Fisheries Society, Western Division
Bosso, Williams, Levin, Sachs & Book
California Association of Professional Scientists
California Botanical Society-Madrono
California Native Plant Society
California State University, Northridge, Department of Biology
California State University, Northridge, Department of Geography
Chambers Group, Incorporated, Environmental Consultants
Dale T. Steele, Ecological Consultant
David L. Imper, Ecologist
Envicom Corporation
Environmental Collaborative
Francis O. Scarpulla
GENREC Genetic Resource Consultants
Greening Associates
H. T. Harvey & Associates, Ecological Consultants
John Rieger and Associates
Leonard Charles & Associates, Environmental Analysis & Planning
Lilburn Corporation
Lisa Bush & Associates
M. Dale Keyser, Consulting Biologist
Marine Municipal Water District
Martha Blane and Associates, Habitat Restoration Consulting
Mattole Restoration Council
Michael O'Brien, ASLA
Mountain Lion Foundation
Occidental College, Los Angeles, Biology Department
Occupational Therapy Service
Ogden Environmental and Energy Services
Philip Williams & Associates, Ltd.
Phoenix Operating Company, Inc.
Planning and Conservation League
Prunuske Chatam, Inc.
Public Employees for Environmental Responsibility
Ranlett Wetland Resources Group
Rosi Dagit, Certified Arborist #1084
Salmonid Restoration Federation
Shelter Cove Commercial Fishermens' Association
Sierra Club
Society for Ecological Restoration
Stivers & Associates, Environmental Planners
Sycamore Associates
Sycamore Environmental Consultants
The Nature Conservancy
University of California, Berkeley, Dept. Geology and Geophysics
University of California, Los Angeles, Environmental Science &
Engineering Program, School of Public Health
Verna Jigour Ecological Planning Services
Wetlands Research Associates, Incorporated
Wildlife Society, Western Section
3 Private Citizens

OPPOSED:

California Forestry Association
California Licensed Foresters Association
1 Private Citizen

#545

May 5, 1993

[Handwritten signature]



American Fisheries Society

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608 38th St.
Sacramento, CA. 95816
(916) 653-9442

Diary
Linda - please
file

September 23, 1993

SEP 28 1993

The Honorable Bruce Babbitt
Secretary
Department of the Interior
1849 C St. N.W.
Washington, D.C. 20240

Dear Mr. Secretary:

On September 2, 1990, the California-Nevada Chapter of the American Fisheries Society petitioned the U.S. Fish and Wildlife Service (USFWS) to list the giant garter snake (*Thamnophis gigas*) as an endangered species. Subsequent to the USFWS's publication of a proposed rule on December 27, 1991, to list the giant garter snake as an endangered species, our Society has been tracking progress by the USFWS in making a final decision, which pursuant to Section 4(b)(6)(A)(i) of the Endangered Species Act, was due no later than December 27, 1992.

Because the USFWS's decision is now nine months delinquent, we have inspected the USFWS's Administrative Record on this matter. To our dismay, we have found evidence that influential constituents of the North Natomas area have successfully prevailed upon their Congressmen to intervene in the listing decision. These constituents appear to have mounted a two-pronged campaign: (1) confuse higher level decision makers not familiar with the facts into believing that the species does not warrant listing, and (2) delay a listing decision until after the Army Corps of Engineers (Corps) issues a Section 404 permit to the Sacramento Flood Control Agency to construct facilities that would provide a level of flood protection adequate to meet minimum Federal Emergency Management Agency standards. This delay strategy would allow issuance of the permit without Section 7 review of the project and completion of a Biological Opinion by the USFWS that would determine whether the provision of flood protection and consequent commercial development would be likely to jeopardize the continued existence of the giant garter snake. Without this review, measures to mitigate for the loss or disturbance of giant garter snake habitat can not be identified.

Please be aware that the USFWS has been fully responsive to, and given due consideration of, these claims that the species does not warrant listing. To ensure the biological integrity of its decision, the USFWS convened a panel of eminent herpetologists employed by the USFWS's National Ecology Research Center (soon to be part of the proposed National Biological Survey), to review the listing recommendation of the Sacramento Field Office and Portland Regional Office. This panel reaffirmed the imminent threats to the survival of the giant garter snake and verified that arguments of opponents to the listing held little or no merit. The California-Nevada Chapter of the American Fisheries Society, therefore, requests that you place your trust in the professional biologists employed by the USFWS.

