

Pathway, in existing FPRs, to Managing CA black oak and OR white Oak

Scope: Management of California black oak and Oregon white oak, to the exclusion of Group A species or to the reduction in proportion of Group A species relative to California black oak and Oregon white oak, using the existing Forest Practice Rules.

Location: Where Group A species are currently growing or where Group A species have grown in the past.

Commercial species designation: In 1988, California black oak (*Quercus kelloggii*) was added to the definition of commercial species in all Districts and Oregon white oak (*Quercus Garryana*) was added to the definition of commercial species in the Coast and Northern Districts.

Path in the existing Forest Practice Rules (stocking, MSP and silviculture):

Existing Rules (Stocking)

912.7 (d) The resource conservation standards of the rules may be met with Group A and/or B commercial species. The percentage of the stocking requirements met with Group A species shall be no less than the percentage of the stand basal area they comprised before harvesting. The site occupancy provided by Group A species shall not be reduced relative to Group B species. When considering site occupancy, the Director shall consider the potential long term effects of relative site occupancy of Group A species versus Group B species as a result of harvest. If Group A species will likely recapture the site after harvest, Group B species do not need to be reduced. The time frames for recapturing the site shall be consistent with achieving MSP. The Director may prohibit the use of Group A and/or B commercial species which are non-indigenous or are not physiologically suited to the area involved. Exceptions may be approved by the Director if the THP provides the following information and those exceptions are agreed to by the timberland owner:

(1) Explain and justify with clear and convincing evidence how using Group A nonindigenous, or Group B species to meet the resource conservation standards will meet the intent of the Forest Practice Act as described in PRC § 4513. The discussion shall include at least:

- (A) the management objectives of the post-harvest stand;
- (B) a description of the current stand, including species composition and current stocking levels within the area of Group B species. The percentage can be measured by using point-count, basal area, stocked plot, or other method agreed to by the Director.
- (C) the percentage of the post-harvest stocking to be met with Group B species. Post harvest percentages will be determined on the basis of stocked plots. Only the methods provided by 14 CCR §§ 1070-1075 shall be used in determining if the standards of PRC § 4561 have been met.
- (D) a description of what will constitute a countable tree, as defined by PRC § 4528 for a Group B species and how such a tree will meet the management objectives of the post-harvest stand.

The Director, after an initial inspection pursuant to PRC § 4604, shall approve use of Group B species, as exceptions to the pre-harvest basal area percentage standard, if in

Comment [TB1]: This provision provides for an exception to the proportionality clause and allows for minimum stocking to be met with California black oak or Oregon white oak.

Comment [TB2]:
PRC § 4513. Intent of Legislature It is the intent of the Legislature to create and maintain an effective and comprehensive system of regulation and use of all timberlands so as to ensure both of the following:
(a) Where feasible, the productivity of timberlands is restored, enhanced, and maintained.
(b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to sequestration of carbon dioxide, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment.

14 CCR § 895.1 While Giving Consideration means the selection of those feasible silvicultural systems, operating methods and procedures which substantially lessen significant adverse impact on the environment and which best achieve long-term, maximum sustained production of forest products, while protecting soil, air, fish and wildlife, and water resources from unreasonable degradation, and which evaluate and make allowance for values relating to range and forage resources, recreation and aesthetics, and regional economic vitality and employment.

Comment [TB3]:
4561. Stocking standards; management; exemption. It is the purpose of this section to set forth resource conservation standards for timber operations, and to insure that a cover of trees of commercial species, sufficient to utilize adequately the suitable and available growing space, is maintained or established after timber operations.

May be met with California black oak or Oregon white oak.

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his judgement the intent of the Act will be met, and there will not be an immediate significant and long-term harm to the natural resources of the state.

Existing Rules (MSP)

913.11, 933.11, 953.11 Maximum Sustained Production of High Quality Timber Products

The goal of this section is to achieve Maximum Sustained Production of High Quality Timber Products (MSP). MSP is achieved by meeting the requirements of either (a) or (b) or (c) in a THP, SYP or NTMP, or as otherwise provided in Article 6.8, Subchapter 7.

