

BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION
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LICENSING NEWS

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August, 2000



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Cover Photo: Fire behavior analyst, John McColgan took the original photo while on the Sula Complex fire, Bitterroot National Forest, just north of Sula, Montana on August 6, 2000. Many will recall this photo from the cover of the October 2000 issue of Licensing News. The second photo is of the same area two years later.

Professional Foresters Registration welcomes photo submissions which would be suitable for the cover of this publication.

LICENSING NEWS

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Foreword: In this issue, you will note a new section has been added, "Technical Articles". It is my intention to place a few items in each issue that may be of interest to the readers. If you have an item or issue you would like to see in the future, don't hesitate to let me know. Such articles can be on any topic of interest: ethics, professional relationships, information sources, inventory, engineering, etc.

This year, certain malfunctions occurred in the renewal process. Some things on this end, such as a software glitch, new personnel, etc., can and have been corrected. There won't be a repeat of those occurrences. I apologize for the inconvenience. Some of you received multiple cards, while others didn't receive any. Please keep me informed of any problems with the system...your feedback is vital to correct things. You can also provide help in keeping the system working. First, if you have changed address, notify this office ASAP. Many of you moved this year, and neglected to let us know. After some expenditure of effort, we tracked many of you down, but it slows the process. Its not only courteous, it's the law (PRC §1606). Also, if you require a receipt, be sure to indicate that on your form when you submit it. It will eliminate backtracking.

Once upon a time, my father and I were working in the woods, laying out a harvest unit. The client wanted to know why we were using tractor logging instead of a tower. My father replied, "We don't have a deflection angle." The client said, "Can't you go into town and get one?" Happy Holidays

Q: When is a Registered Professional Forester required?

In California, those tasks involving the practice of forestry on non-federal lands require the use of a Registered Professional Forester (RPF). Specifically, under Public Resources Code (PRC), §766:

"On and after July 1, 1973, it shall be unlawful for any person to **act in the capacity of**, or use the title of, a professional forester without being registered pursuant to this article..." (emphasis added)

Under the California Code of Regulations (CCR) §1602, the definition of a "professional forester": "...refers to any person who is working in a responsible position as an individual or through the supervision of others, and performs services on **forested landscapes** applicable to "forestry"..." (emphasis added)

In this context, "forestry" is defined as:

"...the science and practice of managing forested landscapes and the treatment of the forest cover in general, and includes, among other things, the application of scientific knowledge and forestry principles in the fields of fuels management and forest protection , timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from forestry activities on watershed and scenic values..." (PRC §753)

Finally, "forested landscapes" are defined as:

"...those tree dominated landscapes and their associated vegetation types on which there is growing a significant stand of tree species, or which are naturally capable of growing a significant stand of native trees in perpetuity, and is not devoted to non-forestry commercial, urban, or farming uses." (PRC §754)

In the context of "forested landscape", consider that this definition would encompass all tree species, and is not limited to "commercial" species as referenced in the definition of "timberland" under PRC §4526.

I. Board of Forestry and Fire Protection

1. Board Modifies Zone of Infestation

The California Board of Forestry and Fire Protection (BOF) added Humboldt and Contra Costa Counties to the Sudden Oak Death (SOD) "Zone of Infestation" on August 8, 2002. These two counties join a list of 10 others already plagued by *Phytophthora ramorum*, the pathogen known to cause Sudden Oak Death.

Under the "Zone of Infestation" declaration, CDF is authorized to use its resources on private land to assist in the prevention and management of this serious disease. Specific regulations govern the transportation and disposal of wood products in areas designated as infested. "With the continuing spread of this disease, California must move quickly to educate communities and conduct research. Assisting counties in the identification of affected trees, as well as providing funding for tree removal and developing best management practices to reduce the spread of SOD is key to getting the upper hand," said Director Andrea Tuttle of the California Department of Forestry and Fire Protection.

In addition, the BOF also approved Monterey County's "Sudden Oak Death Hazard Tree Assessment, Removal, and Restoration Plan." Through CDF, the State of California is providing up to \$1,296,000 of reimbursement funding to the counties known to be infested. To be eligible for reimbursement, each county must receive BOF approval of a hazardous tree assessment, removal, and restoration plan. With a contract in place, counties can act upon their plans and then file necessary documentation with CDF for reimbursement of their costs.

To address issues surrounding the pathogen, public agencies, non-profit organizations, and private interests have established the California Oak Mortality Task Force (COMTF). The Task Force is working together to implement a comprehensive and unified approach for research, management, education, and public policy to address SOD. For more information on SOD, go to the COMTF website at <http://www.suddenoakdeath.org>

2. Board Adds New Members

Governor Gray Davis announced on August 27, 2002 the appointment of David Nawi as a member of the Board of Forestry and Fire Protection. Mr. Nawi, 62, of Sacramento, is an attorney with the law firm at Shute, Mihaly & Weinberger. He was previously appointed by President Clinton to serve as the Regional Solicitor for the Pacific Southwest Region of the U.S. Department of the Interior from 1993 to 2001. Mr. Nawi was County Counsel of Santa Barbara from 1989 to 1993 and General Counsel of the California Air Resources Board from 1979 to 1989. He earned a bachelor of arts degree from Harvard University, a Fulbright fellowship from the University of Vienna, and an LL.B. degree from Harvard Law School.

Governor Gray Davis also announced on September 12, 2002 the appointment of Dr. Susan Britting as a member to the State Board of Forestry and Fire Protection. Dr.

Britting, 43, of Coloma, is a biological consultant who specializes in habitat conservation planning in foothill and forest environments, and endangered species planning issues. Her recently completed projects include "Conservation Strategy for National Forest Lands in the Sierra Nevada", and "Prioritization of Stream Reaches for the Assessment of Water Quality." Dr. Britting is affiliated with several environmental organizations, including the California Native Plant Society, of which she is Board President. She also serves as the Board Treasurer for the American River Conservancy, and is involved with the Sierra Nevada Forest Protection Campaign. Dr. Britting previously worked as a botanist and writer for the U.S. Forest Service from 1993 to 1997. She earned a bachelor of arts degree from the University of California, Berkeley, and a Doctor of Philosophy from UCLA.