We are extremely concerned about the delay in the USFWS's decision on the giant garter snake. Please be aware that the Corps, on September 8, 1993, issued a *Notice of Intent* to issue the flood control permit previously discussed. Hence, timing of the listing decision is critical because the Section 404 permit could be issued within a few weeks. Therefore, any additional delay attributable to your review of this matter must be avoided. We implore that you not squander the tremendous amount of good will and faith that your administration currently enjoys on the part of the American people and that you will uphold faithfully the laws and public trust resources of this Nation that you have sworn to protect.

Please inform me of your decision on this matter.

Sincerely,



for

Thomas L. Taylor,
President,
California-Nevada Chapter,
American Fisheries Society

cc: Vic Fazio,
Member of Congress

Robert T. Matsui,
Member of Congress

Paul Brouha, Executive Director
American Fisheries Society

PAM McClelland



American Fisheries Society

ORGANIZED 1870 | INCORPORATED 1910

608 38th St.
Sacramento, CA. 95816

October 26, 1993

Interagency SEIS Team
P.O. Box 3623
Portland, OR. 97208-3623

RECEIVED
NOV 2 1993
AMERICAN FISHERIES SOCIETY

Dear Team Members:

We have reviewed the *Draft Environment Impact Statement (DSEIS) on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl and the Forest Ecosystem Management Assessment Team (FEMAT) Report*. We have the following comments:

We were generally pleased with all of the Alternatives, except Alternatives 7 and 8 which do not adequately protect fishery resources. Regardless of the Alternative selected, we believe that it is imperative that all objectives, standards, guidelines, and components proposed for the Aquatic Conservation Strategy be retained. Specifically, we endorse provisions for riparian reserves on all fish bearing streams, non-fish bearing streams, and intermittent streams; and the establishment of Key Watersheds. The establishment of Key Watersheds is necessary to reverse the precipitous decline of anadromous salmonids and to begin recovery of salmonid habitats degraded by past timber harvest practices.

According to the California Department of Fish and Game, establishment of Key Watersheds will provide major protection to watersheds used by 96 percent of California's summer steelhead populations, 55 percent of naturally-produced spring chinook salmon, and a majority of sea-run cutthroat trout. These three are State-designated "Species of Special Concern". Table 1 summarizes the relative importance of key watersheds to selected California anadromous fish stocks.

Spring-run chinook salmon and summer steelhead have been significantly affected by increased sedimentation loads in streams. Pool habitat is necessary for these fish to oversummer. Diminished pool depth and frequency, caused by increased sedimentation, appears to be correlated with reduced abundance of these races. The FEMAT report notes that failing and eroding roads, road construction, and culvert failures are major sources of sediment and a primary cause of salmonid habitat loss.

For these reasons, we are very pleased with the proposal that no new roads be constructed in inventoried roadless areas within key watersheds, and that a watershed analysis be completed for all watersheds that contain a roadless area, before management activities proceed in that roadless area. We also concur with the Assessment Team's mitigation recommendation that existing road mileage within key watersheds be reduced, with priority given to removing roads that pose the greatest risks to riparian and aquatic ecosystems.

According to the FEMAT report Table V-II, the preferred alternative (Alternative 9) will achieve a 65 percent likelihood of obtaining Outcome A (the most desired outcome for fish habitat of all races/species/groups) for salmon, steelhead and cutthroat trout, compared to 80 percent for Alternatives 1 and 4. On page 3 & 4-100 of the DSEIS, the Assessment Team suggests that the likelihood of Alternative 9 achieving Outcome A could be increased to 80 percent or greater by: (1) using the Riparian Reserve 1 scenario instead of the Riparian Reserve 2 scenario, thus providing greater protection for fish habitat in non-key watersheds, particularly those with large areas of unstable land such as in the Six Rivers National Forest; and (2) providing greater protection for key watersheds by removing them from areas available for timber harvest. We recommend that both mitigation measures be adopted. Another option would be to designate as key watersheds, all roadless areas outside of proposed key watersheds.

Table 2 summarizes benefits to anadromous fish streams from designation of Late Successional Reserves under most of the alternatives. In addition, some wild trout and catch-and-release waters will also benefit:

- 1) McCloud River downstream from McCloud Reservoir, a blue ribbon wild trout and catch-and-release water.
- 2) Hawkins Creek, which provides an important source of cold, high-quality water and rainbow trout recruitment to the McCloud River.
- 3) Squaw Valley Creek, a special regulation trout water and source of recruitment to the McCloud River.
- 4) Pit River between Pit 4 Dam and Powerhouse, a designated catch-and-release stream for trophy rainbow trout.
- 5) Shovel Creek, a significant spawning area for rainbow trout in the Klamath River Wild Trout Management Area.
- 6) Antelope Creek, a productive brown trout angling stream.

