



Ebbetts Pass Forest Watch

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March 28, 2011

Derik Broekhoff
Climate Action Reserve
523 W. Sixth Street, Suite 428
Los Angeles, CA 90014
Submitted electronically to: policy@climateactionreserve.org

RE: Comments on Climate Action Reserve White Papers on the Forest Project Protocol

Dear Mr. Broekhoff:

Thank you the opportunity to comment on the four Forest Protocol White Papers. Ebbetts Pass Forest Watch (EPFW) believes the issues covered in the White Papers are critical to the scientific integrity of the Protocol as well as to the eventual co-benefits and sustainability of the carbon sequestered by the Protocol. As weary as some may be of the controversies in the current Forest Protocol, it is essential that science and objectivity lead CAR to making the correct decisions. Modeling or other methodologies must ensure that accurate accounting of CO₂ emissions and carbon sequestration are captured to ensure that projects using CAR Protocols, forestry or other, do significantly curb climate change.

Ultimately there will be robust market competition for carbon credit projects that are both good for our ecosystems **and** truly make a difference in climate change. It is imperative that CAR's Protocol creates forest projects that major industries will be proud to present to their shareholders and the public as the projects that offset their CO₂ emissions. Therefore, we encourage continued improvements to the Protocol.

Ebbetts Pass Forest Watch, as an active participant in the Forest Protocol development, has attended public meetings and has carefully read the four White Papers. After consideration of

these papers, EPFW is encouraged by the fact that the Soil Carbon and Lying Dead Wood White Papers are generally well-written and researched. They confirm many of the issues on which we and others have commented for the past year and a half. The Certification and Evenaged Management papers however are inadequate, appear biased, and need to be substantially revised. Neither of these papers is ready for CAR acceptance without significant work.

Additionally, in the Evenaged White Paper and at the March 10 Workshop, the assertion was made that evenaged management creates the same forest conditions as natural disasters such as fire. This is a myth. Common sense and the studies cited in the letters by Center for Biological Diversity and Karen Maki provide evidence to dispute this claim.

Ebbetts Pass Forest Watch has reviewed Center for Biological Diversity's and Karen Maki's thoughtful comments and endorses those comments. The following are our additional comments.

Carbon Accounting and Management for Lying and Dead Wood

According to *Carbon Accounting and Management for Lying Dead Wood*, (LDW) lying dead wood can be a significant source of forest carbon and needs to be included in forest carbon accounting. The percentage varies between 2-5%, depending on the region and the type of tree. When the impact of LDW and soil carbon are considered in aggregate, these impacts are significant and cannot be ignored in the accounting.

Current clearcutting logging conducted under the pre-AB32 California Forest Practice Rules does not leave significant amounts of downed or standing wood, live or dead. EPFW has previously submitted several photos, showing landscapes following typical California clearcutting. These exhibit this dearth of standing or lying live or dead wood. While these clearcuts are currently being allowed under California law, CAR must note that the current rules were developed prior to recent scientific knowledge on carbon as well as LDW wood. Additionally, CAR must take into account the numerous scientific studies that reinforce the criticality of these resources for wildlife and soil protection.

Additionally, EPFW wants to alert CAR that the "LDW Biomass Flux U shaped pattern" slide shown at the March 10th workshop does not provide an accurate representation of a clearcut/plantation biomass cycle. Our submitted pictures show that a typical clearcut has very limited LDW in the early years.

Accounting for Carbon in Soils

The *Accounting for Carbon in Soils* White Paper states that "Soil carbon accounts for 50-75% of all forest carbon in temperate and boreal regions, so small changes in soil carbon can have significant influence on total carbon storage." Comments in the Center for Biological Diversity White Papers comment letter outlines key concerns that EPFW shares. We urge CAR to find ways to account for soil carbon in order to ensure scientific and political integrity in the Forestry

Protocol. As noted in the March 10th public comments, CAR has developed mechanisms to account for carbon in lumber although we all know that this stock is complex, variable and often transient. Soil carbon must be adequately accounted in the Protocol, and EPFW urges CAR to immediately begin to develop a credible mechanism.