(c) In a THP, or NTMP, MSP is achieved by:

(1) For evenage management, meeting the minimum stand age standards of 14 CCR § 913.1(a)(1), meeting minimum stocking and basal area standards for the selected silvicultural methods as contained in these rules only with group A species, and protecting the soil, air, fish and wildlife, water resources and other public trust resources through the application of these rules; or

(2) For unevenaged management, complying with the seed tree retention standards pursuant to 14 CCR § 913.1(c)(1)(A) [933.1(c)(1)(A), 953.1(c)(1)(A)] or 913.2(b)(6) [933.2(b)(6), 953.2(b)(6)], meeting minimum stocking and basal area standards for the selected silvicultural methods as contained in these rules only with group A species, and protecting the soil, air, fish and wildlife, water resources and other public trust resources through the application of these rules.

(3) For intermediate treatments and special prescriptions, complying with the stocking requirements of the individual treatment or prescription.

Existing Rules (Silviculture)

913.4

(c) **Fuelbreak/Defensible Space.** Where some trees and other vegetation and fuels are removed to create a shaded fuel break or defensible space in an area to reduce the potential for wildfires and the damage they might cause. Minimum stocking standards within the timber operating area shall be met immediately after harvest and shall be those found in 14 CCR 912.7 [932.7, 952.7]. The RPF shall describe in the plan specific vegetation and fuels treatment, including timing, to reduce fuels to meet the objectives of the Community Fuelbreak area.

913.4

(d) **Variable Retention.** Variable retention is an approach to harvesting based on the retention of structural elements or biological legacies (trees, snags, logs, etc.) from the pre-harvest stand for integration into the post-harvest stand to achieve various ecological, social and geomorphic objectives. The major variables in the variable retention harvest system are retention types, densities, and spatial arrangement of retained structures; aggregated retention is the retention of structures or biological legacies as intact forest patches within the harvest unit; dispersed retention is the retention of structures or biological legacies in a dispersed or uniform pattern. Retained trees may be intended to become part of future

Comment [TB4]:

Fuelbreak/Defensible Space and Variable Retention do not require that the minimum stocking and basal area standards be met only with group A species. Therefore both are options where the conditions of these Special Prescriptions can be met.

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stands managed by the Selection regeneration method. Retained trees are often designated as decadent tree or snag recruitment hence not ever intended for harvest. Regeneration after harvest outside of aggregated retention patches may be obtained by direct seeding, planting, sprouting, or by natural seedfall.

(1) In the plan, the RPF shall describe in sufficient detail to provide for review and evaluation: the trees and elements retained, the objectives intended to be achieved by retention, the distribution and quantity of retained trees, the intended time period of retention, and any potential future conditions or events the RPF believes would allow harvest of retained trees. The RPF may explain and justify, and the Director may approve a plan which indicates up to 50% of retained trees are intended for harvest during future Intermediate Treatments of the regenerated portion of the harvest area where such harvest(s) are consistent with stated Variable Retention objectives.

(2) The retention standards for Dispersed Retention shall be measured in average basal area per acre. Where retention is aggregated in groups (greater than or equal to one-tenth acre), percentage of harvest unit area shall be the standard. Sum of all areas within groups divided by harvest unit acres will be used to determine percentage of aggregated retention in the harvest unit. Area and trees located within any standard width WLPZ will be excluded from calculating retention.

(3) The following retention standards shall be met:

(A) Minimum dispersed Variable Retention standard is 20 percent of the Resource Conservation Standards basal area levels stated in 14 CCR § 912.7 [932.7 952.7] (b) (2), 10 percent of harvest area in aggregated retention or combinations thereof. Variable Retention harvests at the minimum retention level shall be limited to 30 acres.

(B) Table 1 shall be used for Determining the Maximum Size Harvest Area for Variable Retention. For areas with a combination of dispersed and aggregated retention types for determination of permissible unit size, the percentage of basal area in dispersed retention portions of the combination area may be reduced proportionately to the area in aggregated retention indicated in Table 1.

Table 1

<i>Dispersed Retention</i>	<i>Aggregated Retention</i>	<i>Maximum Size Harvest Area</i>
>20% of 912.7 [932.7, 952.7](b)(2)	>10% Area	30 Acres
>30% of 912.7 [932.7, 952.7](b)(2)	>15% Area	40 Acres
>35% of 912.7 [932.7, 952.7](b)(2)	>20% Area	60 Acres
>45% of 912.7 [932.7, 952.7](b)(2)	>25% Area	80 Acres
>55% of 912.7 [932.7, 952.7](b)(2)	>30% Area	120 Acres
>75% of 912.7 [932.7, 952.7](b)(2)	>40% Area	200 Acres

Comment [TB5]: If dispersed retention is used, 10 to 37.5 sq ft has to be met upon completion based on area.

