

Forest Practice Committee (FPC)

The mission of the FPC is to evaluate and promote an effective regulatory system to assure the continuous growing and harvesting of commercial forests and to protect soil, air, fish and wildland, and water resources.

COMPLETED OR SUBSTANTIALLY COMPLETED IN ~~2014~~2015:

1. 14 CCR § 1038 - Fire Hazard Reduction for Habitable Structures –

Status: During the 2013/2014 Legislative Season, Assemblyman Dahle introduced AB 1867. This bill was eventually adopted by the Administration and amended PRC § 4584. AB 1867 mandates that the Board shall adopt regulations that will become enforceable by January 1, 2016 that will allow owners of habitable structures to treated forested stands through the exemption process that are 150 – 300 feet from any point from a habitable structure. Existing regulation in 14 CCR 1038(c) will allow landowners to treat stands that are located within 150 feet of a habitable structure through the exemption process, but this legislative mandate provides the Board with the authority to expand currently available regulatory standards with the goal of increasing fire resiliency within forested landscapes that are in close proximity to habitable structures. The Forest Practice Committee will begin working upon this project in early 2015.

2. Emergency Drought Mortality Amendments, 2015

Status: In 2015 the Forest Practice Committee developed draft emergency regulations to facilitate the response to the unprecedented drought mortality that has, and will likely continue, to occur across the state. The Board twice adopted those regulations over the course of the year under emergency rule making. The Forest Practice Committee is continuing work on the development of permanent regulations over the first portion of 2016.

3. Emergency Water Drafting Regulation 2015

Status: NEEDS TO BE UPDATED.

4. Rule Alignment, 2015

Status:NEEDS TO BE UPDATED.

PRIORITY 1:

4.5. Development of a Board Policy that pertains Oak Woodland Management

Objective/Status: During 2014 the FPC allotted portions of several committee meetings to the development of a Draft Oak Woodland Policy for Full Board consideration. During Board deliberation on the matter it was discovered that Cal Fire had concerns in relation to language contained within the Draft Policy in relation to Maximum Sustained Production and mandatory stocking with Group A species. The issue was remanded back to FPC for continued investigation into the potential to revise the existing Draft

Comment [A1]: Staff Recommendation: Add Permanent Rule Making for Drought Mortality Amendments to Priority 1.

Policy or to support findings in the Draft Policy with potential regulatory revisions. The matter ~~will be further discussed in 2015. was periodically discussed throughout 2015, with a field tour being conducted to aid in further defining the problem. Continued discussion on the matter will occur in 2016.~~

~~2.1. 14 CCR § 1038 – Fire Hazard Reduction for Habitable Structures~~

~~**Objective/Status:** During the 2013/2014 Legislative Season, Assemblyman Dahle introduced AB 1867. This bill was eventually adopted by the Administration and amended PRC § 4584. AB 1867 mandates that the Board shall adopt regulations that will become enforceable by January 1, 2016 that will allow owners of habitable structures to treat forested stands through the exemption process that are 150 – 300 feet from any point from a habitable structure. Existing regulation in 14 CCR 1038(c) will allow landowners to treat stands that are located within 150 feet of a habitable structure through the exemption process, but this legislative mandate provides the Board with the authority to expand currently available regulatory standards with the goal of increasing fire resiliency within forested landscapes that are in close proximity to habitable structures. The Forest Practice Committee will begin working upon this project in early 2015.~~

~~3.6. Consistency of NSO rules with USFWS guidance and Definition of Activity Center~~

~~**Objective/Status:** FPC recommended publication of a 45-day Notice of Rulemaking for the “Activity Center Definition” rule proposal in 2013. The Board subsequently authorized publication of 45-day Notice, but has postponed publication of the Notice in anticipation of in anticipation the Fish and Game Commission will adopt findings in regards to the pending NSO listing candidacy in December ~~2015~~2016.~~

~~The FPC will continue review of NSO rule consistency issues in ~~2015~~2016 once the Fish and Game Commission has adopted finding in regards to the pending candidacy of NSO.~~

~~4.7. Regulatory amendments for permanent T/I rules: Cumulative Effects (14 CCR § 916.9 (d)).~~

