

## ***Northern California SAF***

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June 16, 2004

Senator Don Perata  
State Capitol, Room 313  
Sacramento, CA 95814

Dear Senator Perata,

The Northern California Society of American Foresters has strong concerns about your legislation SB 754, the *Heritage Tree Preservation Act*. The adverse impacts to California's forests, forest landowners and land managers will be significant if this bill passes. The reasons we oppose this measure include:

- ***There is no scientific, biological or ecological nexus between the year 1850 and "old growth."*** The measure's basis for designating "old-growth" or "heritage" trees (i.e., trees of sufficient diameter that existed in 1850) is arbitrary and has no basis in biological science. Biological maturity in trees is based on species and influenced by site. Stating that all trees are "old-growth" at age 150 is like saying that all mammals are old at 10 years of age.
- ***If the measure's restrictions are found to constitute a taking of private property, the fiscal impacts could include a liability of many millions of dollars*** payable by California taxpayers to compensate affected landowners. Given the State's current economic woes, it is unwise to promote legislation that could further increase the debt burden.
- ***This measure imposes a clear and unjust financial burden on landowners.*** The measure's language calls for identification and inventory of all "heritage" trees in *every* environmental document (defined in paragraph (3)) covering as few as 3 and up to 60,000 acres. This is excessive and unnecessary, representing a huge financial cost to landowners and the land managers who work for them.
- ***This initiative undermines sustainable forestry in California.*** Sustainable forest management encompasses economic and community impacts, as well as ecological impacts. The measure substantially undermines opportunities for even the state's best forest managers by putting in place huge economic obstacles to sustainable harvesting through excessive and unnecessary planning, mapping, and reporting requirements.
- ***This measure imposes a clear disincentive to landowners to grow big, old trees.*** Many landowners, including those who have been exemplary land managers (such as those under Forest Stewardship Council certification), will opt to harvest trees before they reach the diameter sizes established under the initiative. They will not let trees grow to sizes that enable the state to, in effect, confiscate them.
- ***The term "old growth" cannot be validly applied to individual trees.*** "Old growth" refers to a habitat condition in entire stands, not individual trees. While single trees may provide isolated habitat elements, comprehensive habitat requirements need to be addressed at the stand or landscape level.

- **California is creating significant amounts of late-successional and old-growth habitat.** Hundreds of thousands of acres of late-successional habitat are currently reserved from timber harvesting in national forests, national and state parks, wilderness areas, sensitive-species habitat areas, and other preserves. Aggressive programs to enhance and expand late-successional habitat are enforced by legally-binding commitments on federal lands through statutes, regulations, and planning standards and guidelines, and on private lands through habitat conservation plans, sustained yield plans, conservation easements, and third-party forest certification agreements.

The California Forest Practice Rules, widely considered to be the most environmentally protective in the nation, specifically address conservation of late-successional habitat. This measure is an end-run around the Forest Practice Rules, which deal with old-growth and late-successional habitat in a scientifically based, rational way.

Healthy forests and sustainable forestry depend on foresters and a viable forest industry. We trust that you will rethink this flowery, feel-good measure and recognize the significant adverse impacts that it will have if enacted into law. We further trust that you will work with California's forestry professionals for true conservation of our forests to ensure a vibrant, healthy forest environment and economy that benefits the people of California.

Sincerely,

Claralynn R. Nunamaker, Chair  
Northern California Society of American Foresters

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The Northern California Society of American Foresters, with approximately 800 members, is a unit of the Society of American Foresters with about 18,000 members. The objectives of the Society are to advance the science, technology, teaching, and practice of professional forestry in America, and to use the knowledge and skills of the profession to benefit society. The Society was established in 1900 and is the national organization representing all aspects of the forestry profession in the United States, including public and private practitioners, researchers, administrators, educators, and forestry students.