BOARD OF FORESTRY AND FIRE PROTECTION
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Management Committee Meeting Report

MANAGEMENT COMMITTEE
May 4, 2010
Time: 8:00 p.m. – 12:00 p.m.

Location: **Resources Building**
15th Floor, Room 1506-12
Sacramento, California

Meeting Attendance

Committee Members Pam Giacomini, Tom Walz, Doug Piirto (Chair); Helge Eng, Russ Henly, Allen Robertson, Chris Maranto (Department of Forestry & Fire Protection); Thom Sutfin (former Forest Manager-SDSF); Doug Ferrier (Forest Slopes Management); Bill Keye (California Licensed Foresters Association); Rhianna Lee, Lorna Dobrovolny, Terris Kastner (Department of Fish & Game); Charles Greenlaw (non-industrial forest landowner); Dan Weldon; Addie Jacobson (Ebbetts Pass Forest Watch); Jodi Frediani (Central Coast Forest Watch); Kevin Collins (Lompico Watershed Conservancy); Stacy Heaton (Regional Council of Rural Counties).

~ Items Appear in the order in which they were discussed by the Committee ~

Agenda Item #1: Continuing Review of NTMP Program, and Growth and Yield Guidelines Document.

The Committee focused its attention on the Department of Forestry & Fire Protection's draft NTMP Growth and Yield Guidelines document. Staff introduced the topic with an explanation of the draft document's history and purpose. The document, much like the PTEIR Guidelines, is intended to serve as an alternative to fixed regulatory change. It provides an explanation of a number of well accepted growth and yield analysis methods and would help both the regulated public and Cal Fire Forest Practice Inspectors establish a common understanding of growth and yield demonstration. It was noted that RPFs can utilize a number of different approaches to growth and yield analysis from stand table projection to computer growth simulators like CACTOS, CRYPTOS, and the newly developed Microsoft Windows based FORSEE. Some RPFs have developed their own proprietary growth and yield analyses methods and repeatedly demonstrated positive results on the ground.

Meeting participants discussed a number of topics including the role of stand type stratification in growth and yield analysis; the relationship of growth projections to post-harvest stocking minimums; actual post-harvest outcomes versus harvest projections; the intent of the Legislature in enacting the NTMP statute; and the expectations expressed in the current NTMP Forest Practice Regulations. **The next step in the review of the draft guidance document will be to revise the current draft and produce a final draft version for presentation to the Committee. Staff will work with Cal Fire Staff Chief, Dennis Hall to complete the draft in time for presentation at the June Committee meeting.**

Agenda Item #2: Status Report on Proposed Revisions to the Soquel Demonstration State Forest Management Plan and Options for Addressing California Environmental Quality Act Compliance.

Staff introduced the topic before deferring to State Forests Program Manager, Dr. Helge Eng for the status report. Dr. Eng then reported that Jill Butler of Cal Fire is presently working on revising the Management Plan. The Department proposes to prepare the Plan Update focused primarily on the provision of new information rather than a complete overhaul of the existing document. He noted that the previously approved EIR and Management Plan reflected a broad

consensus amongst the interested parties involved at the time. For this reason, it seems appropriate to utilize the existing Plan as the basis for the update.

Dr. Eng asked Allen Robertson, Cal Fire Deputy Chief for Environmental Protection, for discussion of CEQA compliance options. Mr. Robertson reported on his consultation with Cal Fire Chief Counsel, Giny Chandler. In the course of their discussion they concluded the Board could use the existing EIR to form the basis for a Mitigated Negative Declaration provided that no significant potential environmental impacts were identified during the Initial Study phase. The first step is to revise the proposed Management Plan so that the potential for significant environmental effects can be evaluated.

Meeting participants were somewhat confused by the CEQA process to be followed. Mr. Robertson clarified that the first step in the CEQA process is to develop the project—in this case, the completion of a Management Plan Update. Upon completion of the draft Plan Update, the next step is to conduct an initial study in which potential impacts from the project are evaluated. On the basis of this study, the Board would then decide which of the CEQA documentation options is most appropriate, whether that be an EIR, Mitigated Negative Declaration, etc.