(C) Aggregated retention areas that conform to the definition of Late Succession Forest Stands under 14 CCR § 895.1, with the exception of the minimum 20 acre threshold size, may be counted as contributing 1.5 times the acres they actually

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occupy toward providing retention.

(D) Retention trees classified as Dunning's Class 3, 4, 5, or 7 which exceed the size standards of 14 CCR § 912.7 [932.7, 952.7] may be counted as contributing 1.5 times their actual basal area toward providing retention.

(E) Retention standards shall be met on each 20-acre maximum area(s) within each harvest unit. Retention standards may be met by either dispersed, aggregated or a combination of the two types of retention.

(F) Unless explained and justified by the RPF in the plan, and approved by the Director, no point within the harvest area where retention standards are met by dispersed retention shall be more than 300 feet from a retention tree.

(G) With the exception of 14 CCR § 913.4 [933.4, 953.4] (d)(3)(J) below, the average height of dispersed retention trees shall be at least the average height of dominants and codominants of like species in the pre-harvest stand.

(H) For areas where the plan relies on natural seedfall to obtain regeneration, dispersed retention trees shall meet the standards of 14 CCR § 913.1 [933.1, 953.1](c)(1). Where retention is aggregated, retained aggregates shall meet the standards of Commercial Thinning required under 14 CCR § 913.3 [933.3, 953.3](a) including (a)(1)(A) or (a)(1)(B).

(I) Where specific WHR habitat elements are insufficient to provide functional wildlife habitat, the RPF may explain and justify and the Director may approve alternatives to the standards of subsections 14 CCR § 913.4 [933.4, 953.4](d)(3)(G) and (H).

(J) Decadent and Deformed Trees of Value to Wildlife, and Snags which meet the standards of 14 CCR § 912.7 [932.7, 952.7](b)(3)(A,B or C) and 14 CCR § 912.7 [932.7, 952.7](c) may be counted to meet up to 15 square feet of basal area per acre of retention in excess of the minimum variable retention standards (ref. 14 CCR § 913.4 [933.4, 953.4](d)(3)(A)).

(K) Trees shall be retained for at least 50 years unless a shorter period of time is described in the plan, explained and justified by the RPF, and approved by the Director.

(4) Retention standards shall be met immediately after harvest and if retention trees are to be used to meet stocking, at the time the stocking report is approved.

(5) The stocking standards of 14 CCR § 912.7 [932.7, 952.7](b)(1) shall be met within five years following completion of operations.

(6) Retention trees shall be protected to the extent feasible during timber operations consistent with 14 CCR §§ 914.1 [934.1, 954.1]; 914.2 [934.2, 954.2](e); 914.3 [934.3, 954.3]; 915.2 [935.2,955.2]; 915.3 [935.3, 955.3] and 917.7 [937.7, 957.7].

(7) The plan shall indicate the estimated average pre-harvest and post-harvest basal area by species and diameter class. Diameter class designations shall be grouped in no greater than 6" classes.

(8) Where retention is aggregated in groups, the RPF shall provide in the plan a general description of group locations and/or a map showing the approximate location of the groups. This information shall be provided for each logging unit.

(9) All trees to be harvested or all retention trees shall be marked by, or under the supervision of, an RPF prior to felling operations. Where timber harvesting does not occur within retained aggregates, the boundaries of retained aggregates may be designated in lieu of marking individual trees within retained aggregates. A sample area must be marked prior to a pre-harvest inspection for evaluation. The sample area shall include at least 10% of the harvest area for each stand type represented in the range of conditions present in the area. Where necessary to evaluate the proposed retention, the Director may require

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additional marking before plan approval.

(10) To facilitate restocking, a regeneration plan must be included in the plan. The regeneration plan shall include site preparation, method of regeneration, and other information appropriate to evaluate the plan. Site preparation activities shall be designed to protect retention elements and maintain ground cover to the extent practicable while at the same time result in seedling establishment on the site and encourage long-term site occupancy of the regenerated trees.

(11) Another Variable Retention harvest may not be applied to the Variable Retention harvest area for at least 50 years for Class I, 60 years for Class II or III, or 80 years for Class IV and V site class lands after acceptance by the Director of the completion report except as specified in: (i) a THP that has been approved pursuant to 14 CCR § 913.11 [933.11, 953.11](a), (ii) an SYP, (iii) a PTEIR or, (iv) an NTMP).

