

**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 2013**

1. **Regulatory amendments for permanent T/I rules: “Road Rules”**
2. **Review of Class II-L Watercourses – Regulatory amendments to Definition and Requirements**
3. **Regulatory amendments to 14 CCR 1051 – Modified Timber Harvest Plan**
4. **Regulatory amendments to 14 CCR 895.1 – Definition of Commercial Species [Coast and Southern Forest Districts]**

**PRIORITY 1:**

1. **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. The Board subsequently authorized publication of 45-day Notice. Publication of the 45-day Notice has been pending due to competing rulemaking priorities.

The FPC will continue review of NSO rule consistency issues in January 2014 in anticipation the Fish and Game Commission will adopt findings in support of NSO listing candidacy in December 2013.

2. **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.

**Status:** FPC will continue addressing this matter in 2014.

3. **Regulatory amendments to 14 CCR § 1104(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.

4. **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. No progress to date.

**Status:** This is a recent submittal by the Department and the FPC intends on addressing this issue in 2014.

5. **Development of regulations to support restoration of Oak Woodlands -**

**Objective:** To develop silvicultural and stocking standards that will facilitate the restoration of true Oak Woodlands within the State. This effort is similar to the Aspen Restoration efforts that were addressed by the Board in 2012. Board should consider a review policies and programs related to Hardwoods, including joint policy.

**Status:** FPC will begin work on this issue in January of 2014.

6. **Regulatory amendments to 14 CCR § 917.2(a) [937.2(a), 957.2(a)] and 1038(c)(3) – Timely treatment of slash associated with Timber Operations under Plans and Fire Safe Exemptions:**

**Objective:** California Licensed Forester Association (CLFA) will provide the Board the DRAFT regulatory revisions for consideration in January of 2014.

**Status:** FPC will begin work on this matter in January of 2014.

7. **Regulatory amendments to 14 CCR § 1052- Native American Notification for Emergency Notice of Timber Operations**

**Objective/Status:** FPC will continue to addressing this issue in January of 2014.

**PRIORITY 2:**

8. **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.

9. **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. No progress to date.

**PRIORITY 3:**

**10. 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. FPC deferred additional work until road rules are completed.

**11. 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.

**12. 14 CCR § 916.8 [936.8, 956.8] – Sensitive Watersheds**

***Objective/Status:*** The Department has requested that the Board evaluate this existing regulation to determine if a need is still present for these provisions to be included in the Forest Practice Rules. No progress to date.

**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.

**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.

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

***Objective/Status:*** No progress to date.

**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.

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**

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.

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.
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:**

- d. (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.

- e. (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.

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.

**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.

- f. Overland flow or channel flow?
- g. 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.
- h. 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].
- i. Require more current notification in which the post-marked date is no more than one year prior to submittal of the plan.
- j. 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.
- k. The 4<sup>th</sup> sentence should be changed to use the proper verb, "affect," in place of "effect."

**22. 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:** *The Board of Forestry should review those sections of statutory law and the Forest Practice Rules relating to the responsibilities of both LTOs and RPFs for actions undertaken under a Timber Harvest Plan, and the necessary meetings should be held so that liability and responsibility is not wrongly affixed to an LTO for work performed in accordance with the direction of the RPF on the Timber Harvest Plan.*

23. 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:** (1) CALFIRE assure both initial licensing and renewal are done in a timely manner. (2) Renewals be issued so that an LTO will not have a "gap in time" during which he or she is not licensed (3) LTOs receive proper early notice of upcoming renewal dates and requirements.

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**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 2013**

**PRIORITY 1:**

**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:** Complete Rulemaking by mid-2014.

**2. 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:** Undergoing informal review by stakeholders. Possible rule adoption in 2014.

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

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

**Status:** Submission of GP recommendations to counties ongoing.

**4. Vegetation treatment 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:** Draft EIR under review.

## **PRIORITY 2:**

### **5. 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.

### **6. 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.”*

## **7. 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.

## **8. 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 2014.

## **9. California Fire Plan**

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

**Status:** quarterly reports being received.

### **PRIORITY 3:**

## **10. 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.

## **11. 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 2<sup>nd</sup> quarter 2015.

12. **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.*

13. **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.*

14. **Nursery/Seed Bank Update**

15. **AB 32 grant funding for fuel reduction**

## **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.*

### **PRIORITIES 2014**

#### **PRIORITY 1:**

##### **1. Effectiveness Monitoring Committee (EMC)**

**Objective:** *The Effectiveness Monitoring Committee will act as a technical advisory committee to, and receive oversight from, the Board of Forestry and Fire Protection (Board) to develop and implement an effectiveness monitoring program that can provide an active feedback loop to policymakers, managers, agencies, and the public. The EMC will provide input to the Board to ensure a scientific-based monitoring effort is used to comply with the reporting requirements of AB 1492 and evaluate the effectiveness of the California Forest Practice Rules and other forestry-related laws and regulations related to water quality, aquatic habitat, and wildlife habitats. Also, the EMC will provide input to the Board to a formal adaptive management approach to policy development and analysis*

##### **2. Working Forest Management Plan (AB 904)**

**Objective:** *AB 904 allows a person who intends to become a working forest landowner, to file a working forest management plan with the department, with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of the plan. This class of landowner been unable to utilize a standard NTMP.*

##### **3. 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.*

##### **4. Soquel: Updated Management Plan under development.**

**Objective:** *Management Plan Update and CEQA coverage to be completed by 2012. Liaison with Soquel Advisory Group.*

**Status:** *Management Plan Update to be finalized in 2012. Board approved continued management under existing plan. Next meeting April 2, 2012*

## **PRIORITY 2:**

### **5. 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).

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

**Objective:** 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.

**Status:** Committee reviewed February of 2011 and found no further action necessary. The Department has resubmitted the issue in 2013, which may indicate that further investigation into this issue is necessary.

### **7. 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.*

## **PRIORITY 3:**

### **8. 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. Board must approve management plans for these acquisitions when final.*

**Status:** Pending

### **9. Jackson Demonstration State Forest:**

**Objective:** *Continued review management at Jackson*

**Status:** 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.

### **10. 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 early 2011**

### **11. 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.*

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