Dr. Eng then discussed the role of the statutorily authorized Soquel Demonstration State Forest Advisory Committee. This advisory body will need to be reconstituted by Cal Fire Director, Del Walters quickly so that the drafting and review of the Management Plan Update can proceed in a timely fashion. The Management Committee therefore urged Dr. Eng and Cal Fire staff to proceed rapidly with the appointment of the advisory body.

The next steps then are to immediately re-appoint the Soquel Advisory Committee and incorporate their review of the existing Management Plan into development of the draft Management Plan Update. It is anticipated that Dr. Eng will proceed with these two items and present a revised draft Management Plan update for Management Committee review at the earliest possible opportunity. The timeline for completion of the draft Plan Update will be largely dependent upon how rapidly the Soquel Advisory Committee can be reconstituted and complete their work on the draft Plan Update.

Agenda Item #3: Continuing Discussion of Modified Timber Harvesting Plan (MTHP) Regulatory Proposal for Fuel Hazard Reduction Projects.

Member Walz reported on the April 15 meeting of the MTHP Subcommittee. Meeting participants included Bill Snyder and Jeff Leddy of Cal Fire, Lorna Dobrovolny of DFG, Addie Jacobson and Susan Robinson of Ebbetts Pass Forest Watch, the Board's Executive Officer, George Gentry, Eric Huff as staff, and Member Walz as the Subcommittee Chairman. Among the topics discussed at the meeting were incorporation of habitat retention elements and the use of Wildlife Habitat Relationship (WHR) modeling to support fuel treatment standards in the proposed rule language; distinction in the intensity of fuel reduction treatments dependent upon proximity to residential communities; the possibility of treatment options in Watercourse and Lake Protection Zones; residual fuel loading standards; and maximum allowable project size. **The next meeting of the Subcommittee is scheduled for May 11, 2010 and a significant objective of that meeting will be to produce a revised draft of the rule pleading language.**

Staff noted that Cal Fire's Jeff Leddy had just provided the Committee with a final report on his fuel treatment simulations. The document was circulated during the meeting and will be distributed to the Management Committee email list this week. Meeting participants expressed their appreciation for Mr. Leddy's work and the timely provision of his final report. Chairman Piirto reiterated his support for the publication of Mr. Leddy's report in a forestry periodical or Cal Fire Forestry Note. Meeting participants were encouraged to read the document in preparation for the next meeting.

Agenda Item #4: Review of Assembly Bills 2351 and 2360 (Chesbro)

Assistant Deputy Director, Russ Henly provided the Committee with a review of these two Department sponsored bills pertaining to the State Forests Program. AB 2351 would allow the Department to impose recreational user fees on State Forests to help offset the cost of campground and recreational infrastructure maintenance. AB 2360 allows the Department to deposit revenues originating from the State Forests in the Forest Resource Improvement Fund (FRIF) without diverting excess funds to the State's General Fund after reimbursement of the Department's operating costs. In time periods like the present when General Fund appropriations to support State Forests and related programs have been reduced or eliminated, FRIF funds could be utilized to offset those financial shortfalls.

Both bills were successfully passed out of the Assembly Natural Resources Committee and will be moving to the Assembly floor. There appears to be no formal opposition to either bill and both are supported by the California Licensed Foresters Association and California Forestry Association among others.

Agenda Item #5: New and Unfinished Business

a. **Update on the Stewardship Council land disposition process.**

State Forests Program Manager, Dr. Helge Eng provided a report on the status of the former PG&E lands to be distributed for public/agency ownership by the Stewardship Council. The Department has identified 8 of the 27 available tracts of land for which it has interest in acquisition. These 8 tracts encompass vegetation types not otherwise represented in the State Forests Program and would be suitable for inclusion in an existing or distinct, new State Forest. The Department is requesting the Board's endorsement of the possible acquisition of these identified lands consistent with the Board's authorities under Public Resources Code §4631, *et seq.* **The Committee expressed their concurrence with the Department's proposal. This item will be placed on the June Committee and full Board Agendas. The Committee anticipates bringing a recommendation for full Board endorsement of the Department's proposal at that time.**

b. **SYP Renewal Update – THIS ITEM DEFERRED TO JUNE.**
c. **Review of 14 CCR § 1090.7(e) – Notice of Timber Operations content – DEFERRED.**

Possible Committee Agenda Items for June 2010 Meeting

The assembly identified the following agenda items for inclusion on the June 2010 Agenda:

1. Review of the revised draft NTMP Program and Growth and Yield Guidelines Document.

2. Status Report on Draft Soquel Demonstration State Forest Management Plan Update and Reconstitution of the Soquel Advisory Committee.