The Board represents the state's interest in the acquisition and management of state forests as provided by law and in federal land matters pertaining to forestry. The Board also protects the state's interests in forest resources on private lands and determines, establishes and maintains an adequate forest policy. All members of the board are selected and approved for appointment on the basis of their general knowledge of, interest in, and experience with problems relating to watershed management (including hydrology and soil science), forest management practices, fish and wildlife, range management, forest economics or land use planning. Members do not receive a salary. These positions require Senate confirmation.

3. Board Seeks Nominations for PFEC

The Board of Forestry and Fire Protection is requesting nominations for two (2) upcoming vacancies on the Professional Foresters Examining Committee (PFEC). PRC §763 establishes the PFEC as a committee of the Board consisting of at least seven members, and distributed as follows:

1. Two public members with one selected from the membership of the Board.
2. At least four Registered Professional Foresters (RPFs) representing a broad cross section of employment and expertise, and
3. At least one certified specialist pursuant to PRC §772.

Currently, there are seven RPFs (including the public member from the Board and the member representing the certified specialists) and one public (non-RPF) member.

The PFEC serves at the pleasure of the Board. The PFEC is charged with the examination of individuals for registration as RPFs. It initiates and monitors investigations into complaints made against RPFs, and recommends appropriate disciplinary action to the Board pursuant to 14 CCR §1612. The PFEC also provides oversight for the specialty certificate programs adopted by the Board.

PFEC members serve a four-year term. The PFEC currently meets approximately every six weeks, depending on the level of licensing and disciplinary issues.

There are two positions to be filled effective January 15, 2003, in the following categories: RPF-Consultant and Range Professional (Certified Specialist).

In the back of this issue of *Licensing News* is a nomination form. You may mail or FAX this form to the Board.

Board of Forestry and Fire Protection
PFEC Nomination
P.O. Box 944246
Sacramento, CA 94244
[FAX] (916) 653-0989

Nominations must be received no later than December 18, 2001 at 5:00 p.m.

4. BOF Report to the Legislature: Summary of FY 2001-2002 Monitoring Study Group Accomplishments

The Monitoring Study Group (MSG) is an advisory committee of the California State Board of Forestry and Fire Protection (BOF) and its primary goal is to provide timely information on the implementation and effectiveness of forest practices related to water quality that can be used by forest managers, agencies, and the public in California. The MSG's Strategic Plan, adopted by the BOF in 2000, describes the components of the MSG's long-term monitoring program to accomplish this goal. This program is robust—utilizing a broad combination of approaches to generate information on forest practice rule implementation and effectiveness. The major components of the program include: 1) continuation of the Hillslope Monitoring Program, monitoring a statewide random selection of THPs and NTMPs using highly qualified contractors who act as third party auditors, 2) use of CDF Forest Practice Inspectors to collect hillslope monitoring data on a random sample of completed THPs, known as the Modified Completion Report monitoring process, 3) development of cooperative watershed monitoring projects in selected basins for long-term instream trend monitoring, and 4) funding of selected monitoring projects that can answer key questions regarding forest practice implementation and effectiveness. Over the past several years, considerable information has been collected for each of these components of the long-term monitoring program and brief summaries, along with specific accomplishments in fiscal year 2001/2002, follow.

Hillslope Monitoring Program

A major part of the long-term monitoring program to date has been the Hillslope Monitoring Program (HMP), which has established hillslope monitoring protocols and parameters, and monitored implementation and effectiveness of water quality related Forest Practice Rules (FPRs) on a statewide basis for six years (a seventh year is underway in 2002/2003). Detailed information is collected in the summer months on: (1) randomly located road, skid trail, and Watercourse and Lake Protection Zone (WLPZ) segments, as well as randomly located landings and watercourse crossings, and (2) large erosion events where they are encountered. Each year, data is collected for a random selection of 50 THPs and NTMPs that have overwintered from one to four years by a highly qualified contractor which acts as a third party auditor. An interim HMP report was submitted to the BOF in June 1999. For fiscal year 2001/2002, we collected field data on 50 THPs and NTMP NTOs, bringing the total to 300 projects since the program began in 1996. Additionally, we contracted for 50 additional THPs and NTMP NTOs and trained a new contractor for field data collection. CDF staff began running

queries from the HMP database for development of a second report to the BOF, which will be delivered at the January 2003 BOF meeting. Past work and recent queries of the HMP database have identified watercourse crossings as a major problem area. The majority of these crossings were existing structures that were in place prior to the development of the THP and many of the problems are related to maintenance issues. Common deficiencies included fill slope erosion, culvert plugging, scour at the outlet, and stream diversion potential.

Modified Completion Report Monitoring

With Modified Completion Report (MCR) monitoring, CDF's own Forest Practice Inspectors monitor a random selection of 12.5% of all completed THPs for implementation and effectiveness of the FPRs related to water quality protection. For each THP evaluated, a randomly selected road segment, WLPZ segment, and two watercourse crossings are rated for FPR implementation at the time logging is completed. Effectiveness of erosion control facilities and crossing design/construction are rated a second time for the same road segment and crossings during an Erosion Control Maintenance inspection after one to three overwintering periods. The program began in 2000 and CDF currently has more than 130 reports on file, with 82 MCRs completed during fiscal year 2001/2002. The total number of CDF inspectors trained for MCR monitoring now stands at 67, with at least one person trained on each of the CDF Units with commercial timber. Two training sessions were held in 2001/2002, with 8 held in 2000/2001. CDF staff summarized the WLPZ canopy data collected to date and reported the results to the MSG at the June 2002 meeting. Overall, canopy measurements have exceeded FPR requirements and agreed remarkably well with those made in the Hillslope Monitoring Program.

Cooperative Monitoring Projects

Cooperative monitoring projects with instream monitoring work is an important component of the long-term monitoring program. A pilot project for collecting baseline data was completed in the Garcia River watershed in 2001. Additional projects will involve assistance from the MSG in designing and funding THP scale water quality monitoring projects, working cooperatively with the timber industry. Campbell Timberland Management/Hawthorne Timber Company and Sierra Pacific Industries have agreed to work with the MSG on this type of project, and preliminary discussions have taken place on these projects at MSG meetings held in fiscal year 2001/2002. CDF has agreed to provide funding for the projects in fiscal year 2002/2003. The MSG believes that this is a logical next step resulting from dialogue that took place at the Interagency Water Quality Monitoring Workshop held on January 15, 2002 in Santa Rosa. The key question for THP scale instream monitoring is: *Does the project, as implemented, cause instream turbidity to exceed 20% over background conditions, or exceed Basin Plan standards* (standards are different for the various Basin Plans). It is assumed that background conditions are pre-project levels, and not what would be expected with undisturbed, reference conditions. Background conditions can be determined with an above/below sampling design, or with a treatment/control pair—but both designs requiring adequate pre-treatment data. Ideally, a full Before-After Control-Impact (BACI) design can be utilized.

