

April 28, 2010

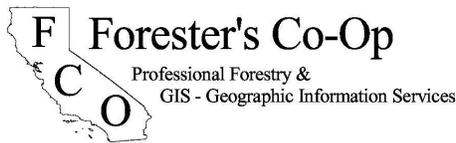
Mr. Gary Gero, President &  
Climate Action Reserve Board of Directors  
Climate Action Reserve  
523 W. Sixth Street, Suite 428  
Los Angeles, CA 90014

RE: Comment on the **“Preliminary Draft Guidance on California MSP Requirements”,  
Forest Protocol 3.1, Section 6.2.1.1**

Dear Mr. Gero and Distinguished CAR Board Members;

As a California practicing Forester for the past 26 years, I applaud the sincere efforts of the Climate Action Reserve (CAR) to develop and adopt the more inclusive and concise Forest protocol 3.1. This protocol has resolved many of the deficiencies overlooked or not addressed in CAR’s earlier adopted forest protocol 2.1. It is the open and transparent peer review process that CAR has undertaken that enhances the credibility and value of all protocols adopted. My comments are to encourage the Reserve to adhere to your established principles and avoid being manipulated by special interest who threatens frivolous litigation for self serving purposes.

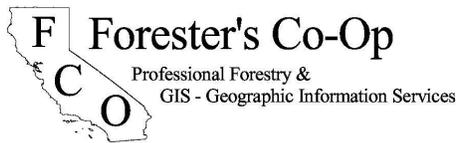
On March 18<sup>th</sup> my staff and I attended the CAR Workshop regarding potential changes to the 3.1 Forest Protocol, Section 6.2.1.1 - Consideration of Legal Constraints. The topic of the workshop was to be about project baseline development however this was preempted by lengthy and at times heated discussions of the Reserves ill-advised issuance of a substantial change to the protocol with the issuance of the “Preliminary Draft Guidance on California MSP Requirements, dated February 24, 2010. To say the least, we are astonished that the Reserve would so casually and prematurely issue a guidance document that alters the foundation of the protocol without first reconvening the entire forest protocol working group to fully consider how they dealt with the MSP subject matter in the 3.1 forest protocol. Need I remind you that the members of the forest working group invested over two years of hard work to develop the forest protocol that was adopted by the entire CAR Board last October. Then seemingly, in the quiet of the night, CAR staff arbitrarily caters to the wishes of an eco-obstructionist group and issues a MSP guidance document that excludes California



Forest Landowners from the recognition and rewards of providing forest carbon offsets through their proactive forest management of healthy and productive forests. An action such as this calls one to question the very integrity and transparency of the Climate Action Reserve.

There are numerous unintended consequences to the CAR programs if the Draft MSP Guidance Document is adopted. I have listed a few for your consideration;

- First and not least of which is the precedence that has been set by allowing CAR staff to impose significant changes to a Board approved forest protocol without following established CAR protocol development procedures. The Reserve never should have published the MSP Guidance Document. By abandoning your established procedures you have diminished the integrity of all your programs.
- During the workshop “the race to the bottom” scenario was brought to your attention by many practicing Foresters. If the Reserve were to accept the MSP Guidance language as set forth, large landowners have the legal right to withdraw their current standing MSP forecast as filed with Cal Fire and remodel ownerships based on the legally binding Forest Practice Rule minimum stocking standards. Is it really the Reserves intent and desire to reduce carbon sequestered in California Forest below current levels?
- The Draft MSP Guidance document only partially addresses the various sizes of private forestland land ownerships in California. This poorly thought out biased document is targeted at “SYP or option A” forest landownership’s greater than 50,000 acres and/or forest owners whom have filed a voluntary Non-industrial Timber Management Plan (NTMP) with CAL Fire. There are hundreds if not thousands of forest landowners in California that do not choose to file these voluntary forecasts of a forest future potential to grow. At the workshop proceedings I addressed these landowners as a group of “limbo landowners” that were obviously overlooked for consideration in the Draft MSP Guidance Document. Is it truly in the Reserves best interest to confuse and disenfranchise forest landowners of all sizes and shapes through the publication of a biased and narrowly targeted protocol directive?
- All legitimate forest carbon credit projects regardless of State or International boundary lines that meet the all the stringent requirements of the forest 3.1 protocol are created equal with regards to providing climate change benefits. The arbitrary landowner exclusions of the Draft MSP document fail to recognize that California Forests contain on average more sequestered carbon per acre than any other State in the union. Is it the Reserves intent to now penalize California forest landowners whom have long practiced sustainable forestry in favor of other States for their lack of or nonexistent forest practice regulation?



Over the past three plus years, I attended many of the forest working group meetings and witnessed the groups through discussions pertaining to the California MSP issue. Ultimately through these discussions the forest working group came to consensus that MSP plans were voluntary in nature and subject to change based on many factors such as market conditions, a change in ownership, unexpected wildfires, climate change and/or other natural disturbances. This subject was tirelessly addressed throughout the development of the 3.1 protocol and specific MSP considerations were understood to be voluntary actions and did not warrant inclusion in the protocol. Regrettably the diligent work product created by one of the most diverse and educated forest technical groups assembled by CAR is now the subject of manipulation by the Reserve to cater to the misguided whims of special interest. It is our strong recommendation that the Reserve completely abandon the Draft MSP Guidance Document dated February 24, 2010 and leave the approved 3.1 protocol language as it is written and hold true to your stated Mission –

*“To ensure environmental benefit, integrity and transparency in greenhouse gas (GHG) emissions inventory and reduction accounting, as well as progressive movement in climate change policy.”*

Reassemble the forest protocol working group if need be to address revisions to the protocols. Follow your own established protocol development procedures and build consensus with a foundation in science and knowledge as opposed to the whims of special interest.

In closing, please remember that the climate benefits being provided by California Forest are not bounded by the State line and must be equally recognized by CAR for the very real and additional carbon they annually sequester. If they are not, then the unintended consequences of your action in adopting the Draft MSP Guidance Document as written will most likely encourage an increase in California forest GHG emissions at the expense of our climate.

Thank you for your thoughtful consideration of my comments.

Sincerely,

A handwritten signature in blue ink that reads 'Tom Amesbury'.

Tom Amesbury, RPF #2253  
Principal Forester

