



# Sierra Pacific Industries

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Board of Forestry and Fire Protection  
Attn: Eric Huff  
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July 2, 2013

Attention: Board of Forestry and Fire Protection  
Re: Opposition to Repeal of 919.9(g) and 939.9(g)

Sierra Pacific Industries (SPI) joins in and includes by reference the comments sent in by the coalition of California organizations submitted by the California Forestry Association. Prior to this or any rule making procedure ever being initiated, it would have been more appropriate for the Board to have held additional evidentiary hearings regarding the merits of claims and to determine if any actual problem exists. This Board promulgated rules to protect the northern spotted owl (NSO) in the early 1990's, shortly after the NSO listing. The track record of the landowners efforts to survey for NSOs and comply with those rules is evidence of the effectiveness of those rules, since the United States Fish and Wildlife Service (USFWS) has not taken any enforcement action in California over those 23 years relative to "take" of NSOs.

SPI finds that the petition is without merit and request that the Board vote to deny the repeal of 14 CCR 919.9(g), 939.9(g) based on the following;

- There is no valid basis in the administrative record to suggest any problem exists that would require the repeal of 14 CCR 919.9(g) or 939.9(g).
- EPIC's only claim of a problem is false, they told this Board that unoccupied activity centers was their evidence that spotted owls were "taken". SPI has provided our Landscape Survey Strategy (LSS) study as direct credible science to demonstrate this claim is false. It is important to note that the USFWS and SPI jointly designed the LSS to answer this exact question, but the Service issued its' guidance document without the benefit and understanding that would have come from the LSS results. SPI's landscape level survey represents real data that demonstrates that the USFWS statement cited by EPIC is unsupported by actual measurement. The extensive survey effort represents a significant component of data that was not available at the time that the USFWS Yreka Field Office prepared their guidance document.

Attached to this letter (via email) is our LSS interim report.

SPI hereby recommends the Board vote to reject the noticed language that would repeal 919.9(g) and 939.9(g).

It is also our recommendation that the Board's Forest Practice sub-committee hold a workshop where, if they exist, problems with the NSO rules can be brought forward with credible scientific support. We believe that such a workshop should be held before any further action is taken in regards to the NSO rules that have served so well over the past 23 years, as the NSO is one of the most common raptors in the forests of California and the land owners need a reliable stable set of rules under which to conduct their business.

Sincerely,



Edward C. Murphy RPF #2066  
Manager, Resource Inventory Systems  
Sierra Pacific Industries