Special Projects

Several monitoring related projects have been supported in the past, including: Testing Indices of Cold Water Fish Habitat (Knopp 1993); V-Star Measurements and

Relationships to Basin Geology and Sediment Yield (Lisle 1993); Erosion Potential in Private Forested Watersheds of Northern California: A GIS Model (McKittrick 1994); and Methods for Inventory and Risk Assessment of Road Drainage Crossings (Flanagan and others 1998). Current projects supported in fiscal year 2001/2002 include: Sediment Composition as an Indicator of Stream Health (Dr. Mary Ann Madej and Dr. Peggy Wilzbach), and a Multimedia Training System for Small Streams (Mike Furniss and Dr. Terry Roelofs). The former will determine the relative importance of inorganic vs. organic components of suspended load in influencing stream health, as reflected in growth of juvenile salmonids and their invertebrate food base. The latter will be an interactive visual tour of streams that will help to demonstrate the broad natural variability of channels along the river continuum (i.e., from the headwaters to the mouth of a stream system). It is hoped that an improved understanding of the evolution of channel form and processes from the headwaters to the mouth of the river will be valuable to land managers and regulators working on stream buffer-strip designs and riparian management prescriptions.

Additionally, an MSG Workgroup consisting of representatives from CDF, CFA, UCCE, DMG, NCRWQCB, DPR, NMFS, and DFG is developing a Watershed Data Catalog. The workgroup is relying on existing literature, information from knowledgeable individuals, and the work that other agencies are conducting to identify both watersheds with no or very minor disturbance, and managed/disturbed basins that have significant amounts of both fish and habitat data. The draft spreadsheet currently has approximately 100 watersheds located in the North/Central Coast and Sierra Nevada/Cascade/Klamath provinces for all types of landownership categories. Watersheds are broken down into three main categories: 1) small basins with very minor disturbance, 2) managed/disturbed basins with large amounts of data, and 3) very large watersheds that have been rated having good watershed conditions. Managed and disturbed watersheds with adequate fish and habitat data are included in the project to provide a full range of conditions for defining what is suitable or fully functioning habitat for fish. Information being collected for these watersheds includes past disturbance, landowner name, monitoring parameters, size, elevation, precipitation, contact person(s), references, and comments. One use of the catalog is to identify limiting factors for anadromous fish when completing watershed assessments—both at the planning watershed and larger basin scale. Examples of North Coast watersheds with very minor amounts of disturbance include Upper Prairie Creek, Little Lost Man Creek, and Elder Creek. Examples of managed watersheds with both excellent fish numbers and fish/habitat data include Mill Creek, tributary of the Smith River, and Lower South Fork Little River near Trinidad. After further development and refinement, the catalog will be displayed on the MSG's website.

Additional Information

During fiscal year 2001-2002, the MSG held six meetings (July 19, 2001; October 22, 2001; December 11, 2001; February 19, 2002; April 23, 2002; and June 11, 2002). Mr. Tharon O'Dell of the BOF continued as the chair of the group, and CDF staff continued as lead coordinator for the meetings. Representatives from state and federal agencies (CDF, CDFG, CDPR, CGS, NCRWQCB, SWRCB, U.S. EPA, NMFS, UCCE), the timber industry (CFA, Simpson Resource Co., PALCO, Fruit Growers Supply Co., Campbell Timberland Management, SPI), and the public (EPIC, Humboldt Watershed Council)

attended the meetings. Each agency or organization is responsible for determining the appropriate person to serve as a representative on the MSG (i.e., the BOF does not make formal appointments to the MSG). The MSG continues to refine the long-term monitoring program testing the effectiveness of California's Forest Practice Rules and provide oversight to CDF in implementing the program. MSG meetings are designed to be an open public forum to discuss monitoring issues—both the monitoring CDF is conducting, and the monitoring activities that other agencies and companies are completing.

Additional information has been added to the MSG's website in the past year. Final reports for completed projects, as well as other earlier monitoring reports and papers, detailed information on the Modified Completion Report monitoring process, the MSG Strategic Plan, and agendas for upcoming MSG meetings are available online at: http://www.fire.ca.gov/bof/board/msg_geninfo.html

5. William Beaty Receives Francis Raymond Award

The California State Board of Forestry and Fire Protection presented its highest honor, the Francis H. Raymond Award to William Beaty on Wednesday, October 2, 2002 in South Lake Tahoe at a dinner aboard the Tahoe Queen. In the course of a career that now spans over 60 years, Mr. Beaty has been a member of the Board of Forestry, was selected as the Redding Chamber of Commerce "Citizen of the Year" in 1998, and has been a Society of American Foresters Fellow since 1982.

Most recently, Mr. Beaty is a past chairman and current board member of Turtle Bay Museum and Arboretum, where he was instrumental in the development of the Forestry Museum.

Mr. Beaty's career covers many organizations, which he either helped to found, or served as chairman, president, or active member.

Mr. Beaty was a founding member and two term President of the Forest Landowners of California, and still serves on its Board of Directors. Additionally, Mr. Beaty is a past President or Chairman of all of the following:

- The California Forest Protective Association
- The Technical Advisory Committee of the UC Forest products Laboratory
- The Western Forestry and Conservation Association
- The Forest Insect Committee of the California Forest Pest Council
- The California Chapter of the Association of Consulting Foresters

This brief synopsis by no means serves as a complete record of the many services to his profession and community by Mr. Beaty. It is very compelling to note that many of these and other organizations that Mr. Beaty has been involved with are the same organizations that Francis Raymond devoted his time and efforts to.

6. Regulatory Modifications Proposed for January 1, 2002

In 2002, the Board of Forestry and Fire Protection approved proposed regulatory modifications in the form of nine rule packages, and submitted them to the Office of Administrative Law for final approval. The Archaeological package has not yet received final approval from OAL. It is anticipated that these modifications will be approved and become effective on January 1, 2002.