(12) Within ownership boundaries, no logical logging unit contiguous to a previously harvested Variable Retention harvest area may be harvested by a Variable Retention method unless the previously harvested Variable Retention unit has an approved report of stocking and the dominant and codominant trees, not counting retention trees, average at least five years of age or average at least five feet tall and three years of age from the time of establishment on the site either by the planting or by natural regeneration. If these standards are to be met with trees that were present at the time of the harvest, there shall be an interval of not less than five years following the completion of operations before adjacent Variable Retention management may occur.

(13) A Regeneration Method Used in Evenaged Management, other than Shelterwood Preparatory Step, may not be applied to the Variable Retention harvest area for at least 50 years for Class I, 60 years for Class II or III, or 80 years for Class IV and V site class lands after acceptance by the Director of the completion report.

(14) Within an ownership, at least 10 years must pass after a Variable Retention harvest that exceeds the size standards of 14 CCR § 913.1 [933.1, 953.1] (a)(2) before a Regeneration Method Used in Evenaged Management, other than Shelterwood Preparatory Step, may occur in an adjacent logical harvest area.

(15) Within an ownership, the separation requirements and adjacency limitations of 14 CCR § 913.1 [933.1, 953.1](a)(3, 6 and 7) shall apply equally to Variable Retention harvest areas and evenaged regeneration units.

(16) Alternative Prescriptions proposed under 14 CCR § 913.6 [933.6, 953.6] may not reference Variable Retention as the most nearly feasible method (ref. 14 CCR § 913.6 [933.6, 953.6](b)(3 and 4)). Alternative Prescriptions which approach but do not fully meet the minimum standards of Variable Retention shall be considered Alternatives to a Regeneration Method Used in Evenaged Management.

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Excerpts of the Forest Practice Rules Referenced in Special Prescription:

912.7, 932.7, 952.7 Resource Conservation Standards for Minimum Stocking

(b) An area on which timber operations have taken place shall be classified as acceptably stocked if either of the standards set forth in (1) or (2) below are met within five (5) years after completion of timber operations unless otherwise specified in the rules.

(1) An area contains an average point count of 300 per acre on Site I, II and III lands or 150 on site IV and V lands to be computed as follows:

(A) Each countable tree [Ref. PRC § 4528(b)] which is not more than 4 inches d.b.h. counts 1 point.

(B) Each countable tree over 4 inches and not more than 12 inches d.b.h. counts 3 points.

(C) Each countable tree over 12 inches d.b.h. counts as 6 points.

(D) [Coast] Root crown sprouts will be counted using the average stump diameter 12 inches above average ground level of the original stump from which the sprouts originate, counting one sprout for each foot of stump diameter to a maximum of 6 per stump.

(D) [Northern] Sprouts over 1 foot in height will be counted, counting one sprout for each 6 inches or part thereof of stump diameter to a maximum of 4 per stump.

(D) [Southern] Root crown sprouts over 1 foot in height will be counted, using the average stump diameter at 1 foot above the average ground level of the original stump, counting 1 sprout for each foot of stump diameter to a maximum of 6 per stump.

913.1 [933.1, 953.1]

(c) **Seed Tree** The seed tree regeneration method involves the removal of a stand in one harvest except for well distributed seed trees of desired species which are left singly or in groups to restock the harvested area. The seed step is utilized to promote natural reproduction from seed and to initiate the establishment of an evenaged stand. The removal step may be utilized to remove the seed trees after a fully stocked stand of reproduction has become established.

(1) **Seed Tree Seed Step:** The seed tree seed step is the regeneration step and shall meet the following requirements:

(A) Retention of at least the following basal area of seed trees per acre which are 18 inches dbh or greater:

1. Fifteen square feet basal area on site I, II and III lands and
2. Twelve square feet basal area on site IV and V lands.

The seed trees must be of full crown, capable of seed production and representative of the best phenotypes available in the preharvest stand.

(B) No point within the logged area shall be more than 150 feet from a seed tree.

(C) Seed tree species and site preparation measures shall be specified in the plan by the RPF.

(D) Seed trees shall be marked by or under the supervision of an RPF prior to felling operations.