Via a separate email, we have submitted several photographs which show examples of extensive soil disturbance during clearcutting as well as infrared photography showing significant soil temperature increases in a clearcut patch verses in a shaded forest. Increased soil temperature is a contributor to increased soil CO₂ emissions. EPFW has also included a photo showing a typical clearcut with large burn piles of forest debris and limited lying dead wood or standing dead wood. These conditions are of course inconsistent with best forestry practices for ecological and climate sustainability.

Carbon Dynamics Associated with Even-Aged Forest Management

As noted in CAR public meetings and in several other comment letters, this White Paper is neither as well- written nor unbiased as the Soil and LDW papers. It was written by a member of the CAR work group that drafted the current Protocol and the author represents the interests of the CALFIRE. This paper's assertion that widespread industrial evenaged management mimics natural disturbances such as fire is significantly flawed. We all know for instance that fire doesn't use herbicides or deep rip and till soil. Although biological response to some natural disasters can result in areas of same-aged diverse forest, they do not create forests devoid of biodiversity and structural richness as found in industrial tree plantations.

This paper needs to be rewritten and reviewed by a panel of non-biased experts.

Examining Carbon Accounting and Sustainable Forestry Certification

The Certification White Paper is not adequate for the reasons noted in the other referenced comment letters. It does not compare to the quality of the Soil Carbon or LDW White Papers. Its objectivity is in question due to the conflict of interest by the author, KPMG, who provides audits for SFI.

EPFW has forwarded separately the following two letters: October 28, 2010 letter from FSC on "Reasons why propose LEED benchmark is a big step backward", and "Dear USGBC members" letter re FSC vs. SFI differences signed by major environmental groups. These letters outline additional issues regarding certifications that were not included in this White Paper but which should be addressed during its revision including the fact that FSC is the only protocol that comes close to being an adequate certification method for the retention of viable forest ecosystems and resilient forest habitats.

Certification of forest projects is not an acceptable substitute for a robust definition and requirement for “Natural Forest Management.” This paper needs to be re-written and reviewed by non-biased experts.

Ebbetts Pass Forest Watch appreciates the opportunity to offer these comments. Please contact us if you have any further questions.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Susan Robinson".A handwritten signature in cursive script, appearing to read "Addie Jacobson".

Susan Robinson and Addie Jacobson on behalf of Ebbetts Pass Forest Watch

EPFW Comment – Image Submissions – Public Comment on Forest White Papers

March 28, 2011

Typical clearcut with soil disturbance and limited downed or standing dead wood 2010 Calaveras County.



Clearcut showing typical severe soil disturbance and limited downed or standing dead wood.



<http://wattsupwiththat.com/2009/03/04/looking-at-thermometer-placement-and-heat-in-the-infrared/>

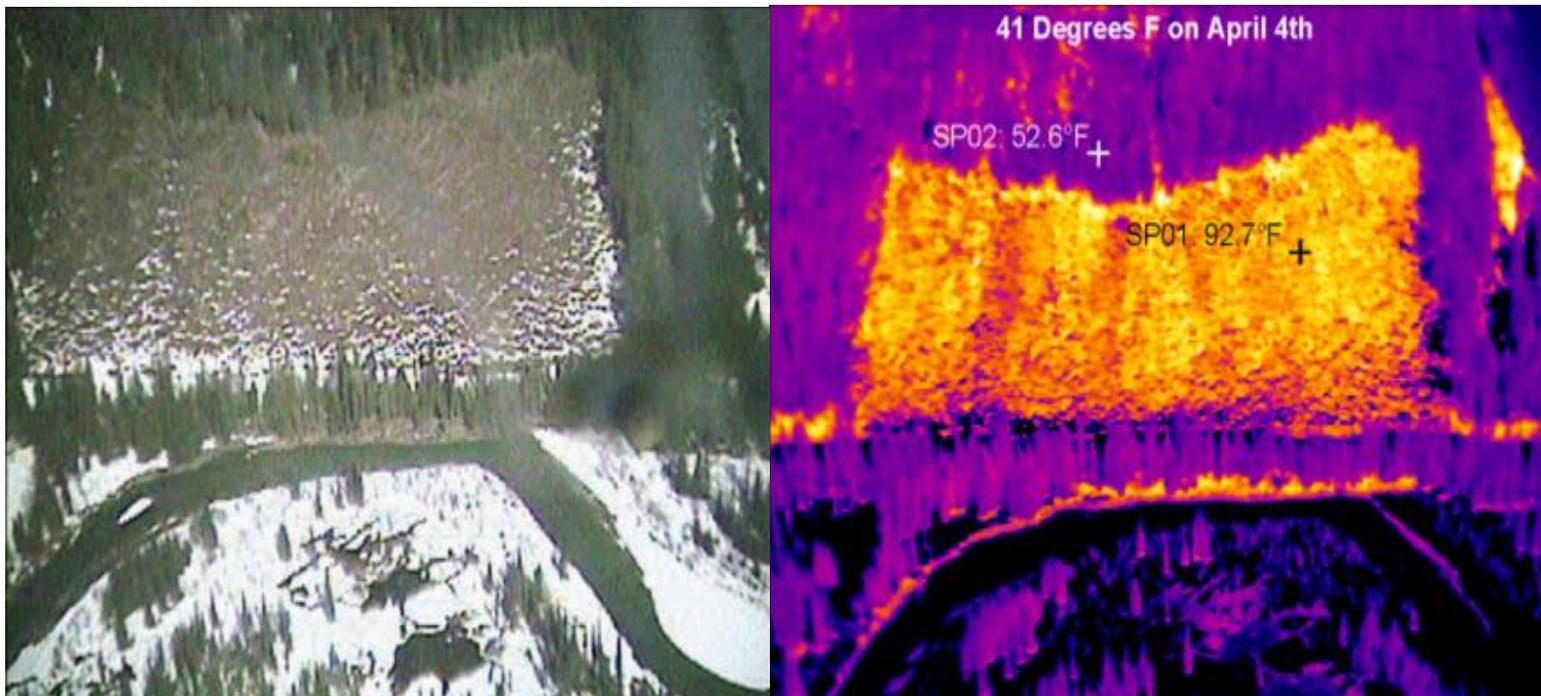
The following photographs are taken from the website above.