Brief summaries of the approved modifications are shown below. These summaries are provided to inform RPFs of those regulatory changes in a cursory way, and to afford advanced planning for timber harvesting plans that may be submitted after January 1, 2003. Be advised that the proposed rule language is subject to non-substantive changes and may vary slightly in its final form. Unofficial underline/strikeout versions of the modifications may be found in the Appendix of this issue, and are not intended to be authoritative. Barclay's Official California Code of Regulations has been certified by the Office of Administrative Law as the official publication of the State of California for this purpose.

The Board held a public hearings and subsequently approved regulatory changes to:

1. Conform with legislative language extending the **review period** for timber harvesting plans.
2. The **Exemption process** pursuant to underlying legislation signed in 2001 (AB 671). These changes address "bona fide intent", limitations on submission of exemptions and the ability of the Department to conduct inspections.
3. The renewal of regulations addressing operations in **threatened and impaired watersheds**. This was the third renewal of these interim regulations.
4. The new regulations providing the option of the preparation of an **interim watershed mitigation addendum**. Regulations implementing this pilot project in watershed evaluation will sunset at the end of 2003.
5. The factors to be addressed in the **Cumulative Impacts Assessment**. The proposed modification detailed additional elements to be considered in association with the retention of deciduous oaks following timber harvesting. The affected regulations included 14 CCR §§ 932.9 and 952.9
6. The amending of Section 1058.5, Title 14 of the California Code of Regulations, addressing the time period in which the board must act on a proposed decision rendered by an administrative law judge in an **administrative civil penalty** action was approved. The adopted language extended the time period in which the Board must take action on a proposed decision by 60 days if transcripts of the proceedings are requested.
7. The amending of regulations specifying **minimum stocking levels** following timber harvesting. The adopted amendment added the definition of "Decadent and Deformed

Trees of Value to Wildlife”, and allows credit for the retention of snags and decadent trees to partially meet stocking requirements when greater than the minimum stocking is required. Additionally, seed tree retention standards are redefined for both even and uneven aged regeneration methods from a minimum number of trees per acre greater than 18 inches in diameter to a minimum basal area per acre of trees greater than 18 inches in diameter. The affected regulations included 14 CCR §§ 895.1, 912.7 [932.7, 952.7], 913.1 [933.1, 953.1] and 913.2 [933.2, 953.2].

8. The modifying of the reporting requirement related to **archaeological resources**. Changes include elimination of the CAA, Department assumption of the former NAHC Contact List, and enhanced reporting conditions.

9. The regulatory package making the 20 acre exemption in the **Lake Tahoe Basin** a permanent rule.

8. Tentative Board Schedule

The Board of Forestry and Fire Protection is scheduled to meet on the following dates in the locations indicated.

January	Sacramento	7, 8, & 9
February	Sacramento	4, 5, & 6
March	Sacramento	4, 5, & 6
8,9,10 Δ April	Lakeport	1, 2, & 3 (Boggs Mtn. DSF)
May	Riverside	6, 7, & 8 (Joint mtg. - F&G Comm.)
June	Sonora	3, 4, & 5 (Joint mtg. - SWRCB)
July	Aptos	8, 9, & 10 (Soquel DSF)
August	San Diego	5, 6, & 7
September	Sacramento	9, 10, & 11
October	Sacramento	7, 8, & 9
November	Sacramento	4, 5, & 6
December	No Meeting Scheduled	

II. CDF and Resources Agency Activities

1. 2002 to Date THP Summary

CALENDAR YEAR 2002

TIMBER HARVESTING INFORMATION THROUGH OCTOBER

Note: This information is for Timber Harvesting Plans, Exemptions, Emergencies, and Nonindustrial Timber Management Plans submitted to the Department during a calendar year. The numbers are the cumulative totals for the calendar year as of the specific date.

Year Comparison	Santa Rosa		Redding		Riverside		Fresno		Totals	
	2002	2001	2002	2001	2002	2001	2002	2001	2002	2001
THPs Received	272	403	229	200	2	2	85	84	588	689
THPs Rejected for Filing (Returned)	69	102	49	39	0	0	15	10	133	151
THPs Pre-Harvest Inspections	283	384	208	185	1	2	77	73	569	644
THPs Mitigated Before Approval (%)	97%	97%	77%	93%	0%	33%	8%	57%	78%	91%
THPs with NON-Concurrences	35	21	2	0	0	0	0	0	37	21
THPs Denied	0	2	0	0	0	0	0	0	0	2
THPs Approved	309	346	164	178	1	3	84	61	558	588
Acreage in Approved THPs	42,798	43,817	63,107	72,319	1	174	14,318	10,042	120,224	126,352
NTMPs Received	42	51	7	4	0	0	6	2	55	57
NTMPs Rejected for Filing (Returned)	15	18	1	0	0	0	1	2	17	20
NTMPs Pre-Harvest Inspections	41	47	8	3	0	0	5	2	54	52
NTMPs Mitigated Before Approval (%)	89%	93%	88%	100%	0%	0%	0%	100%	79%	94%
NTMPs with NON-Concurrences	3	1	0	0	0	0	0	0	3	1
NTMPs Denied	0	0	0	0	0	0	0	0	0	0
NTMPs Approved	35	45	8	7	0	0	5	1	48	53
NTMPs Approved Acres	10,310	14,386	2,988	4,381	0	0	1,749	44	15,047	18,811
NTMP Notice of Timber Operations Received	67	89	21	13	0	0	21	14	109	116
Exemption Notices Received	398	530	1,443	1,017	30	18	584	419	2,455	1,984
Emergency Notices Received	9	6	101	139	4	0	67	27	181	172
Exemption Types Received 2002	< 3 Acre Conversions		Exempt Fire Hazard		Slash Removal		Other Exemptions		Total Received 2002	
Santa Rosa	61		183		2		152		398	
Redding	220		589		0		634		1,443	
Riverside	2		14		0		14		30	
Fresno	201		229		0		154		584	
Emergency Types Received 2002	Fire		Insect		Wind		Other Emergencies		Total Received 2002	
Santa Rosa	6		2		0		1		9	
Redding	59		36		5		1		101	
Riverside	3		4		0		0		4	
Fresno	31		39		0		0		67	

2. Board of Forestry and Fire Protection Approves Management Plan for Jackson Demonstration State Forest

On November 6, 2002, the California Board of Forestry and Fire Protection approved a new management plan for the Jackson Demonstration State Forest (JDSF) in Mendocino County. Andrea Tuttle, director of the California Department of Forestry and Fire Protection (CDF), presented the plan to the Board in October. "As required by law, this plan supports scientific research, demonstration, and education while enhancing environmental protection," stated Chairman Dixon. "The Board is pleased with the hard work done by CDF foresters in completing such a comprehensive management plan that is consistent with Board policy and serves as a model of sustainable forestry," he added.

