



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
(919) 653-7772  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



RECEIVED BY

MAY 02 2016

April 28, 2016

BOARD OF FORESTRY AND FIRE PROTECTION

Dr. Keith Gilles, Chairman  
State Board of Forestry and Fire Protection  
P. O. Box 944246  
Sacramento, CA 94244-2460

Re: Working Forest Management Plan

Dear Chairman Gilles:

The California Department of Forestry and Fire Protection (CAL FIRE) has reviewed the proposed regulation language for the Working Forest Management Plan (WFMP), dated April 5, 2016, for discussion at the Management Committee scheduled for May 10, 2016.

The Working Forest Management Plan is a comprehensive rule package that requires a considerable amount of review to assure that the implementation meets the objectives of Assembly Bill (AB) 904 for resource protection, uneven-aged management, and sustained yield. The bill also requires adoption of regulations allowing CAL FIRE to determine if the submitted WFMP is accurate, complete, in proper order, and includes clear and enforceable provisions to meet the intent of the Forest Practices Act.

Please consider the comments included in *Attachment A* during your deliberations on the proposed regulations intended to implement the statutory requirements of Public Resources Code Article 7.7 - Working Forest Management Plan.

Thank you for providing the Department an opportunity to comment on this important rule package

Sincerely,

HELGE ENG  
Deputy Director  
Resource Management

Enclosure

Attachment A

**CAL FIRE Comments  
on Proposed Rule Text of the  
Working Forest Management Plan  
May 2, 2015**

CAL FIRE provides the following comments for consideration by the Board of Forestry and Fire Protection during their deliberations on the proposed regulations intended to implement the statutory requirements of public Resources Code Article 7.7 - Working Forest Management Plan.

1. Page 18, Lines 7 through 12 (ref. 14 CCR § 1094.1): This section of the regulations includes language that is not clear, and could result in the submission of incorrect information to inappropriate locations. The language on line 11 stating in part, “. . . having jurisdiction over timber operations . . .” could result in plans and/or notices being submitted to the wrong CAL FIRE office, and citing the actual code would eliminate any possible confusion. Furthermore, the rules should be structured to allow for alternative submitting procedures, which could be provided by simply stating “on a form prescribed by the Director”. CAL FIRE recommends the following changes to the proposed regulations:

“The Working Forest Management Plan (WFMP) or Working Forest Harvest Notice for proposed timber operations, pursuant to PRC § 4597.1 et seq., shall be submitted in writing to the Director at the appropriate CAL FIRE Review Team Office specified under 14 CCR § 1032, having jurisdiction for the timber operations, on a form prescribed by the Director, and shall contain at a minimum the information specified in 14 CCR §§ 1094.6 or 1094.8 as appropriate.”

2. Page 27, Line 6 (ref. 14 CCR § 1094.6(g)(1): This section of the proposed regulations requires that baseline inventory estimates found on the WFMP be provided, but no specific parameters have been identified. As per 14 CCR § 1094.17(b)(1), CAL FIRE is required to determine if a WFMP “*is accurate, complete, and in proper order*” before accepting the plan for filing and starting the review process. In order to evaluate the adequacy of the baseline inventory estimates and the stratification process, CAL FIRE recommends that a summary table that details common inventory strata metrics should be included in a WFMP, and proposes the following underlined revisions.

(g) A description by the RPF of the inventory design and standards which, at a minimum, shall include:

(1) The baseline conditions found on the WFMP and the future conditions and planning horizon associated with the estimate of LTSY, including the following.

(A) Strata acreage;

(B) Number of inventory plots measured to develop average strata statistics;

(C) Corresponding Site Class;

(D) Average conifer and hardwood Basal Area (BA) density (sq.ft./acre);

(E) Average conifer Scribner volume per acre and expanded for the strata;

(F) Average conifer and hardwood trees per acre;

(G) Average first period growth for the strata under a grow-only scenario in units of Scribner volume per acre;

(H) Quadratic Mean Diameter (QMD) based on all trees greater than 5-inches DBH;

(I) Corresponding Wildlife Habitat Type (WHR)

3. Page 28, lines 3 through 13 (ref. 14 CCR § 1094.6(i)): This section requires certain descriptions to be provided as content of a WFMP. In order to successfully implement uneven aged management within a policy of sustained yield, it is important for the Department to understand the essential components at the time of plan submittal, which are necessary to ensure compliance with principles of uneven aged management. The goal is to ensure continued development of trees in each age class as well as continued availability of mature trees to harvest during each cutting cycle. These are standard input variables for simulating single-tree selection harvesting as found in simulators such as FORSEE, FVS, FPS and other individual tree projection models. CAL FIRE suggests three (3) additional descriptions to be provided starting on page 28, line 14 as follows:

“(10) Identify the parameters associated with the analysis to balance age class distributions including:

(A) Residual basal area stocking levels, and

(B) The maximum diameter class identified for retention.

(11) For the Major Stand Types provide Basal Area estimates of the baseline standing inventory and future estimates of pre and post-harvest Basal Area for the planning horizon.

(12) For the assessment area, provide the average periodic Basal Area in standing inventory estimated to exist at the beginning of each planning period.”

4. Page 54, lines 5 & 6 (ref. 14 CCR § 1094.23(c)(3)): As currently proposed, a substantial deviation would include an increase in volume to be harvested exceeding ten (10) percent as projected by the LTSY is ambiguous and problematic. As proposed it would be possible to interpret that the 10% threshold is based solely on the estimate of LTSY, not the estimate of periodic harvest for each rolling period leading up to the period that LTSY is based. In addition, the adverse consequence of this threshold would allow over-cutting of the WFMP resulting in substantially delaying the timeline to ultimately reach the LTSY of the original analysis. As a result, certain factors could result in harvest activities producing harvest levels below what had been forecast and would limit optimum stocking levels to maximize productivity. Inherent in the estimate of LTSY is that each silviculture prescription is implemented based on a variety of parameters, including but not limited to, timing, density, and diameter distribution, and any departure may invalidate the LTSY analysis.

The current rules applicable to substantial deviations under an SYP (ref. 14 CCR § 1091.13(a)) require an amendment for a change from the average harvesting projections in any ten-year period which exceeds ten percent. CAL FIRE recommends the Board insert a new subsection (c)(3) that would incorporate similar language for a WFMP:

“(3) ~~An increase in volume to be harvested exceeding ten (10) percent as projected by the LTSY.~~ Change in the average harvesting projections in any ten-year period which exceeds ten (10) percent, including a deviation caused by changes of ownership and catastrophic events.”

5. Page 56, lines 15 through 24 (ref. 14 CCR § 1094.25): CAL FIRE is required to publish a public notice announcing a five (5) year review of a WFMP, and a plan summary. The summary shall include number of Working Forest Harvest Notices, acreage operated under each notice, the number of violations received, the number of substantial deviations received, the volume harvested in relation to projections of harvest in the WFMP. Although the Department may require this information, it would be necessary to have the information prior to a five (5) year review and the preparation of the plan summary. To comply with the intent of the statute, the required information should be provided with each completion report for each notice. CAL FIRE suggests that language should be included to 14 CCR § 1094.25 as subsection "c", starting on page 26, line 25 as follows:

"(c) As part the completion report, the Designated Agent shall include:

(1) The actual acres harvested.

(2) A map of the operating area.

(3) The volume harvested per Management Unit(s) in relation to projections of harvest in the WFMP."