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Editorial: Timber reform plan needs a tweak

Published Sunday, Jun. 17, 2012

Hammered by a lagging economy and imports of forest products from elsewhere, California's timber industry is looking for help. It is finding it in the administration of Gov. Jerry Brown, and not just because the governor has been a recipient of campaign funds from Sierra Pacific Industries, the state's largest single private landowner.

Brown recognizes, as we do, that sawmills and forest products are important to our rural economies, particularly in Northern California.

That doesn't mean timber companies should get a green light to return to an era of unsustainable logging practices. But last time we checked, California was a major consumer of forest products. If we want wood, we should attempt to grow a reasonable amount of it, under environmental laws that are far more protective than those in other states.

To help the state's timber industry, the governor has proposed a multi-part plan – much of which has generated little or no controversy. To help pay for timber harvest plan reviews (and possibly speed up the regulatory process) the governor has proposed a new fee on certain wood products sold in California. This fee, which has the support of the timber industry, could generate up to $30 million yearly, relieving pressure on the general fund.

The proposal would also extend the duration of timber harvest plans approved by the state. Currently, these plans are effective for three years, with two one-year extensions. The governor would extend that to five years, with one two-year extension. He'd also make administrative changes and attempt a pilot project to speed up permit processing times.

There is one part of the package, however, that has generated plenty of heat from federal officials and others. The governor's plan would limit the damages the U.S. Forest Service could seek from private landowners who cause a wildfire that spreads onto federal property. Currently, state law allows the federal government to seek double damages in such situations.

That has resulted in awards that private landowners say are excessive – such as the $102 million the feds recovered from Union Pacific for the Storrie fire, which burned 52,000 acres in the Plumas and Lassen national forests 12 years ago.

That proposed change has come under fire from both Benjamin B. Wagner, U.S. attorney for the Eastern District of California, and U.S. Agriculture Secretary Tom Vilsack.

Wagner, in a May 25 letter to legislative leaders, said damage recoveries are important for the Forest Service in restoring lands after a big fire. He claimed the proposed change was unfair, because it would provide relief for private landowners facing damages, but would not relieve public agencies from wildfire lawsuits by private landowners, who have sought double damages in the past.

Submitted by: Pat Netting at Bd Hearing of 6/19/12 I & E From Supervisor.

He also contended the legislation would "undermine the position of the United States in a major case" pending against Sierra Pacific Industries for its role in the 2007 Moonlight fire, which burned 46,000 acres of national forest land in Plumas and Lassen counties.

We're not convinced that double damages are necessary for the Forest Service to undertake restoration following a fire. (Frankly, during our numerous trips to the national forests, we haven't seen extensive evidence of post-fire restoration work, period.)

We also have concerns that past damages awarded could hurt the ability of small timber companies to obtain insurance and stay in business.

Yet we agree with Wagner that private landowners shouldn't be given relief from damages that are not extended to public land agencies.

If lawmakers decide to advance this legislation and limit double damages from wildfires, they should apply the limitation equally to public and private landowners.

They should also make clear that such changes are prospective, not retroactive, to avoid interferring with any ongoing litigation.