Director Tuttle stated when she submitted the plan, "True to its legislative mandate, the Jackson Forest will continue to demonstrate sustainable timber harvesting while protecting environmental values, providing outstanding recreational opportunities, and boosting the regional economy," she added. "Jackson DSF is one of few places in the country where scientists can conduct research on forests over long periods of time. This will be an exciting challenge for scientists to take the mixed forest ages now present and accelerate their development into old growth forest and habitat for future generations," added Director Tuttle.

Patti Campbell, Mendocino County Supervisor expressed support for the plan. "The JDSF plan provides critical information and direction that is essential in resolving conflicts over complex forest management issues. This welcome plan strikes the right balance between protecting old growth forest and promoting the economic stability of our region," added Campbell.

In fulfilling its research, education, and demonstration role, the JDSF plan will demonstrate new techniques in sustainable forestry. Unlike a state park, the Jackson is required by state law to be a working forest. In response, CDF has been actively demonstrating sustainable forestry at Jackson DSF since the state acquired this cut-over land beginning in 1946. "The Jackson Demonstration State Forest plays a unique role by serving as a world class, living laboratory for research and education. Currently, twenty-five scientific projects are underway including research on water quality, endangered salmon recovery, spotted owl habitat relationships, Sudden Oak Death, and invasive weeds," stated Bob Ziemer, retired Chief Research Hydrologist, USDA Forest Service and key scientist conducting research at Jackson for 40 years. "The State Forest is essential for developing and testing the latest theories about sustainable resource management. Research on the Forest shows landowners and the public how to maximize environmental protection while harvesting timber for wood and paper products," added Dr. Ziemer.

The plan calls for over 7,000 acres of "late seral development", management for long-term development of old-growth attributes. Over 2,000 acres of this area is dedicated to research into management techniques, developed in cooperation with the US Fish and Wildlife Service and the Department of Fish and Game, to accelerate establishment of marbled murrelet habitat. This area is adjacent to State Park lands, which encouraged initiation of a collaborative effort between CDF and State Parks in development of this type of stand.

Over the past decade, JDSF has harvested at a rate of 1.4 percent of inventory. That inventory currently shows approximately 2 billion board feet on 50,000 acres.

III. Federal Issues

1. Remarks of Steve Rogel, Chairman, President and CEO of Weyerhaeuser

Note: This is the keynote address from the Annual Meeting of the Society of American Foresters in Winston-Salem, N.C. on Oct. 6, 2002. It is entitled "Forests and Foresters: *Managing to Survive and Thrive*"

Good morning. It's a distinct pleasure to address an audience of American foresters. In my opinion, you're among the best in the world.

It's also a pleasure to be here in the great state of North Carolina where Weyerhaeuser Company manages three quarters of a million acres of forestland and operates more than a dozen manufacturing facilities. It was my privilege just two years ago to sign an agreement with the state of North Carolina and several conservation groups to preserve more than 7,800 acres of significant natural areas on Weyerhaeuser land. Five years before that, Weyerhaeuser and the Environmental Defense Fund signed a groundbreaking agreement guiding the management and protection of 2,800 acres of the East Dismal Swamp. Last year, we donated a conservation easement on those acres – some of the most biologically diverse land on the Southeast Coastal Plain – to the Nature Conservancy and The North Carolina Coastal Land Trust.

Why do I mention these agreements? Because – as you'll learn from my remarks – just as I believe strongly that some percentage of the world's forests should be allocated to the production of timber – so I also believe that some portion of the world's forests should be preserved in their natural state.

And, as you'll also hear, I believe the survival of many of our natural forests is dependent upon the dedicated and effective use of modern forest management techniques.

My comments today will revolve around four topics:

1. What I consider the appropriate role of managed forests in our world today.
2. Why some people have what I consider an unwarranted fear of managed forests.
3. The interdependent relationship between the forest products industry and the forestry profession, and,
4. What you can do to help maintain both healthy forests and a healthy forestry profession.

I'll begin here at home in the United States. Perhaps never before has the concept of managed forests been debated so heatedly as now ... after what in the West could be called our "summer of fire."

Day after day, night after night, we watched walls of flame explode across our television screens and engulf huge tracts of forestland. Millions of acres were destroyed ... thousands of people were displaced ... hundreds of homes are now smoking ruins. And, of course, millions of pounds of carbon dioxide and particulate matter were released into the atmosphere.

There are those who argue that forest fires are a normal, even welcome, event in the course of the forest cycle ... that renewal inevitably follows destruction ... that forest renewal will recapture much of the carbon released by the fires ... that to intervene is to tinker with the natural order of things. That may be so if one removes people from the equation ... if we ignore the fact that people live near or in those forests ... if we forget the fact that human decisions over time have made those fires much more devastating.

In a briefing to Congress in June, as reported in *the Wall Street Journal*, U.S. forest chief Dale Bosworth said that if proper forest management had been implemented ten years ago – and if his agency weren't in the grip of "paralysis analysis" from environmental regulations and lawsuits – the Hayman fire in Colorado would not have raged like an inferno. He presented Congress with a sobering report on our national forests. Of the 192 million acres the Forest Service administers, 73 million – more than a third – are at risk from severe fire. Tens of millions of acres are dying from insects and diseases. Thousands of miles of roads, critical to fighting fires, are unusable. Those facts back up a General Accounting Office report, which estimates that one in three federal forest acres is dead or dying.

According to the *Journal*, a lack of forest management in our national forests has resulted in "millions of acres choked with dead wood, infected trees and underbrush. Many areas have more than 400 tons of dry fuel per acre – ten times the manageable level. This is tinder that turns small fires into infernos."

What is the answer? Again to quote Mr. Bosworth: "There is a choice. There is another way. We don't have to have this kind of fire burning in the national forests and threatening communities and burning homes. And that way is by doing active management of the land." A nationwide poll released just 10 days ago shows that the vast majority of Americans agree with Mr. Bosworth. Seventy percent support "thinning and harvesting trees" to reduce the risk of wildfire and agree that forests should be managed.