~~**Objective:** Review of current status of cumulative effects process including a review of Technical Rule Addendum No. 2. Additionally, the FPC will be tracking and requesting updates from the Resources Agency on the progress of AB1492 Working Groups on the issue of Cumulative Effects. The FPC will also be requesting guidance on how to support and further participate in the development of a contemporary cumulative effects analysis. The following are targets of the AB 1492 Working Groups that the FPC will be tracking:~~

- ~~• Working Group Charters Completed - (~~End of January~~June 2015)~~
- ~~• Working Group Draft Work Plans Completed (~~End of January~~September 2015)~~
- ~~• Background paper on approaches to ecological performance measures completed (~~First Quarter~~Spring 20165)~~
- ~~• Public Scoping Workshop on Ecological Performance Measures (~~First Quarter~~Spring 20165)~~

- Public Workshop on First Draft of Ecological Performance Measures (Early 2017~~6~~)
- Public Workshop on Second Draft of Ecological Performance Measures and Proposed Implementation Plan and Adaptive Management Approach (~~June 2016~~Fall 2017)
- Completed Ecological Performance Measures, Implementation Plan, and Adaptive Management Approach (~~July 2016~~Early 2018)
- Complete planning watershed pilot project (end of 2016-2017 or (preferably) earlier)

Status: FPC will continue addressing the revisions to Technical Rule Addendum #2 during 2015-2016 and tracking the AB1492 Working Groups through 2016-2017.

5-8. 14 CCR § 1035.1, 1035.2, 1035.3, 1035.4. LTO's have reported that they have been cited by state regulatory agencies with responsibility and liability for violations, errors, or other wrongful actions taken to comply with a Timber Harvest Plan or other timber management document, where the LTO was following the direction of a Registered Professional Forester (RPF) in taking the action.

Objective: This issue was introduced to the FPC in June of 2014. The issue was remanded to the Professional Foresters Examining Committee (PFEC) for further investigation, with the direction to the PFEC to report back to the FPC with potential findings or options for solutions to the issue. The FPC received a report back, along with recommendation from the PFEC in late 2015. The FPC continues to review the recommendations from PFEC and expect to make a recommendation to the Full Board in early 2016 on how to proceed in this matter. expects a report back on this matter from the PFEC in the first half of 2015.

6-9. 14 CCR §§ 1020 -1030. In December of 2012 a number of LTOs were informed that their licenses were unable to be renewed and issued in accord with renewal deadlines, because of "delays in the State Printer's office in getting notices out to LTOS." Though LTOs must postmark their renewal applications by December 1 of the year in which their license expires (per Forest Practice Rule 1026(b)), many LTOs could not do so as they had not received renewal notices.

Objective: It was reported to the FPC by Associated California Loggers (ACL) in November of 2014 that the experienced issues with the license renewal process for LTOs has been substantially addressed. The license renewal process for LTOs is currently underway for 2015-2016. The FPC will be requesting a report from ACL and the Cal Fire on the continued progress in remediating this issue in early 2015-2016.

Comment [A2]: Staff Recommendation: Possibly move to a priority 2. The staffing issues with the LTO program have largely been addressed. I suspect that the program will stabilize.

PRIORITY 2:

7-10. Regulatory amendments for permanent T/I rules: Monitoring. (14 CCR 916.11)

Objective/Status: FPC to begin work following completion of T/I road rules. To be delegated for initial review to Effectiveness Monitoring Committee.

Comment [A3]: Staff Recommendation: Possibly delegate to the EMC and remove from FPC priorities list completely.

8.11. Stocking levels - Existing Stocking Standards may be too high to achieve landowner goals within some forest types.

Objective/Status: The request has been made to investigate the current stocking standards as they relate to various regeneration methods and fuel hazard reduction within certain forest types. AB 2082 was chaptered by the Administration in 2014, which provides additional support for the FPC to address this issue in the near future through assessing the require point count requirements. Additionally, Board staff is currently working with legislative representatives to obtain Board authority to address potential problems associated with stocking through basal area/acre pursuant to PRC 4561 (b).