This cut block shows an example of clearcut tree harvesting where the trees and ground cover have been removed. This colored picture shows the solar impact by exposing the ground. Spot temperatures have been placed on the thermal image. As you can see in the colored photo the temperature in the clearcut is significantly higher than the temperature in the uncut forest.

NOTE – also note that the temperature in the forest adjacent to the clearcut is much higher than the temperature in the forest further away from the clearcut.

These infrared photos substantiate what common sense tells us.

- **Temperatures are hot in clearcuts – this impacts re-growth of vegetation and decimates habitat for many plants and wildlife**
- **Temperatures rise in the clearcuts and actually impact nearby forests and the ecosystems within**
- **Temperature rises from clearcutting further exacerbate the negative impacts of heat and drought caused by climate change**





FOREST STEWARDSHIP COUNCIL
UNITED STATES

The mark of responsible forestry
© FSC 1996 FSC-SECR-0004

October 28, 2010

Reasons why proposed LEED benchmark is a big step backward.

The proposed benchmark is a step in the wrong direction for LEED. Currently, only wood certified under standards set by the FSC is accepted for a credit toward green certifications in LEED. The proposed revisions would make some absolutely fundamental principles of sound forest management (ranging from deforestation to issues surrounding indigenous rights) optional rather than mandatory for exemplary wood credits.

This benchmark is used to distinguish exemplary forest management from other forest management for credit in the LEED scoring system. It is not a measure of legal wood or a measure of wood that is acceptable to use in LEED certified projects.

At the highest level of analysis, **FSC believes the proposed benchmark represents a step backwards for the following reason:**

The benchmark should meet the rigor of the FSC principles and criteria on key issues such as balanced governance, member-elected boards, deforestation, plantations and rare, threatened and endangered species protections.

Specific reasons the proposed benchmark is a step backwards include the following:

- **A balance of interests in decision-making.** Currently, under the FSC system, policy measures, including standards setting, require approval from the three chambers that comprise FSC governance (environmental, economic, and social). Effectively, each chamber is limited to one-third of the votes (which are weighted by chamber). The proposed benchmark (Gp1) requires governance that provides balanced representation of social, environmental, and economic interests but does nothing to put a credible definition to balance in decision-making. Allocating a maximum of one-third votes in decision-making to industry and others with a commercial interest is the only way to guarantee balanced decision-making. We do not argue that any chamber interest should be less than 1/3, rather economic interests should be presented equally with social (1/3) and environmental (1/3) interests.
- **Meaningful representation in decision-making body.** Currently, under the FSC system, all governing bodies - including Boards of Directors - are elected by the system's membership. Environmental organizations, social organizations, and economic organizations all have the opportunity to elect representatives to the decision-making bodies. The proposed benchmark establishes this as optional (Gc2). The implications of this proposed lowering of the bar is that Boards of Directors will appoint subsequent Board members that represent their own interests. As an example, a Board that is dominated by economic and industry interests will not appoint meaningful environmental and social

representatives. This is especially important when that Board is the approval body for standards and policies.

