



National Alliance of Forest Owners
Investing in the Future of America's Forests

December 15, 2014

Chairman Mary Nichols and ARB Staff
Air Resources Board, California Environmental Protection Agency
1001 I Street
Sacramento, CA 95812

Dear Chairman Nichols:

**Re: Amendments to the California Cap on Greenhouse Gas Emissions and
Market-Based Compliance Mechanisms - Compliance Offset Protocol: U.S. Forest
Projects**

The National Alliance of Forest Owners (NAFO) appreciates the opportunity to comment on the proposed amendments to the Compliance Offset Protocol: U.S. Forest Projects. NAFO's mission is to protect and enhance the economic and environmental values of private forests through targeted policy advocacy at the national and state level. At the time of this submission, NAFO's members represent 80 million acres of private forests in 47 states. NAFO was incorporated in March 2008 and has been working aggressively since then to sustain the ecological, economic, and social values of forests and to assure an abundance of healthy and productive forest resources for present and future generations. NAFO and its members are key stakeholders who contribute to the solutions that private forests and forest biomass bring to lowering greenhouse gas (GHG) emissions and, in turn, are keenly impacted by any controls or regulations on forest management measures required to qualify for carbon markets.

On your website, you describe the CAR as "a national offsets program focused on ensuring environmental integrity of GHG emissions reduction projects to create and support financial and environmental value in the U.S. carbon market." As we understand the CAR Forest Project Protocol 3.3, it purports to encourage custodial forest management, or conservation forests, designed to preserve the maximum amount of land in forest. However, from a national perspective, Protocol version 3.3 provides limited opportunities for working forests which are accountable for a financial return to their owners. While we recognize that it may not be prudent for the Protocol to reward forest owners with offsets for common practice commercial forestry, the preference for conservation forests in the Protocol loses the important contribution of sustainably managed forests when considering the ongoing life cycle accumulation of carbon in both onsite and offsite carbon pools.¹ The proposed changes will only exacerbate this consequence.

You have proposed to change the ARB U.S. Forest Protocol and adopt Section 3.1.A.4.B.as follows:

B) Open canopy harvest units, harvest units with an area of 3 acres or greater that have less than 50 square feet of basal area retention, must have a buffer area of forest vegetation containing at least 50 square feet of basal area retention must surround the

¹ Lippke, et al. 2011. Life Cycle Impacts of Forest Management and Wood Utilization on Carbon Mitigation: Knowns and Unknowns. *Carbon Management* (2011) 2(3), 303–333; Malmsheimer et al. 2011. Managing Forests because Carbon Matters: Integrating Energy, Products, and Land Management Policy. *Journal of Forestry*.

harvest unit. The width of the buffer area must be a minimum of the area of the harvest unit, rounded up to the nearest acre, multiplied by 40.

The Protocol previously required “Stands adjacent to recently harvested stands must not be harvested using an even-aged harvest until the average age of the adjacent stand is at least 5-years old, or the average height in the adjacent stand is at least 5 feet.” The proposed change appears to require a buffer width 40x the area of the harvest unit (1600 acres wide?) until the clear-cut unit reaches 50 square feet of basal area retention, which can be up to 15 years old. This draconian buffer requirement appears nowhere in any state forest practice rules or in any of the certification programs. There is no regulatory precedent or environmental justification for such a proposed change.

The current ARB Compliance Offset U.S. Forest Protocol itself contains strong safeguards for ensuring environmental integrity associated with harvest units. In addition, the Natural Forest Management Criteria gives forest owners the option of choosing to participate in a third party forest certification program under the Sustainable Forestry Initiative², Forest Stewardship Council³, or American Tree Farm⁴ programs, and these programs have detailed green-up requirements to address aesthetics and wildlife habitat. In addition, many state forest practices acts have specific green-up requirements to environmental integrity.⁵ We therefore urge the Board to drop this proposed change as lacking any silvicultural or environmental justification and as contrary to the Board’s interest of encouraging nationwide participation in this program.