Comment [A4]: Staff Recommendation: Consider moving up to a priority 1.

PRIORITY 3:

9.12. 14 CCR § 913.4(d) - Variable Retention silvicultural prescription

Objective/Status: The current regulations as they apply to Variable Retention do not specify reentry period for leave areas. Minimum age of application is the same as even age regeneration? No progress to date.

40.13. 14 CCR § 1054.8 – Order of the Board

Objective/Status: The Department has requested that the Board consider amending this rule section for purposes of obtaining consistency with PRC § 4582.7(d) and 14 CCR § 1037.6. Additionally, the Department has requested that the Board take into consideration the lack of consistency between PRC § 4582.7(d) and 14 CCR § 1037.6 with current CEQA Guidelines and case law as they pertain to re-circulation of a Plan with substantial new information. No progress to date.

41.14. Department disallows use of the Transition silviculture method when applied to stands which have been previously harvested utilizing the Selection method.

Objective/Status: Does not conform with 14CCR § 913.2(b) or (b)(2). Past harvest history should not be a condition of the application of any silvicultural prescription. THP was returned on this issue without being evaluated through PHI to support the determination. No progress to date.

42.15. Should mechanical feller-bunchers be classified as "heavy equipment" in WLPZs?

Objective/Status: No progress to date.

43.16. 14 CCR § 914 [934, 954] - Tractors shall not be used in areas designated for cable yarding except to pull trees away from streams.....Such exception (s) shall be explained and justified...Suggest replacing language to allow usage subject to the limitations of 14 CCR § 914 [934, 954].2 (f)- prohibitions on steep slopes.

Objective/Status: No progress to date.

44.17. 14 CCR § 916.9(s) [936.9(s), 956.9(s)] [in part], No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under exemption notices except for...

Objective/Status: Should be considered in the context of 14 CCR § 1104.1(a)(2)(F), which allows conversion activities in the WLPZ where specifically approved by local permit. Defer to the county in these situations? Restriction of timber operations in the WLPZ affects timber operations conducted in compliance with defensible space regulations. There appears to be a conflict between this subdivision and PRC § 4291 and 14 CCR § 1299. No progress to date.

Issues related to THP form and content

45.18. Restating FPRs in THPs: Consider allowing the statement of compliance with specific rule section (s) by number, rather than using language out of the FPRs. New THP form under development, will be addressed.

Objective/Status: No progress to date.

46.19. CCR § 1034, Contents of Plan

Objective/Status:

- a. (r) How the requirements of 14 CCR 1032.7(f) are to be met. The reference to 1032.7(f) is obsolete, since it refers to the past requirement that the RPF distribute and publish a copy of the NOI. No progress to date.
- b. (x)(7), [On a plan map, show the location of all watercourse crossings of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations at that crossing. (See above).
- c. Board should consider amending 14 CCR § 1034 when it adopts or amends any rule that adds elements considered a required portion of a harvesting plan. This ensures a central location where the RPF could be assured of finding what is considered essential information in a harvesting document. Board may want to consider a rule package that consolidates all required plan contents under 14 CCR §§ 1034, 1051, 1090.5, and 1092.09. No progress to date.

47.20. 14 CCR § 1032.7(d) and ~~(D09 #15)~~ 14 CCR § 1092.04(d) [in part], A Notice of Intent [NOI] shall include the following information: (4) the acres proposed to be harvested. (5) The regeneration methods and intermediate treatments to be used.

Objective/Status:

- a. (4) Board should amend this paragraph to include all acres where timber operations will occur, not just the area where timber will be harvested. In doing so, the Board should consider the current definition of logging area and the lack of a definition of plan area.
- b. (5) Requires stating the regeneration methods and intermediate treatments to be used. This paragraph may not capture all possible treatments that may occur, e.g., special prescriptions and other types of associated timber harvesting, such as road right-of-way or timberland conversion.
- c. Item was initially addressed by Management Committee in 2010 in form of rule proposal to amend NTMP NTO requirements. Item was remanded back to Management Committee following publication of 45-day Notice of Rulemaking in December 2010 and initial hearing in February 2011. Management Committee was directed to review necessity of proposal and consider its combination with THP NOI amendments. Management Committee last discussed item at March 2011 meeting and deferred further action until Department could provide additional information related to necessity.