I would not advocate that all forests be intensively managed, but I believe almost all forests would benefit from some degree of human oversight. When it comes to forests, the word "managed" need not be a four-letter word. Three years ago, I argued for a greater use of managed forests worldwide to prevent deforestation ... and relieve the pressure on forests we want to keep in a more natural state. In an essay in *Business Week* magazine, I said: "Half the world's annual wood harvest of 3.5 billion cubic meters is being consumed for fuelwood ... and where this is the case, reforestation is rare. But today's sustainable forestry practices can grow trees in repeated rotations without depleting the soil. Depending on the region, modern forestry can grow from three to ten times the volume of wood per acre as an unmanaged forest – and much more quickly. This provides society the opportunity to enjoy wood and paper products on a sustainable basis without placing demands on the world's most ecologically

significant natural forests – or those that people wish to preserve for scenic, recreational or other purposes.”

Some experts have estimated that less than 5 percent of the world’s forests would be required to meet present wood demand if all the timber came from high-yield, managed forests. On the other hand, 20-40 percent would be required via unmanaged, naturally regenerating forests. At least one environmental group has acknowledged the wisdom of this path. Last year, the World Wildlife Federation stated: “If managed correctly, one-fifth of the world’s forests could provide the industrial wood and wood fiber necessary to meet projected future demands.” I believe we can do it with even less.

Here in the South, the transition to managed forests has enabled the region to double its timber production without reducing the overall extent of forestland ... while making possible a regional forest products industry that employs 770,000 people in family-wage jobs. It is true that the extent of naturally grown pine forests has dropped from 72 million acres to 34 million acres since 1952 ... but, according to the recent Southern Forest Resource Assessment, this has little to do with the forest products industry. According to a co-author of this multi-agency report, “population growth and urbanization are the most significant challenges we face in sustaining forests.”

So if managed forests aren’t really a threat to natural forests, why do so many people seem to fear them? I assure you that, as the leader of a large forest products company, I get to hear all about these fears. The experience is both ironic and vexing, since I believe that some of the most innovative and sustainable forestry anywhere is being practiced on private, non-industrial and industrial forestlands.

Three decades ago, Dr. Norman Borlaug – a Nobel Prize winner in the field of agriculture – talked about the problem of getting affluent Americans to understand the benefits of managed agriculture and forestry. “The greatest challenge,” he said, “lies in the failure of the general public – especially in the relatively affluent United States – to understand the complexities of what it takes to provide food and shelter for a growing world population. Not only do they take it all for granted, but also many are bent on obstructing intensive agriculture and forest management at every turn.”

In fact, the U.S. Forest Service estimates the volume of wood in American forests increased by 44 percent between 1963 and 1997. And in terms of acreage, the U.S. has about the same area of forestland it did in 1920 ... even though there has been a 143 percent increase in population since then.

Like many fears, fear of managed forests is unfounded and stems substantially from ignorance. These are some of the common misunderstandings among our fellow citizens.

- They believe that America is being deforested. During the height of the spotted-owl controversy, I was told some people in the Midwest believed that Washington state was nearly devoid of forests. Instead, it is one of the most forested of all states.
- They believe that harvested areas are not replanted. Obviously, many people do not understand the economics of the forest products industry. We have every

reason to replant. At Weyerhaeuser, weather and season of the year permitting, all our harvest areas are replanted within a year.

- Our fellow citizens believe that America will soon run out of trees. According to a survey by the Wood Promotion Network, 75 percent of the North American public believes we're using more wood than we're replacing, and more than half believe we'll run out of wood in our lifetime. Yet wood growth continues to outpace its harvest.
- They also believe that commercial forestry leads to species extinction. While it's true that some different species live in young forests as compared with mature forests, there are actually more species dependent on young forests for their survival.

I might add – to the best of our scientific knowledge – no species has ever become extinct in North America due to forestry.

Demand for wood and paper products continues to rise with world population growth. Why shouldn't we set aside a percentage of our forests for the production of those wood and paper products we use every day? After all, as former Greenpeace founder Dr. Patrick Moore points out, "You would think that ... since forestry is the most sustainable of all the primary industries ... and that wood is without a doubt the most renewable material used to build and maintain our civilization ... that this would give wood a lot of green eco-points in the environmental movements ledger." Unfortunately, this is not the case. Meanwhile, much of the world's wood harvest each year is being burned for fuel and not replanted.

One action Weyerhaeuser has taken is to join with CARE International in a program in Nepal that promotes both literacy and sustainable forestry. The goal is to enable Nepalese citizens to earn a steady and reliable living and lift themselves out of poverty. This program has been under way for two years now – and it is accomplishing its goals. But this is only one small step toward ending deforestation in much of the developing world. We need to do more. Large, responsible commercial forest products companies can do more. But only if we're both permitted and incented to do so.

Instead, as Borlaug observed, there are groups dedicated to fighting modern forestry, often proposing laws and regulations that could cripple our efforts.

Now, I'd like to change gears a little and talk about the relationship of forest products to you as foresters. I'm no forester, but I am a businessman ... and I can tell you that the future of the American forestry profession is intertwined with the American forest products industry. If the demand for American forest products declines, so will the overall demand for American foresters, regardless of the management regime you practice.

With that in mind, here are some facts for you to ponder:

- Substitutes for wood – such as steel, plastic and cement – have made serious inroads into some of our product lines. Our industry is taking action which I'll describe shortly.

- Currently, there is flat demand for many of the world's wood and paper products ... although long-range forecasts encourage us to continue investing in our forestlands.
- A strong U.S. dollar has significantly hurt U.S. competitiveness vis-à-vis European and other providers.
- We are dealing with a global recession.

And here are some additional concerns the forest products industry faces:

- Real prices for many of our finished products have been declining over time.
- One can grow trees faster and for less cost in the Southern Hemisphere – a global opportunity, but a challenge to commercial foresters in North America.
- We also face much greater environmental and other regulatory constraints than producers in many other nations.
- Finally, countries that once imported many American wood and paper products are now either sourcing them from other countries or developing their own capabilities.