3. Continuing Discussion of Modified Timber Harvesting Plan (MTHP) Regulatory Proposal for Fuel Hazard Reduction Projects.

4. Committee Consideration of Endorsement of the Department's Proposed Acquisition of Stewardship Council lands (Full Board Action Item).

5. New and Unfinished Business:

    a. SYP Renewal Update
    b. Review of 14 CCR §1090.7(e) – NTMP Notice of Timber Operations Content

Management Committee Priorities for 2010

PRIORITY 1:

Evaluation/Monitoring of Forest Practice Rules:

1. **Sustained Yield Plan (SYP) Review**: *Rules for SYP extension adopted. Comprehensive review of SYP and implementation of extension, 2010.* ***Objective: Complete by end of 2010***

2. **Non-Industrial Timber Management Plan (NTMP) Review**: *Ongoing review of issues. Department Draft NTMP Growth and Yield Guidelines document posted on Department website—currently in use by Department plan review personnel. Review Guidelines, February 2010.* ***Objective: Complete by mid 2010***

3. **(D09 #12)Modified THP for fuel reduction**: *The Board could make changes to increase the utility of an MTHP, e.g., expanding the allowable acreage, limiting the application to small timberland owners and modifying certain limitations, or, as is currently being considered, focus a category of MTHPs on fuels reduction. Phase 7. Stakeholder input. Discussion of monitoring, photo points.* ***Objective: Complete by end of 2010***

Demonstration State Forests Management:

4. **Jackson (Liaison to JAG):** *Harvesting began in 2009. Nearing end of interim period; will need to consider revisions to management by end of 2010.*

5. **Soquel:** *Updated Management Plan under development.* ***Objective: review to begin by mid-2010****.*

PRIORITY 2:

6. **(D09 #15)14 CCR § 1092.04(d)** [in part], A Notice of Intent shall include the following information: **(4)** The acres proposed to be harvested. **(5)** The regeneration methods and intermediate treatments to be used. *14 CCR § 1092.04(d)(4) requires stating the acres proposed to be harvested. Board should amend this paragraph to include all acres where* ***timber operations*** *will occur. Board should consider the current definition of logging area and the lack of a definition of plan area. 14 CCR § 1092.04(d)(5) This paragraph may not capture all possible treatments that may occur under a plan (special prescriptions, road right-of-way, or fuelbreak.)*

7. **(D09 #14)14 CCR § 1090.7(e)**, NTOs shall contain identification of silvicultural prescriptions to be applied*. Board should amend this subdivision to require the number of acres of the silvicultural prescriptions to be applied in the NTO. (For tracking)*

8. **(D09 #4)14 CCR § 913.11(a) [933.11(a), 953.11(a)]**. *Board should 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.*

PRIORITY 3:

14 CCR § 912.9, Board of Forestry Technical Rule Addendum No. 2:

9. *Categories need to be expanded to include climate change and effect on fire threat from the proposed harvest****. (To Policy Committee)***

10. *Maps need to show all the past, currently proposed, and likely future THPs layered into one map**.(Phase III of ASP review)***

11. *Biological assessment areas and proportional mitigations, expansion of consideration of non-conifer resource**. (Phase III of ASP review)***

12. *Is mitigation required proportional to the impacts? E.g., small harvest operations required to utilize the same mitigations as industrial operations.* ***(Phase III of ASP review)***

13. *Consider adding adjacent watersheds for evaluating past, present and future projects.**.(Phase III of ASP review)***

14. *Assessment of impacts made project by project, need landscape approach. California State Wildlife Action Plan not being adhered to: "Using the best-available science, extent, pattern, and pace for timber-harvest in a forest watershed". http://www.dfg.ca.gov/wildlife/WAP/**.(Phase III of ASP review)***

15. *CEQA case law states that where the environmental baseline demonstrates existing significant impacts, this heightens, rather than reduces, the scrutiny that must be applied in the resulting cumulative impact assessment. The Board of Forestry, Cal Fire, DFG, Water Boards, and the scientific community should begin to address CWEs by developing detailed guidance documents on the subject.* ***(to Policy Committee discussion regarding WQ policy issues)***