48-21. Regulatory amendments to 14 CCR § 1032.10 - Notice of Timber Operations. The THP submitter shall provide notice by letter to all other landowners within 1,000 feet downstream of the THP boundary whose ownership adjoins or includes a Class I, II, or IV watercourse(s) which receives surface drainage from the proposed timber operations. The notice shall

Objective/Status: The Department has requested the following items be potentially addressed in regards to Notice of Timber Operations. No progress to date.

- a. Overland flow or channel flow?
- b. Publication may need to be given in a newspaper of general circulation. CAL FIRE assumes this requires notification as defined in Government Code §§ 6000-6027.
- c. A tie should be made with the requirement to provide protection to domestic water supplies, as required per 14 CCR § 916.10 [936.10, 956.10].
- d. Require more current notification in which the post-marked date is no more than one year prior to submittal of the plan.
- e. Does a plan have to be returned where the RPF requests an exemption from one of the noticing requirements and CAL FIRE does not accept the request. The rule requires at least ten days passing after notification before submission of the plan.
- f. The 4th sentence should be changed to use the proper verb, "affect," in place of "effect."

Management Committee

The mission of the Management Committee is to evaluate and promote long-term, landscape level planning approaches to support natural resource management on California's non-federal forest and rangelands.

COMPLETED OR SUBSTANTIALLY COMPLETED IN 2015:

1. Emergency Harvest of Trees within Wildfires:

Status: In 2015, the Board adopted an Emergency Procedures Handbook that will provide guidance to the Board and staff in future instances where emergency actions may need to take place to facilitate removal of damaged timber as a result of wildfire. This was in direct response to the issues that were faced by the citizen in Weed, California subsequent to the Boles Fire.

2. Working Forest Management Plan (WFMP)

Status: The Management Committee has substantially completed much of the development of the draft regulatory language throughout 2015, although the deliberative process of some aspect of the WFMP will continue in 2016. The Board anticipates that the regulations will likely become effective for the WFMP on January 1, 2017.

3. Timberland Conversion:

Status: The Management Committee decided to approach the issue of timberland conversion in a modest manner, by addressing individual issues that the regulated public and Department have experienced. In 2015, the Management Committee heard the issue of the limitation experienced by a landowner, Ms. Rassmusen, from Plumas County. As a result, the Management Committee did develop and draft regulatory proposal that was forwarded to the Board and authorized for 45 Day notice in August of 2015. That notice has not yet been published due to staff limitation, but has been identified as a regulatory priority for the Board in 2016. Additional issues pertaining to timberland conversion will be addressed by the Management Committee in 2016 and beyond.

PRIORITY 1:

1. Program Timberland Environmental Impact Report (PTEIR) for Carbon Sequestration and Fuel Reduction Program

***Objective:** AB 862, chaptered by the Administration in 2014, directs the Board of Forestry and Fire Protection to develop regulations, guidelines or publications to facilitate a grant program that allots funding for the development of PTEIRs that promote carbon sequestration and fuel hazard reduction on state or private lands. The grant program is to be administered by CAL FIRE.*

2. Small Landowner Options for Harvesting

Objective: Find effective methods to facilitate small landowner harvest. Such approaches include 1) An NTMP approach for landowners of 320 acres or less that cannot utilize a regular NTMP and 2) Woodlots owners of less than 40 acres seeking minimal harvesting.

3. Boggs Demonstration State Forest Management Plan

Objective: Management Plan Update and CEQA coverage to be completed by 2017⁵.

Status: Management Plan and Initial Study is currently being worked upon by CAL FIRE staff and will be submitted to the Management Committee for review during 2014-5. The Board took action in December 2015 to allow for development of a new Draft Initial Study and New Draft Management Plan for the Boggs Mountain Demonstration State Forest for submittal to the Board by March 1, 2017 for review. The Board also acknowledged the need to continue management of Boggs Mountain Demonstration State Forest under the current Management Plan. This action was commensurate with Board Policy 0351.10 and in response to the significant change on the state forest as a result of the Valley Fire.

