

**BOARD OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.bof.fire.ca.gov](http://www.bof.fire.ca.gov)  
(916) 653-8007



**Date:** May 04, 2015

**Contents of Board Binder Materials:**

1. Staff Memo (dated May 04, 2015)
2. Public Resources Code § 4598.
3. Rule Development Working Document
4. Plead Outline
5. Updated Procedural Guide
6. Updated Appendix H
7. Deed Restriction (=Land Use Agreement)
8. "Single Project Concept Proposal for Most Programs"
9. "Single Project Application for Most Programs"
10. Proposed Modifications to Concept Proposal and Application
11. Guidance on Methods for Evaluating GHG Emission Reductions for Programs in the CAL FIRE Greenhouse Gas Reduction Fund. March 4, 2015.
12. Section 6.2 Improved Forest Management Projects of the Air Resources Board Compliance Offset Protocol Forestry Projects, US Forest Projects dated October 20, 2011.

**Summary of Work (since the last meeting):**

To continue the effort to enable the "PTEIR for Carbon Sequestration and Fuel Reduction Program" (Program), Matthew Reischman and Thembi Borrás continued to develop the Program, specifically we:

1. Accepted changes approved by MGMT Committee in Procedural Guide.
2. Created a new version of the Procedural Guide containing deleted, new, and modified language that are reflected in track changes.
3. Updated Appendix H.
4. Updated the Deed Restriction.
5. Deleted the concept proposal, application and scope of work from the Procedural Guide. Items to be added to the "Single Project Concept Proposal for Most Programs" and "Single Project Application for Most Programs" (including the Scope of Work) have been put in a new document entitled "Proposed Modifications to Concept Proposal and Application".
6. Started the Rule Development Working Document to facilitate the collection of information for a comprehensive and defensible rulemaking file.

**Decision Points from Procedural Guide, Appendix H and Land Use Agreement****DECISION POINT 1**

Background: Read 4598.2(b)(1).

1. Use watershed, this would be in line 4598.2(b)(1), which refers to the development of watershed-specific PTEIRs.
2. Use Project Area, this would be in line with supporting Projects with Project Areas that are not watershed-specific. If the Committee chooses this option, it may be wise to research further whether watershed-specific is incongruent with a Project Area that spans multiple watersheds or one that represents a small portion of a watershed.

## DECISION POINT 1A

Background: Read 4598.8(d).

1. Direct staff or not to develop the contents of a reporting form to satisfy 4598.9(g). (Board Staff and the Department)
2. Do something else.

## DECISION POINT 2

Background: According to PRC § 4598.6(c)(2), the landowner, owning non TPZ land, must agree not to develop the parcel of timberland for uses incompatible with the PTEIR within 20 years. Statute does not require the landowner, owning TPZ land, to agree to the same, even though the land could be put to uses incompatible with the PTEIR. So why should the deed restriction be exclusive to non TPZ land? Perhaps the best approach is to require both TPZ and non TPZ landowners sign a deed restriction in order to put TPZ landowners and non-TPZ landowners on the same level. Bottom line, growing and harvesting timber (TPZ constraint) is not equivalent to uses incompatible with the PTEIR (non TPZ constraint). Pursuant to 4598.9(h) the legislature has given the Board broad authority to enable this Program. Therefore, the following Decision Point is offered:

1. Require only owners of non TPZ lands, to which the PTEIR applies, sign a deed restriction. Note: This is already required by PRC § 4598.6(c)(2).
2. Require both owners of TPZ and non TPZ lands, to which the PTEIR applies, sign a deed restriction.

## DECISION POINT 3

Background:

Back in January of this year, I reported to the Committee, that a Project Area would be defined as the acres in a PTEIR that may encompass an entire watershed and therefore cover land that is owned by an industrial landowner and/or ownerships greater than 5,000 acres and/or land that is owned by entities that may never tier to the PTEIR. In light of a deeper understanding of the quantification methods and the degree of speculation associated with this approach and revisiting the language in PRC § 4598.6(c)(1)-(2), we have decided to bring this issue back to the Committee in the form of the following Decision Point.