- **Ensuring consensus-seeking decisions.** Currently, in the FSC system, balloted decisions require a majority approval from each of the three chambers to pass. The current benchmark establishes this as optional (Gc4) and only requires 1/3 of the votes per chamber (Gp3). The implications are that measures will be approved under the pretense of balanced support when, in reality, they represent nothing close to balanced support. Any credibility of balanced support completely erodes when this is coupled with decision-making bodies that are appointed.
- **Deforestation.** Currently, deforestation or converting natural forest to agriculture-style tree plantations is highly restricted in the FSC system. Deforestation (conversion to non-forest uses) can only take place under extenuating circumstances that do not compromise important forest areas and only when they lead to demonstrated conservation benefits. Currently, in the proposed benchmark, meaningful safeguards are removed and both deforestation and conversion of natural forest to agricultural-style plantations can occur with little to no restraint (see “and/or” clause of Sp1).

Consider the following examples of what LEED would credit as exemplary forest management if “and/or” was consistent with just “or”:

- Deforestation could take place over millions of acres as long as it wasn't on forests of exceptionally high conservation value.
- Deforestation could take place on the most valuable High Conservation Areas, including old growth or habitat for endangered species as long as it was a (undefined) “limited portion” of the forest area.
- Deforestation could take place over large areas and include old growth as long as the company constructed some claim of it leading to conservation benefit (undefined). Given the capacity of industry to construct industry-friendly conservation benefit guidelines (e.g. purchase additional forestlands, give some money to research, etc.) we find this to be a potentially very low bar.

Consider the reality of these three cases – that are currently very much a part of some of the most active forest owners in the US/Canada today and are consistent with some of the most damaging forest management practices globally. USGBC needs to understand that these management practices would be very much a part of what USGBC would be giving credit to as “exemplary.”

- **Conversion to plantations.** There are no meaningful barriers to certification of recently converted diverse and exceptionally important natural forest to agriculturally managed, monoculture, pesticide dependent, and often exotic, plantations – devoid of environmental and social value.
- **Rare, threatened, and endangered species.** Currently, all species that are identified as rare (e.g. at risk of becoming threatened or endangered) are protected by FSC certification. The current proposed benchmark reduces consideration of species-level conservation efforts to nothing more than legal compliance (Sp8 refers to threatened and endangered species and omits rare

species). The implications are that forest managers that engage in destructive practices will not be distinguished from those that practice true exemplary forest management. Forests management should also play a role in keeping rare species from ever needing state or federal legal protection.

- **Genetically Modified Organisms (GMOs).** Currently, GMOs are banned in all products that carry FSC certification. The proposal allows GMOs to be used in a less than precautionary position (Sp10). The implications are that GMOs used in commercial plantations that are generally devoid of any social or environmental value will qualify for exemplary forest management. We have very little information about the risks associated with GMOs, especially in the context of introducing new genes to species that can become invasive or hybridize with native species. To state that management of plantations of GMO species constitutes exemplary forest management that includes environmental and social value is a farce. The requirement should be that GMO use is prohibited or perhaps available in contexts of habitat restoration (e.g. GMO blight-resistant chestnut).
- **Public Consultation.** Currently, through FSC, LEED requires consultation in determination and verification of environmental components (e.g. HCVF) and social components (indigenous resources and rights, and community impacts). Furthermore, the consultation must include external stakeholders and experts. The proposed language guts the current requirements (Sp23 and Sc11) by including only a vague requirement that opportunities for consultation are made available. Without explicit direction of public consultation, this has become a meaningless requirement. To truly have exemplary forest management, forest managers must be open to incorporating public input into key decision-making. This doesn't mean that they have to abide by public opinion – it means they need to consider public opinion in their decision-making. Since all values associated with forests are defined by social conditions (i.e. they are values) – some decisions regarding things like High Conservation Value forests simply cannot be made in the absence of meaningful public input from external stakeholders and experts.
- **Old growth.** Currently, LEED requires that in the US and Canada, in landscapes where old growth is under represented (i.e. almost all the US outside Alaska), the extent and values associated with all old growth stands is strictly protected on each FMU. Virgin stands larger than 20 acres may not be logged and stands that have been logged, but still retain old growth values are protected to ensure the maintenance of their extent and values. The proposal eliminates this protection on the FMU and further eliminates any incentive to increase old growth acreage. The current proposal (Sp5) requires that old growth abundance and structure are maintained across the landscape – forest managers are no longer responsible for trying to increase old growth extent.