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PRIORITY 2:

4. Research Plan (PRC 4789.6)

Objective: The board, assisted by the director, shall biennially determine state needs for forest management research and recommend the conduct of needed projects to the Governor and the Legislature.

Status: During review of Demonstration State Forest Management Plans the Committee has requested improvements in the documentation and distribution of forest management, wildlife, fisheries, botanical and watershed research conducted on each forest or by the Department. The Committee intends to continue to work with each state forest and the Department to better document and catalog results of these research efforts and seek improvements in the distribution of research reports through either the Department or Board internet website.

Comment [A1]: Possible revision of language based on MGMT Committee Recommendations on Demo Forests and the development of the EMC. May be appropriate for EMC.

5. Regulatory amendments to 14 CCR § 1100(g)(2) - Definition of Timberland Conversion within THP Lands

Objective: Existing Board regulations are currently inconsistent with PRC § 4621 as it applies to conversion of timberland. Current Board regulations address proposed conversions in Timber Production Zone (TPZ) where an immediate re-zone out of TPZ has been approved. State law does not recognize zoning as a controlling factor in the conversion of timberland. The Department has requested that the Board bring the current definition of conversion into conformance with State law to recognize all timberland conversions regardless of zoning status.

6. Regulatory amendments to 14 CCR 895.1 – “Crop of Trees, Available for, and Capable of”

Objective/Status: *The Department has made the request to address the definition of “crop of trees” to aid the Department in identification of timberland. The Management Committee has received briefings from Board staff and the Department on potential options to address this issue.*

Status: *The Management Committee intends on addressing this issue in 2015.*

7. Emergency Harvest of trees within wildfires

~~**Objective:** *During the recent 2014 Boles Fire, attempts to salvage burned trees within a small rural community setting has identified several permitting issues. While an Emergency Notice is available to permit the harvest of burned trees, it might not be a practical permit process within a densely populated rural community. Committee will review performance of various permitting options currently available to landowners and determine if additional Board policy or rules and regulations are necessary.*~~

~~**Status:** *Initial review and discussions in 2015.*~~

8. Maximum Sustained Production (MSP) 14 CCR § 913.11(a) [933.11(a), 953.11(a)].

Objective: Review performance of existing MSP rule over previous 15 years. Based on results of review, Board may consider forming a technical working group to consider changes to existing MSP rule to provide more concrete standards for the MSP demonstration per 14 CCR § 913.11(a) [933.11(a), 953.11(a)]. Consider implications for assuring AB 32 targets.

Status: Committee reviewed February of 2011 and found no further action necessary. The Department has resubmitted the issue in 2015, which may indicate that further investigation into this issue is necessary.

PRIORITY 3:

9. Site Index for major Young-Growth Forest Woodland Species in Northern California: Discussion of update to 14 CCR 1060 Site Classification.

Objective/Status: *FPC completed initial review of topic in April-June of 2010 and deferred additional review until completion of the Road Rules. MGMT Committee will continue review of the issue when sufficient committee time is available.*

10. Development of pilot programs for SERM/ Option v projects

Objective/Status: *Department has formed a Technical Advisory Committee (VTAC) to develop and provide advice on pilot programs to implement option (v) projects under the Anadromous Salmonid Protection Rules (ASP).*

11. Pacific Forest and Watershed Lands Stewardship Council

Objective: Board approved Department effort to acquire lands in the Stewardship Council planning units of "Pit River," "Battle Creek," "Cow Creek," "Burney Gardens," "Lake Spaulding," "Bear River," "North Fork Mokelumne River," and "Lyons Reservoir" that would be suitable for inclusion in the Department's Demonstration State Forest Program. Board must approve management plans for these acquisitions when final.

Status: The Stewardship Council Board has recommended lands for CAL FIRE at the North Fork Mokelumne River, Pit River, Battle Creek, and Cow Creek planning units. The Stewardship Council Board is expected to make an additional recommendation for lands to CAL FIRE at Lake Spaulding in the second quarter of 2016, work on this transaction would begin in early 2017. This would complete the anticipated fee recommendations for CAL FIRE.