We would also like to reiterate our concern on the current limitation of clearcut size to 40 acres in Section 3.11.4 - *Balancing Age and Habitat Practices*. As we noted in our July 18, 2012 comment on Version 3.3, this arbitrary requirement significantly undermines participation in the CAR Protocol by most landowners due to the fact that this size limitation is inconsistent both with standard environmental mitigation measures and the economics of harvesting in many regions of the United States. Additionally, this restriction has no impact in how carbon in forests is accounted for in forestry operations.

From an environmental perspective, a 40 acre clearcut limitation requires more road use than larger clearcut units. Fewer entries over a period of time will result in less soil disturbance helping to minimize sedimentation to streams and lessen risks of soil compaction.

We recognize that appropriate limits to clearcut size do provide environmental benefits as recognized by the leading certification programs. Presumably this is one of the reasons that CAR’s Forest Protocol recognizes participation in forest certification programs. As part of their criteria, these programs all provide reasonable limits on clearcut size based on sound silvicultural and sustainability principles. There is little likelihood of a landowner engaging in the added expense of certification and then compounding that expense with this artificial limit on clearcut size.

² Objective 5, Performance Measure 5.3 Program Participants shall adopt a green-up requirement or alternative methods that provide for visual quality. <http://www.sfiprogram.org/files/pdf/section2sfirequirements2010-2014pdf/>.

³ Indicator 10.2.e, Forest Stewardship Council USA Natural and Plantations Standard (FSC-STD-01-2010).

⁴ Performance Measure 3.1, American Forest Foundation (AFF) 2015-2020 Standards of Sustainability, https://www.treefarmssystem.org/stuff/contentmgr/files/2/42e0cf96393bd0a30fb7f3d684abd00a/pdf/approved_final_standards_and_guidance_11242014.pdf.

⁵ See, for example, Washington State WAC 222-30-025 - Even-aged harvest size and timing.

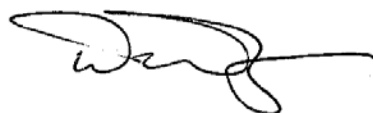
In addition, clearcutting as a harvest and regeneration method has sound silvicultural and ecological bases:

- It allows sunlight to reach the ground so newly planted seedlings quickly take root and regenerate the forest. As such, it's the system best suited to commercially important shade-intolerant species, including Douglas-fir in the western United States and loblolly pine in the southern United States. These tree species reach their full growth and yield potential only when grown in full sunlight.
- It provides habitat for animal species, some of which are of high conservation priority, that are associated with early successional plant communities⁶. Some plant species in these communities also are of high priority.
- It results in stands of even-aged trees that produce wood products with more uniform qualities.
- As noted above, it requires fewer roads and entries into the stand than partial harvesting systems, thus reducing the risk of sedimentation in streams.
- It is often more efficient, cost-effective and safer than partial harvesting systems.

Overall, the smaller the allowable clearcut size, the more roads need to be built and the more costly the silvicultural operation becomes. This arbitrary limitation discourages landowner participation, offers no additional environmental benefit, and adds nothing to the proper accounting of carbon stored as part of the protocol.

Thank you again for the opportunity to comment on the proposed changes to the Protocol. We urge the Board to consider the effect of making a change so at odds with silvicultural principles nationwide on the success of its program.

Respectfully Submitted,
David P. Tenny



President and CEO
National Alliance of Forest Owners

⁶ Dessecker, D. R., and D. G. McAuley. 2001. Importance of early successional habitat to ruffed grouse and American woodcock. *Wildlife Society Bulletin* 29(2):456-465; Dettmers, R. 2003. Status and conservation of shrubland birds in the northeastern US. *Forest Ecology and Management* 185: 81-93; Fuller, T. K., and S. DeStefano. 2003. Relative importance of early-successional forests and shrubland habitats to mammals in the northeastern United States. *Forest Ecology and Management* 185:75-79; Litvaitis, J. A. 2001. Importance of early successional habitats to mammals in eastern forests. *Wildlife Society Bulletin* 29(2):466-473; Litvaitis, J. A. 2003. Shrublands and early-successional forests: critical habitats dependent on disturbance in the northeastern United States. *Forest Ecology and Management* 185:1-4.