1. Define Project Area as the acres in the PTEIR that may encompass an entire watershed including lands owned by entities other than those defined in 4598.6(b).
2. Define Project Area as the acres in the PTEIR owned by entities pursuant to 4598.6(b).
3. Define Project Area as the acres in the PTEIR that may encompass an entire watershed including lands owned by entities other than those defined in 4598.6(b) providing those entities owning TPZ land sign the same deed restriction as those entities owning non TPZ land.
4. Define Project Area as the acres in the PTEIR owned by entities pursuant to 4598.6(b) providing those entities owning TPZ land sign the same deed restriction as those entities owning non TPZ land

Note: The requirements specified in PRC § 4598.6. (c)(1)-(2) applies to all lands to which the PTEIR applies.

## DECISION POINT 4

1. Do not include the Grant Review Sheet. No other Programs are providing Applicant score sheets (=Grant Review Sheet).
2. Include the Grant Review Sheet.
3. Include the Grant Review Sheet without the points.

#### DECISION POINT 4A

If the Committee decides to include the Grant Review Sheet:

1. Direct staff to continue developing the Grant Review Sheet (which is where points will be assigned) and insure that it captures each item listed in the Eligibility and Grant Selection Criteria (the ranking criteria are now called “Eligibility and Grant Selection Criteria”).
2. Do something else.

#### DECISION POINT 5

Background: There is no provision in the PTEIR statutes for the state to recover grant funds when the grantee violates the agreement. However, ARB has suggested the inclusion of “cost recovery” language and the Department of Finance has requested that this language be removed from the other program procedural guides.

1. Include a provision that funds are subject to recovery.
2. Do not include a provision that funds are subject to recovery.
3. Do something different.

#### DECISION POINT 6

1. Use the definition the Department is using for its other Programs, that baseline is equivalent to the existing “in forest” carbon stocks.
2. Base the definition of baseline off of a modified approach to the method found in Section 6.2 Improved Forest Management Projects of the Air Resources Board Compliance Offset Protocol Forestry Projects, US Forest Projects dated October 20, 2011. For example, perhaps baseline is defined as equivalent to the Common Practice as defined by ARB.

#### DECISION POINT 7

1. Do not define watershed and rely on Merriam-Webster’s definition “ the area of land that includes a particular river or lake and all the rivers, streams, etc., that flow into it”
2. Use another definition.

#### DECISION POINT 8:

1. Incorporate Appendix H back into Procedural Guide.
2. Do not incorporate Appendix H back into Procedural Guide.

#### DECISION POINT 9:

Background: Read PTEIR section in “Guidance on Methods for Evaluating GHG Emission Reductions for Programs in the CAL FIRE Greenhouse Gas Reduction Fund. March 4, 2015” and “Section 6.2 Improved Forest Management Projects of the Air Resources Board Compliance Offset Protocol Forestry Projects, US Forest Projects dated October 20, 2011.” The Air Resources Board “Compliance Offset Protocol US Forest Projects” for Improved Forest Management (section 6) was not used in the PTEIR section of “The Guidance on Methods for Evaluating GHG Emission Reductions for Programs in the CAL FIRE GGRF”, which otherwise relies heavily on the Air Resources Board “Compliance Offset Protocol US Forest Projects”. Improved Forest Management (section 6) seems like the most relevant guidance for developing quantification methods for the PTEIR, which will involve harvesting and growing timber with the goal of sequestering carbon and reducing fuel. The quantification methods for reforestation, fuel reduction and pest and insect control may be complimentary, but the quantification methods associated with them may not be appropriate to use as the core quantification method.

1. Use “Guidance on Methods for Evaluating GHG Emission Reductions for Programs in the CAL FIRE Greenhouse Gas Reduction Fund. March 4, 2015” as is.

2. Request that technical experts expand on the PTEIR section in “Guidance on Methods for Evaluating GHG Emission Reductions for Programs in the CAL FIRE Greenhouse Gas Reduction Fund. March 4, 2015” .
3. Request that technical experts expand on the PTEIR section in “Guidance on Methods for Evaluating GHG Emission Reductions for Programs in the CAL FIRE Greenhouse Gas Reduction Fund. March 4, 2015” based on “Section 6.2 Improved Forest Management Projects of the Air Resources Board Compliance Offset Protocol Forestry Projects, US Forest Projects dated October 20, 2011.”
4. Do something else.

### **Road Map**

1. Make decisions on Decision Points. (Committee)
2. Provide guidance to staff regarding content of Rule Development Working Document to facilitate the collection of information for a comprehensive and defensible rulemaking file. (Committee)
3. Request review of materials by ARB. (Committee)
4. Develop rule text. (Board Staff and the Department)
5. Further instructions for staff.