The North Fork Mokelumne River final Land Conservation and Conveyance Plan (conservation easement and agreements) was approved by the Stewardship Council Board in November 2014. The Department of General Services is currently reviewing the LCCP and associated documents. It is anticipated that final documents will be brought back to the committee for discussion in 2016.

Work on the draft conservation easement and documents for the Cow Creek project resumed in January 2016. The Battle Creek and Pit River draft conservation easement and agreements will be developed starting in the second quarter of 2016 and may be available for review in late 2016 or early 2017.

Conservation easement holders for each of the properties have been recommended by the Stewardship Council Board and includes: Shasta Land Trust (Cow Creek, Pit River), Western Shasta RCD (Battle Creek), and Mother Lode Land Trust (North Fork Mokelumne River).

~~It is anticipated that the North Fork Mokelumne River final conservation easement and agreements will be brought back to the committee for discussion in 2015. The Battle Creek draft conservation easement and agreements may be available for review in 2015.~~

12. Jackson Demonstration State Forest (JDSF):

Objective: Continue to review the management of ~~Jackson Demonstration State Forest, JDSF~~ pursuant to Board Policy 0351.10.

~~Board has continued to liaison with the Jackson Advisory Committee (JAG). Interim period has concluded, and recommendations received from JAG. Board adopted these recommendations with some modifications.~~ The Board approved the Research Plan for JDSF in early 2015. In addition, a newly approved Option "a" is currently guiding management of the state forest as well. Given that the current management plan is relatively new, as are some of the other guiding management documents; the Department has requested that the Board allow for continued management under the current plan. The Board will consider this request in spring/summer of 2015 after a thorough review of the current research and operations on the forest. This review will allow the Board to ascertain if the provisions within the current iteration of the management plan are appropriate.

Comment [A2]: Potentially consider moving to Priority 1 or 2 given that JDSF will be addressed by MGMT Committee in early to mid 2016.

13. Non-Industrial Timber Management Plan (NTMP) Review:

Objective: Ongoing review of issues with the regulatory standards associated with the NTMP, including the Department Draft NTMP Growth and Yield Guidelines document posted on Department website—currently in use by Department plan review personnel.

Comment [A3]: Consider moving to Priority 2. Could follow the WFMP development should time permit.

14. Progeny Sites

These sites are usually planted over a long period of time 3-10 year period to get various age classes and seed sources. Some of the land may sit fallow for a number of years and not meet a 5 year stocking requirement. Exempt up to 40 acres from meeting the required stocking standard if the property owner designates that area for a progeny plantation.

Resource Protection Committee (RPC)

The mission of the RPC is to evaluate and promote an effective fire protection system implemented by the Department of Forestry and Fire Protection and improve forest and rangeland health in California.

COMPLETED OR SUBSTANTIALLY COMPLETED 20154

1. Forest Fire Prevention Exemption Pilot Project (14 CCR § 1038) AB 744

~~**Objective:** It is the intent of the Legislature to establish a five-year pilot project to assess whether increasing the diameter of trees that may be removed pursuant to the existing Forest Fire Prevention Exemption in the Z'berg-Nejedly Forest Practice Act can reduce the risk of catastrophic fire that threatens many communities in the Sierra Nevada while improving the economic use of this exemption for landowners.~~

~~**Status:** Rulemaking complete. Monitoring component under development.~~

2-1. Update of Title 14 CCR 1270 Regulations (Fire Safe), PRC 4290/4291.

Objective: Revise SRA Fire Safe regulations. These regulations provide wildfire protection standards association with residential subdivision development.

Status: Rulemaking complete, Cal Poly Study for traffic underway.

3-2. State Responsibility Area 5 year review, PRC 4125.

~~**Objective:** Every 5 years the Board shall: “.. classify all lands within the state, without regard to any classification of lands made by or for any federal agency or purpose, for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state. The prevention and suppression of fires in all areas that are not so classified is primarily the responsibility of local or federal agencies, as the case may be.”~~

~~**Status:** Ongoing, complete by 2nd quarter 2015. Complete.~~

SRA Fire Prevention Fee Exemption (Self-Certification of Home Loss)

3.

