UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404

August 7, 2015

Matt Dias
Acting Executive Officer
State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, California 94244-2460

Dear Mr. Dias:

NOAA's National Marine Fisheries Service (NMFS) supports the California Board of Forestry Effectiveness Monitoring Committee charter goal of ascertaining whether the California Forest Practice Rules (FPR) maintain or enhance water quality and aquatic habitat, particularly that habitat that supports salmon and steelhead listed under the federal Endangered Species Act. NMFS also supports the overarching goal of SB 1642 to create a unified effectiveness monitoring strategy to serve as a "road map" for focusing effort on the most urgent issues.

Seven species of salmon and steelhead are federally listed as threatened or endangered in California (NMFS 2014a; NMFS 2014b; NMFS 2013; NMFS 2012a; NMFS 2012b; NMFS 2007a; NMFS 2007b; NMFS 2007c). Timber harvest is identified as a contributing factor that negatively impacts these listed species and their habitat. Recovery plans for these species recommend that the FPR and associated regulations be evaluated and, if needed, modified to achieve sufficient habitat condition and population abundance necessary for recovery. Recovery plans can be found at: http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/index.html.

NMFS encourages the BOF to evaluate the effectiveness of FPRs, and associated regulations addressing the rate of timber harvest and cumulative effects. Cumulative effects can include the additive or combined impact of multiple sources of stress on species or their habitat (*e.g.,* elevated water temperature, excessive sediment, diminished large woody debris), including but not limited to proposed activities, as well as impacts originating from related or unrelated past, or reasonably foreseeable future, activities or natural phenomenon. These impacts should be considered in context with the existing environmental conditions during the period which impacts are anticipated. This interpretation of cumulative effects may be different, or broader, than the definition of "cumulative impact" found at 14 CCR 15355. The FPR requirement to assess cumulative impacts (found at 14 CCR 912.9) is a guideline that does not articulate a threshold at which "significant cumulative impacts" arise. Assessments will therefore vary,

likely leading to inconsistent resolution. Dicus and Delfino (2002) shared reports of variable interpretation of the standards (or FPRs) by state reviewing agency regulators and CDF inspectors.

Examining a single FPR may not be the most effective approach in determining the effectiveness of regulating cumulative impacts in all cases. Rather, examining a suite of FPRs which are intended, collectively, to contribute to controlling cumulative impacts may be more informative. In addition, a proper examination of cumulative impacts likely involves study at site, watershed, and regional scales by tracking trends in important indicators of species population health and habitat condition. While cumulative impacts may be avoided or minimized through site- or project-level controls (such as those found at FPRs within the 14 CCR 916 series), validating whether such controls are effective at avoiding significant cumulative impacts, or degree to which they are minimized at various scales, is important for informed regulation of timber harvest in watersheds supporting listed salmonids.

Thank you for your continued interest in the recovery of federally listed species. If you have any questions, please contact Clarence Hostler at Clarence.Hostler@noaa.gov or (707) 825-5165.

Sincerely,

Alecia Van Atta
Acting Assistant Regional Administrator
California Coastal Office

References

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