Now, looking at the facts I just enumerated let me ask you: What does the future of American forestry look like? Not as rosy as we would like. But we shouldn't throw in the towel. We do have some advantages: skilled labor ... competitive freight costs into home markets ... some of the highest-value tree species in the world ... great forestry schools ... an entrepreneurial spirit ... and – to repeat – many of the best foresters in the world. To compete, however, we must continue to drive costs down in our manufacturing and in our forestry practices – i.e., do more with less. In this regard, we need to continue improving the growth rates and commercial attributes of the trees we grow for wood and paper production. We're an innovative people. We can do this.

A second thing we can do is advocate for equivalent environmental regulations worldwide – regulations which ensure effective stewardship of the world's working forests. American forest products companies should not be penalized in the marketplace for achieving high standards of forest stewardship.

One of the movements that's helping level the playing field is the push for certification of forests and forest products. As one might expect in a democratic society, there is debate over whose standards should prevail. As the Chair of the American Forest & Paper Association, I'm a supporter of AF&PA's Sustainable Forestry Initiative standards – or SFI. My interest is to make sure that the environment is protected ... that American forest products can compete ... and that American forest owners can control their destiny. If we are prohibited from doing so, not only the forest products industry, but our nation's forests, will suffer.

Another thing we can all do is promote wood products over those from other industries. For two years now, I've been the co-chair of the Wood Promotion Network – or WPN. WPN is doing a great job of making the case for wood products, but funding is limited compared with plastic and steel. I should also mention that the American Forest & Paper Association is involved in promoting wood products.

We should also be lobbying our governmental representatives for a more stable regulatory environment in which to make our long-term investment in trees.

Another thing we can do is help educate our neighbors and the public in general about the benefits of responsible, sustainable forestry. And don't forget our future citizens ... our children. For example, in Oregon, Weyerhaeuser sponsors a Forest Field Day for seventh-graders. We also help educate people through our Cool Springs Environmental Learning Center in North Carolina ... and our Forest Learning Center near Mount St. Helens in Washington state. In particular, the Forest Learning Center – and the view from it – make clear the stark contrast between the natural recovery rates of a forest after its destruction ... and what Mother Nature can accomplish with a helping hand from man.

Finally, we must stand united as foresters and forest products manufacturers in promoting the benefits of managed forests ... however we might define them ... or however extensively we might apply them.

I would encourage foresters to focus on common opponents: those who would deny legitimacy to any forestry anywhere ... and those who are deforesting large portions of the world through poor, or nonexistent, forestry practices.

As Dale Bosworth has said: "We've got to quit arguing about who's right and start doing what's right."

My hope is that one day managed forests will be seen as a solution and not as a problem ... and that deforestation will be ended. My hope is that one day forest products will be universally viewed as the most environmentally friendly products people can buy and use. My hope is that one day everyone involved with modern forestry will be accorded the respect and praise they deserve.

With your help – as professional, dedicated and thoughtful foresters – this vision just might one day come true.

3. The Process Predicament: How Statutory, Regulatory, and Administrative Factors Affect National Forest Management, USDA June 2002, Executive summary

Despite a century of devotion to conservationism, the Forest Service today faces a forest health crisis of tremendous proportions:

- 73 million acres of national forests are at risk from severe wildland fires that threaten human safety and ecosystem integrity.
- Tens of millions of acres in all ownerships are threatened by dozens of different insects and diseases.
- Invasive species are spreading at an accelerated rate, degrading an increasing proportion of forests, rangelands, and riparian habitats.

Unfortunately, the Forest Service operates within a statutory, regulatory, and administrative framework that has kept the agency from effectively addressing rapid declines in forest health. This same framework impedes nearly every other aspect of multiple-use management as well. Three problem areas stand out:

1. Excessive analysis—confusion, delays, costs, and risk management associated with the re-quired consultations and studies;
2. Ineffective public involvement—procedural requirements that create disincentives to col-laboration in national forest management; and
3. Management inefficiencies—poor planning and decision-making, a deteriorating skills base, and inflexible funding rules, problems that are compounded by the sheer volume of the re-quired paperwork and the associated proliferation of opportunities to misinterpret or misapply required procedures

These factors frequently place line officers in a costly procedural quagmire, where a single pro-ject can take years to move forward and where planning costs alone can exceed \$1 million. Even noncontroversial projects often proceed at a snail's pace.

Forest Service officials have estimated that planning and assessment consume 40 percent of total direct work at the national forest level. That would represent an expenditure of more than \$250 million per year. Although some planning is obviously necessary, Forest Service officials have estimated that improving administrative procedures could shift up to \$100 million a year from unnecessary planning to actual project work to restore ecosystems and deliver services on the ground.

The Forest Service is deeply committed to the principles of sound public land management in a democracy—long-term planning on an ecosystem basis, extensive public involvement, inter-agency consultation and collaboration, and ample opportunities for public redress. In the 21st century, Americans have the tools and techniques they need to work together to stop invasive species, reduce the danger of catastrophic fire, restore ailing watersheds to health, and enjoy their national forests. Permitted to use the tools and apply the techniques of modern manage-ment, Americans can look forward to a future of healthy, resilient ecosystems all across their na-tional forests and grasslands.

It is time to tailor the Forest Service's statutory, regulatory, and administrative framework to the new era of public land management. Part of the solution will be internal. However, the problem goes far beyond the range of control of any single agency, or a single branch of the government. The Forest Service will need to work with partners, both in and out of government, to establish a modern management framework. By working together with partners to create and operate within such a framework, the Forest Service can focus more of its resources on responsible stewardship and thereby improve public trust and confidence in the agency's ability to care for the land and serve people.