~~**Objective:** AB 2048 chaptered PRC 4213.1, which allows an exemption to the SRA Fire Prevention Fee under certain conditions. The Board created regulations to allow homeowners who have lost habitable structures to request an exemption from the fee by completing a form certifying that the structure is not habitable as a result of a natural disaster and either documents that the Habitable Structure passed a defensible space inspection conducted by the Department or by one of its agents within one year prior to the date the structure was damaged or destroyed or certify that clearance, as required under PRC § 4291 and 14 CCR § 1299.03, were in place at the time that the structure was damaged or destroyed as a result of a natural disaster.~~

Status: Final rulemaking complete.

PRIORITY 1:

4. ~~**State Responsibility Area 5 year review, PRC 4125.**~~

~~**Objective:** Every 5 years the Board shall: “.. classify all lands within the state, without regard to any classification of lands made by or for any federal agency or purpose, for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state. The prevention and suppression of fires in all areas that are not so classified is primarily the responsibility of local or federal agencies, as the case may be.”~~

~~**Status:** Ongoing, complete by 2nd quarter 2015.~~

5. **Committee on Criminal Trespass:** *The purpose of the committee is the examination of policies and practices toward illegal drug growing in California's forest.*

***Objective:** Follow up the Board's symposium with a report and issue a paper on its findings*

6. **Safety Element Review (all counties, & cities with VHFHSZ)**

***Objective:** Review ongoing general plans submitted.*

Status: Submission of GP recommendations to counties ongoing.

7. **Vegetation ~~treatment~~ Treatment plan-Plan EIR.**

Objective: In 2005 the Board of Forestry and Fire Protection (Board) initiated preparation of an updated Programmatic Environmental Impact Report (PEIR) for the Vegetation Management Program administered by the Department of Forestry and Fire Protection (Department). The original 1981 PEIR applied only to the use of prescribed fire on private land within state fire protection responsibility areas. It became clear that implementation of an effective vegetation management program to reduce the risk of large damaging wildfires would need to cover a wider range of land ownerships and utilize a wider range of tools for vegetation treatment than prescribed fire. The Board adopted a new California Fire Plan in 1996 that relied on expansion of vegetation management treatments (land and tools) to reduce the large wildfire risk. The Department then prepared and certified a revised PEIR for vegetation management in 2000. The PEIR was subsequently decertified 2002 as directed by a superior court decision. The court found that the use of herbicides for vegetation treatment was not adequately addressed in the PEIR.

In 2005 SB 1804 broadened the range of vegetation treatment practices described in Public Resources Code. The Board then began work on preparation of the current PEIR which does cover a wider range of vegetation treatments and broader range of land

ownerships (non-federal public lands). With this change the title of the PEIR was changed to the Vegetation Treatment Programmatic Environmental Impact Report (VTPEIR). Scoping sessions for this effort were conducted in August of 2005 and work began on preparation of a Draft EIR, but was delayed due to staffing and funding constraints. Since that time the Board adopted a new 2010 California Fire Plan which is risk based.

Status: Preliminary Draft EIR under review.

8. SRA Fee Grant Program

Objective: Develop a grant program to comply with ABX1 29, which directs the Board of Forestry and Fire Protection to utilize money from the SRA fee to provide local assistance grants for fire prevention activities to benefit owners of habitable structures in the SRA.

Status: Rule text in early drafts

9. 4290 Certification

Objective: Review and certify local county ordinances submitted for certification under 14 CCR §1270.03.

Status: Ongoing as counties submit ordinances.

PRIORITY 2:

9.10. Blue Book Staffing Review

Objective: To provide basic fire protection for CAL FIRE Direct Protection Area the Department has developed a Fire Protection Plan, which undergoes approval by the Board of Forestry and Fire Protection. The Plan includes a listing of proposed and existing fire protection companies and stations and related staffing standards.

“PRC 4130 states: The board shall classify all lands within state responsibility areas into types of land based on cover, beneficial use of water from watersheds, probable damage from erosion, and fire risks and hazards, and shall determine the intensity of protection to be given to each such type of land. A plan for adequate statewide fire protection of state responsibility areas shall be prepared by the board in which all land of each type shall be assigned the same intensity of protection, and the estimated cost of such intensity of protection shall be determined.”