(E) If natural regeneration is inadequate within two years after the first August following completion of timber operations, seed trees may be harvested and artificial regeneration shall be used to meet the requirements of 14 CCR § 912.7(b)(1) [932.7(b)(1), 952.7(b)(1)].

Comment [TB6]: For the VR Special Prescription, 300 point count (which is equivalent to (25) 12" trees an acre), needs to be met within 5 years.

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(F) In the absence of a Sustained Yield Plan, to maintain and improve tree species diversity, genetic material and seed production, trees of each native commercial species where present at the time of harvest shall be retained after harvest. These leave trees shall be representative of the best phenotypes available in the preharvest stand. The RPF may propose and the Director may agree to a species specific plan in the THP which protects existing regeneration or provides for regeneration in-lieu of retaining trees.

913.3, 933.3, 953.3 Intermediate Treatments

(a) **Commercial thinning.** Commercial thinning is the removal of trees in a young-growth stand to maintain or increase average stand diameter of the residual crop trees, promote timber growth, and/or improve forest health. The residual stand shall consist primarily of healthy and vigorous dominant and codominant trees from the preharvest stand.

(1) Post harvest stand stocking levels shall be stated in the THP. The level of residual stocking shall be consistent with maximum sustained production of high quality timber products. Generally stands will develop stand structures with considerably higher levels of basal area than provided in these minimum standards as stand age increases. In no case shall stocking be reduced below the following standards:

(A) Where the preharvest dominant and codominant crown canopy is occupied primarily by trees greater than 14 in. DBH:

[Coast]:

1. On Site I lands, at least 125 sq. ft. per acre of basal area shall be left.
2. On Site II and III lands, at least 100 sq. ft. per acre of basal area shall be left.
3. On Site IV lands, at least 75 sq. ft. per acre of basal area shall be left.
4. On Site V lands, at least 50 sq. ft. per acre of basal area shall be left.

[Northern, Southern]:

1. On Site I mixed conifer lands, at least 125 sq. ft. per acre of basal area shall be left, and on Site I land where greater than 50% of the basal area is pine, at least 100 sq. ft. per acre of basal area shall be left.
2. On Site II mixed conifer lands, at least 100 sq.ft. per acre of basal area shall be left, and on Site II lands where greater than 50% of the basal area is pine, at least 75 sq. ft. per acre of basal area shall be left.
3. On Site III mixed conifer lands, at least 75 sq. ft. per acre of basal area shall be left, and on Site III lands where greater than 50% of the basal area is pine, at least 75 sq. ft. per acre of basal area shall be left.
4. On Site IV and V mixed conifer lands, at least 50 sq. ft. per acre of basal area shall be left, and on Site IV and V lands where greater than 50% of the basal area is pine, at least 50 sq. ft. per acre of basal area shall be left.

(B) Where the preharvest dominant and codominant crown canopy is occupied primarily by trees less than 14 in. DBH, a minimum of 100 trees per acre over 4 in. DBH shall be retained for site I, II and III. For site IV and V - 75 trees per acre over 4 in. dbh shall be retained.

History (excerpted from Tale of Two Certificates)

- 1981 CDF had referred a question to the Board about counting hardwoods for stocking.
- Study Committee on Policies for Forest Practice Regulation in California Hardwood Types brought out its report in December, 1982.
- The committee recommended that the Board develop a new scheme for management of hardwoods under the Forest Practice Act and rules. The new scheme should show less bias against hardwoods and should encourage their growth and utilization where appropriate.
- As a result of these many events, the Board immediately appointed a task force to carry forward the recommendations of the hardwood committee. The Board charged the new task force to take a large view of hardwood resources, to summarize the location of the existing resource, to describe and evaluate any ecological problems, to evaluate the need for any new forest practice rules or legislation, to describe and evaluate problems in hardwoods related to people, to look at research needs, and to make appropriate recommendations. This task force, under Chairman Dr. Norman Pillsbury, brought its preliminary report to the Board in December, 1983.
- See Tale of Two Certificates for Summary of History between 1983 to 1988, beginning on page 172.
- Interestingly, nineteen years ago, a Symposium on Hardwoods occurred (November 12-14, 1986 at the Cal Poly campus in San Luis Obispo).
- **BOARD OF FORESTRY REDEFINES COMMERCIAL SPECIES**
This chapter has in several places referred to the problems resulting from the ambiguous place hardwoods had held in the definition of "commercial species." The problems encountered in counting hardwoods as regeneration following a harvest of softwoods had continued to plague CDF. In January, 1987 the Board heard CDF's latest proposal, but put it off for changes. The Board finally adopted those changes at its February 3, 1988, meeting. In so doing, it not only satisfied the need for clearer criteria for counting hardwood regeneration, it also settled the issue of riparian hardwoods in the lowlands. OAL filed those rules on September 9, 1988 after a thorough review.

