



November 5, 2015

Board of Forestry and Fire Protection  
Attn: Matt Dias  
Acting Executive Officer  
P.O. Box 944246  
Sacramento, CA 94244-2460

Re: BOF Regulations and Priority Review

Dear Mr. Dias,

Thank you for circulating the recent announcement requesting public comment on interpretation of regulatory standards among other topics.

During the course of THP review in Mendocino County, an interpretation issue of a rule in regards to the variable retention silvicultural method has come up periodically. 14 CCR 913.4(d)(3)(H) describes stocking standards when the plan relies on natural seedfall:

*(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).*

The first sentence is clear the stocking standards of 14 CCR 913.1(c)(1) must be met if natural seedfall is being relied upon when dispersed retention is applied. The second sentence has been interpreted as a "stand alone" requirement whether natural or artificial regeneration is being implemented. It is logical aggregate retention areas should contain an adequate stocking of conifers if natural regeneration is being relied upon. However, periodic reviews of THPs have resulted in a requirement for aggregate retention areas to meet the standards of commercial thinning when artificial regeneration is be implemented. This letter requests the correct interpretation of this rule.

If the statement "For areas where the plan relies on natural seedfall to obtain regeneration," applies to both sentences, a potential solution is to format the regulation in this way (new language underlined):

*(H) For areas where the plan relies on natural seedfall to obtain regeneration, the following stocking standards shall apply:*

- 1) dispersed retention trees shall meet the standards of 14 CCR § 913.1 [933.1, 953.1](c)(1).*
- 2) 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).*

Thank you for your efforts in clarifying the interpretation of this regulation.

Sincerely,

John Andersen  
Director, Forest Policy  
Mendocino/Humboldt Redwood Companies