Board should request a presentation from the Department on this issue.

10. Section 4210, et seq. of the Public Resources Code imposes an annual “State Responsibility Area Fire Prevention Fee.”

Objective: ~~Develop regulations to make specific AB X1 29, Chapter 741, Statutes of 2011.~~

Status: ~~The Board adopted emergency regulations and later the permanent regulations in 2011 and 2012. This fee is to be paid by individual owners of habitable structures~~

~~located on lands that lie within a designated State Responsibility Area (SRA). The Board designates SRA boundaries pursuant to Public Resources Code Section 4102. SRA lands roughly correspond to areas that are covered in timber and other vegetation, or contiguous rangelands, which provide watershed value. They do not include areas within federal ownership or within incorporated cities. Although the Legislature has not yet appropriated funds for local assistance grants, the Board, by Public Resources Code:~~

~~“shall establish a local assistance grant program for fire prevention activities designed to benefit structures within state responsibility areas, including public education, that are provided by counties and other local agencies, including special districts, with state responsibility areas within their jurisdictions.”~~

11. Safety Element Review Process Regulation

Objective: *Develop a regulation codifying the review of General Plan Safety Elements by the Board of Forestry and Fire Protection and, to a certain extent, the pre-review and consultation stages by the CAL FIRE land use planning program.*

Status: Rule text in early drafts

12. Utility Notice of Operations

~~**Objective:** *Registered Professional Foresters (RPFs) are required to disclose known overhead power lines within the plan area when filing a Notice of Intent to Harvest Timber. This information is not usually forwarded to the Utility responsible for the maintenance of those power lines. If the utilities were made aware of impending operations in close proximity to their power lines, they would be able to perform work necessary to ensure public safety.*~~

~~**Status:** Rule text and 45 Day Notice approved for noticing by Board~~

12. Utility Vegetation Clearing Standards

~~**Objective:** *Track CALFIRE Monitoring of performance of major woody stem exemption; review CPUC on new vegetation clearing standards and adopt permanent clearing regulation.*~~

~~**Status:** *On December 6, 2011, the Board of Forestry and Fire Protection adopted amendments to the Fire Prevention Standards for Electrical Utility in Title 14 CCR, Division 1.5, Chapter 7 Fire Protection, and Article 4. The regulation provides an exemption to the utility vegetation clearing requirements in Title 14 of the California Code of Regulations, Section 1257(a)(3), and defines the term “Hazard Tree” in Section 1257(b). The exemption allows for healthy, mature trees (trunks and limbs commonly referred to as “Major Woody Stems” or identified by the acronym “MWS”), sufficiently rigid so they do not present a risk to public safety, to be closer to powerlines than the minimum clearing distance under existing regulations.*~~

13. Forest Pest Council

Objective: *Continue monitoring issues. Current Priorities are: Sudden Oak Death (SOD)*

Goldspotted oak borer (GSOB)
Polyphagus Shot Hole Borer

Status: Ongoing review in 2016⁴.

14. California Fire Plan

Objective: Review on-going implementation of final Plan adopted in June 2010.

Status: quarterly reports being received.

PRIORITY 3:

15. Technical Rule Addendum No. 4, Minimum Distances Require by Law, Fire Safe THP Vegetation Treatment

Objective/Status: The Department has request that the Board amend the diagram in technical rule addendum No. 4 to accurately portray the vegetation treatments as required by PRC § 4291(b) and 14 CCR § 1299(a)(2). No progress to date.

16. AB 32 GHG issue: *The Board of Forestry and Fire Protection, working with the Resources Agency, the Air Resources Board, and the Department of Forestry and Fire Protection will assess future climate impacts that will exacerbate existing wildfire and pest problems in the Forest sector. These problems will create new uncertainties in reducing emissions and maintaining sequestration levels over the long-term requiring more creative strategies for adapting to these changes. In the short term, focusing on sustainable management practices and land-use issues is a practical approach for moving forward.*

17. Nursery/Seed Bank Update