In conclusion, we strongly support the inclusion of the Aquatic Conservation Strategy in the alternative that is implemented. The importance of this strategy to conservation and restoration of aquatic species, particularly anadromous salmonids, is demonstrated in Tables II-7 and II-14 of the FEMAT Report. These tables show that there is a large disparity between the alternatives that include the Aquatic Conservation Strategy and the one that does not (Alternative 7), in terms of maintaining viability of salmonid species and likelihood of achieving well-distributed habitat. We are convinced that adoption of Alternative 7 will lead to continued decline of salmonid populations and degradation of habitat, which will result in more listings under the Endangered Species Act and continued impasse on timber harvest on Federal Lands. We do not believe that the increase in available timber harvest gained under Alternative 7 is worth this price. This point is particularly notable because Alternative 7 provides only a 3% increase over Alternative 9 in projected timber industry employment (as shown in Table VI-16 in the FEMAT Report).

Lastly, we commend your effort to bring a much-needed change to the way in which timber is harvested on federal lands. We firmly believe that the present impasse on timber harvest can be blamed squarely on past forest management practices that placed far too much emphasis on logging, at the expense of all other forest values and uses. We believe that most of the alternatives, as presented in the DSEIS, truly represent forest management based on ecosystem principles and concepts. We feel that this document is a significant step toward attaining the goal of basing management of natural systems on sound scientific principles, rather than politics and economics.

Sincerely,



Dennis McEwan
Conservation Committee Chair
California-Nevada Chapter,
American Fisheries Society

attachment

cc: Ms. Jennifer Nielsen,
President, California-Nevada Chapter,
American Fisheries Society

Ms. Pam McClelland
American Fisheries Society,
Bethesda, Md.

Table 1. Anadromous fish streams benefitting from key watershed designation.

	<u>Relative Importance to Fishery¹</u>			
	Spring chinook	Fall chinook	Summer steelhead	Fall/Winter steelhead
<u>Klamath River</u>				
Red Cap Cr.	4	2	2	2
Bluff Cr.	4	1	2	2
Blue Cr.	4	1	4	2
Camp Cr.	4	2	3	2
Elk Cr.	4	2	1	2
Dillon Cr.	4	3	1	2
Clear Cr.	3	3	1	2
Grider Cr.	4	2	4	2
Salmon Cr.	1	1	1	1
Wooley Cr.	2	2	1	2
<u>Trinity River</u>				
N.F. Trinity R.	2	2	1	2
S.F. Trinity R.	1	1	2	1
New R.	2	2	1	2
Canyon Cr.	2	1	2	2
Horse Linto Cr.	4	2	4	2
<u>Mad River</u>				
Pilot Cr.	None	4	3	2
<u>Mattole River</u>				
Honeydew/Bear Cr.	None	4	4	1
<u>Eel River</u>				
N.F. Eel R.	None	3	3	2
M.F. Eel R.	4	1	1	1
Black Butte R.	None	2	4	1
<u>Smith River Drainage</u>	2	1	3	1

¹ Relative Importance:

- 1 Very Important
- 2 Moderately Important
- 3 Minor Importance
- 4 Occasional Strays

Table 2. Some anadromous fish streams benefitting from late successional reserves under Alternative 9.

	Relative importance of fishery ²	Proportion of drainage in reserve ³
<u>Klamath River Drainage</u>		
East F. Indian Cr.	2	A
Thompson Cr.	2	B
Ukonom Cr.	3	A
King Cr.	3	A
Independence Cr.	3	A
Fort Goff Cr.	2	A
Portuguese Cr.	2	A
Seiad Cr.	1	B
Horse Cr.	1	C
Beaver Cr.	1	C
<u>Salmon River Drainage</u>		
Little N.F. Salmon R.	1	A
South Russian	1	A
North Russian	1	B
Whites Gulch	3	A
Eddy Gulch	3	A
Crawford Cr.	3	A
<u>Trinity River Drainage</u>		
Tish Tang Cr.	2	C
Madden Cr.	2	A
<u>Eel River Drainage</u>		
Eel R. above Snow		D
Mtn. Dam	1	
Elk Cr.	1	C

²/ Relative importance of fishery

- 1 Very
- 2 Moderate
- 3 Less

³/ Proportion of drainage in reserve

- A 90-100%
- B 60-90%
- C 30-60%
- D 10-30%