AN OPEN LETTER TO

members of **US Green Building Council**
regarding the **Certified Wood Credit revision**

OCTOBER 18, 2010



GREENPEACE



FOREST ETHICS



Dear USGBC members,

As leaders of the green building movement, you have demonstrated that you believe in the USGBC mission to “transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy, and prosperous environment that improves the quality of life.”

That is why we are writing to ask you to send a clear message that the green building community is steadfast in its commitment to real leadership standards that drive ongoing improvements toward greater sustainability in the markets for buildings and building materials.

We recognize and commend the extraordinary efforts that USGBC staff, committee volunteers, and others have devoted to bring the Certified Wood Credit revision through three years and four rounds of public comment. These efforts notwithstanding, the proposed Forest Certification Benchmark represents a significant retreat from the level of performance in the current reference standard, that of the Forest Stewardship Council (FSC).

As a result, we urge you to vote “Negative, with reason” on the upcoming ballot, with the reason being “benchmark prerequisites should be at least as rigorous and comprehensive as FSC.”

Although the Benchmark does an admirable job of identifying many (though not all) of the important criteria for evaluating forest management and certification, it represents a step backwards – and a direct contravention of USGBC’s mission.

We are especially concerned about the following:

- Key prerequisites that ought to mandate balanced and independent governance in forest certification remain unacceptably vague and weak.
- Too many vital components of exemplary forest management and credible forest certification remain optional rather than mandatory (according to our analysis, FSC

meets all of the Benchmark prerequisites and most of its voluntary credits as well).

What is needed is a Benchmark that spurs all forest certification systems (including FSC), and the forest products industry as a whole, to improve. LEED has always aimed for continuous improvement: raising the bar above status quo practices until the market catches up and then raising the bar again. Clearly, a credit whose stated intent is to encourage “exemplary” forest management should reward wood from forests whose management surpasses status quo practices.

* * *

As USGBC has grown to become a major force for change, the challenges from vested interests and those who serve them have multiplied proportionately. For example, in July USGBC received a letter signed by some members of Congress pressing for LEED recognition of all forest certification systems in the United States. Sadly the letter is riddled with fallacies from proponents of status quo forestry.

As you know, LEED and FSC both support local jobs and domestic wood use in a variety of ways. For example, LEED’s Regional Materials Credit provides points for wood and other materials that are locally produced. And, given that there are over 33 million acres of FSC-certified forestland in the United States (130 million acres in North America), including more than 40,000 family forests, it is clear that FSC’s high standards are now being embraced all across America’s forest products industry -- including by small woodlot owners, forest workers and communities. FSC-certified forest land owners of all types and sizes understand that compliance

with a world-class standard such as FSC will tend to drive economic development and confer competitive advantage in both the short and longer term.

The controversy over the Certified Wood Credit has been triggered by those who have a lot invested in status quo forestry, and who see the rising demands of the green building marketplace as a threat rather than an opportunity.

Fortunately, Congress will not decide the future of wood and forests in LEED. You, the committed professionals of the green building movement, have that right and responsibility.

As weary as you may be of the controversy over wood in LEED, it is important to stand up for the USGBC mission to transform the marketplace.

We expect that the campaign to get the green building movement to accept the products of conventional industrial forestry as somehow “environmentally responsible” will continue. There will likely be more challenges to come as LEED evolves in the coming years, as the proponents of status quo forestry will not abandon their lobbying efforts any time soon.

But then again, we won't give up either.

Let us act together to uphold the principles and values that are the heart and soul of green building, because it's these that make the green building movement one of the most vigorous and hopeful expressions of modern environmentalism.



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BILL MEADOWS
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