The new rules deleted the criterion of "substantially pure" that had bothered CDF since 1974. Under the old system certain species were declared commercial by the Board. Others in a specified list, mainly hardwoods, could be made commercial by the submitter declaring them for management in a THP. The new method established two lists, List A and List B. List A contained the primary species, mainly conifers, while List B contained the secondary species, primarily hardwoods. Commercial timberlands were defined by the presence currently or in the historic past of species in List A.

The presence of only List B species would cause classification of the land as non-commercial timberland for purposes of the Forest Practice Act. Since none of the List A species grows naturally in the central valley lowlands, the definition

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effectively excludes such lands from the act. Surprisingly, the Department of Fish and Game did not object to this classification.

Reproduction from both lists may be counted toward the restocking requirements of the Forest Practice Act. List B species may normally be counted only in proportion to their place in the stand before harvesting, based on basal area. List B species may be counted in greater proportion if declared for management and adequately justified in the THP.

Excerpted/Summarized from rulemaking file 093 and 094, 1988

- Oregon white oak (*Quercus Garryana*) was added to the definition of commercial species in the Coast and Northern Districts
- California black oak (*Quercus kelloggii*) was added to the definition of commercial species in all Districts.
- What is now 14 CCR §912.7(d) was added for all Districts.
- From UID: The modifications for 912.7, 932.7, and 952.7 are ***** 2). the method for determining when Group B species may be counted toward the stocking standard is revised to provide the landowner greater flexibility in managing for hardwood production. To do that the basal area percentage of Group A and B species used to meet the stocking standard must remain the same as existed before harvest unless exceptions are justified to the director with clear and convincing evidence in the Timber Harvesting Plan.
- From SPECIFIC PURPOSE AND STATEMENT OF NECESSITY FOR PROPOSED ACTION: It is necessary that the rule in each forest district pertaining to resource conservation standards (14 CCR § 912. 7, 932. 7, and 952. 7) be amended to clarify and describe any constraints on when a commercial species can be counted toward meeting stocking standards. These amendments will clarify the present confusion over stocking requirements found in the definition of commercial species. The constraints included are: The species that are presently optional (group B species in the amendments) for use in meeting the resource conservation standards can be counted to meet these standards where their use has been explained and justified in the THP with clear and convincing evidence and the Director believes the management practice is consistent with the intent of the Act. This standard thus constrains the conversion of conifer timber stands to non-commercial hardwood timber stands by a showing of utilization and management of the species consistent with the Act is made.
- From the Response to Comment: The commenter said, the regulation as written may have a significant effect on the environment since it may force conifers to be grown on areas more biologically suited to the growth of hardwoods. The Board responded, the Board received this type of comment from several individuals. The Board recognizes that some sites may be suited to producing natural resources other than wood products. To accommodate this need the Board included the ability for a THP submitter to demonstrate how he/she would manage for other resources and upon presenting such evidence would allow them to count Group B species for stocking to meet such management goals. If tree species other than those listed are later found to be capable of being

Comment [TB7]: Was (c).

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successfully managed in California, the Board may be petitioned to include them in the regulation under Section 4553 of the Public Resources Code.

Excerpted from rulemaking file 191, 1994:

COMMENTS RECEIVED ON THE AUGUST 19, 1993, 15-DAY NOTICE FOR RESUBMITTAL OF THE SILVICULTURE WITH SUSTAINED YIELD RULES (OAL FILE NO. 93-0617-04S).

Letter 1 - The Association of Consulting Foresters of America made the following comments in a letter dated August 28, 1993.

1. Comment - Page 7, lines 21-22: The language "To the extent that the long term sustained-yield percent of Group A species is reduced" changes this requirement to one with options. How does this fit in with requirements for exemptions further in the section?

Answer - The language has the result of maintaining the level of Group A stocking that is in place at the time these rules come into effect. That is unless the landowner chooses to manage for Group B species. That is still specifically provided for in the exceptions, with proper justification.