For the full text of this article see:

<http://www.fs.fed.us/projects/documents/Process-Predicament.pdf>

3. Endangered Species "Box Score"

Summary of Listed Species Species and Recovery Plans as of 08/31/2002						
Group	Endangered		Threatened		Total Species	U.S. Species with Recovery Plans**
	U.S.	Foreign	U.S.	Foreign		
Mammals	65	251	9	17	342	53
Birds	78	175	14	6	273	75
Reptiles	14	64	22	15	115	32
Amphibians	12	8	9	1	30	13
Fishes	71	11	44	0	126	95
Clams	62	2	8	0	72	56
Snails	21	1	11	0	33	21
Insects	35	4	9	0	48	29
Arachnids	12	0	0	0	12	5
Crustaceans	18	0	3	0	21	12
Animal SubTotal	388	516	129	39	1072	391
Flowering Plants	568	1	144	0	713	555
Conifers and Cycads	2	0	1	2	5	2
Ferns and Allies	24	0	2	0	26	26
Lichens	2	0	0	0	2	2
Plant SubTotal	596	1	147	2	746	585
Grand Total	984	517	276	41	1818*	976

Total U.S. Endangered -- 984 (388 animals, 596 plants)

Total U.S. Threatened -- 276 (129 animals, 147 plants)

Total U.S. Species -- 1260 (517 animals*, 743 plants)**

* There are 1849 total listings (1286 U.S.). A listing is an E or a T in the "status" column of 50 CFR 17.11 or 17.12 (The Lists of Endangered and Threatened Wildlife and Plants). The following types of listings are combined as single counts in the table above: species listed both as threatened and endangered (dual status), and subunits of a single species listed as distinct population segments. Only the endangered population is tallied for dual status populations (except for the following: olive ridley sea turtle ; for which only the threatened U.S. population is tallied) . The dual status U.S. species that are tallied as endangered are: chinook salmon , gray wolf , green sea turtle , piping Plover , roseate tern , sockeye salmon , steelhead , Steller sea-lion . The dual status foreign species that are tallied as endangered are: argali , chimpanzee , leopard , saltwater crocodile . Distinct population segments tallied as one include: California tiger salamander , chinook salmon , chum salmon , coho salmon , steelhead . Entries that represent entire genera or families include: African viviparous toads , gibbons , lemurs , musk deer , Oahu tree snails , sifakas , uakari .

** There are 555 distinct approved recovery plans. Some recovery plans cover more than one species, and a few species have separate plans covering different parts of their ranges. Recovery plans are drawn up only for listed species that occur in the United States.

*** 9 animal species have dual status in the U.S.

IV. Technical Articles

1. When your supervised designee is also your supervisor

In the course of conducting forestry work, many Registered Professional Foresters rely upon others to help them perform their duties. As a RPF, you may need the assistance of other workers to complete work on such projects as forest inventories, timber valuations and Timber Harvesting Plans. To accommodate this need, California forestry law allows a RPF to use a "supervised designee."

The supervised designee need not be a RPF, but must be under the supervision of a RPF. As a RPF, you are legally responsible for all professional work or documents that bear your imprimatur, and thus you must be diligent to ensure that your designee completes work to your professional standard.

When your supervised designee is a subordinate, training and monitoring of their work is a relatively straightforward task. However, in some work situations a RPF may need to rely upon their own unlicensed supervisor as a designee. In this situation roles must reverse and the supervisor becomes the supervised. This role reversal presents the potential for difficulties for a RPF in achieving proper implementation of professional work products—difficulties that could result in risk of action against the RPF's license.

One problem that you, as a RPF, may encounter when in this situation, relates to the fact that the RPF is now in a position of having to tell his or her supervisor what to do. Follow-up work must be conducted to ensure that the supervisor/designee has performed to an acceptable standard. An awareness of the role reversal that has taken place is necessary for both the RPF and his or her supervisor to ensure that professional work standards are upheld.

The RPF that relies upon his or her supervisor as a designee should explain beforehand to the supervisor/designee of the responsibility that an RPF has to adequately supervise and monitor the work to be done by any designee. A conflict can occur where a supervisor may have more pressing needs of an employee/RPF, thus is not willing to provide the RPF with adequate time to review work done by the supervisor. Understandably, a supervisor who conducts work for his or her employee will likely think that the work was done adequately, thus may see little need in allotting time for review of his or her own work.

In this situation, it is essential for the RPF to clearly inform their supervisor of the importance of onsite RPF supervision. It is essential for the responsible RPF to spend enough time onsite to ensure activities that the RPF is ultimately responsible for are implemented as required by law. A clear understanding is necessary between the RPF and their supervisor of the time needed by the RPF to devote to onsite supervision. Ultimately, it is up to the responsible RPF to be proactive for securing the needed time to properly monitor operations under their trust.

A RPF that utilizes a designee must always keep in mind not only the experience, but also the personal motivations of the designee. For any supervisor, motivation to control project costs is strong. This motivation could influence a designee's decisions for allocating resources necessary to implement a RPF's work plan. Because the potential

for this conflict of interest exists, a RPF must be diligent to ensure that it doesn't negatively affect the implementation of his or her professional work product.

For example, a RPF's supervisor may be responsible for engaging and supervising the work of contractors—whether Licensed Timber Operators or otherwise—to implement certain provisions required by a THP. For a supervisor who is responsible for controlling expenses for a landowner, it may be foremost in their mind to minimize the extent of work to be accomplished by the contractor. To prevent this problem, a RPF needs to clearly communicate to his or her designee the full extent of what is required by the THP and what is the expected outcome.

As a licensed individual, the RPF is required legally to provide a level of supervision over their designee that is adequate to ensure acceptable standards of performance. The interest of the public and an employer must be balanced by a RPF, and dealt with accordingly. A role of the RPF that is embodied in the Professional Foresters Law is to uphold the public trust conferred upon a licensed forester.

To uphold their legal and ethical responsibilities, a RPF must thoughtfully consider the experience, motives and allegiance of any selected supervised designee, and provide sufficient supervision to ensure the work is completed to professional standards and meets the goals of the California Forest Practice Act.

2. Measuring Forest Canopy as Powerplant and Habitat

Tim Robards, State Forest Research Coordinator

As the name implies, the crown of a tree is its top. Included are the leaves or needles along with the supporting branches and limbs all the way back to the bole. A collection of tree crowns over a given area is the canopy. Both of these words have ancient origins in Greek and Latin. As foresters, we see the crown as the photosynthetic factory of the tree. We also view the canopy from the perspective of habitat, both for its structure and the shade and thermal cover that it provides.

Powerplant

Timber inventories have traditionally included tree attributes such as species and dbh with height, number of logs, form class, or defect depending on the objectives and pre-existing information. The popularity of individual tree growth simulators coupled with the proliferation of the microcomputer in the early 1980s added the burden of collecting crown ratio or height to the base of the live crown.

Crown ratio is calculated by dividing the length of the live crown by the total tree height. Data has shown that crown ratio is correlated to growth and inversely correlated to probability of mortality. Growth simulators such as CACTOS, CRYPTOS, FVS (Prognosis), and Organon use these relationships in their projections. Crown ratio is also combined with other information such as crown geometry models to predict inter-tree competition and stand canopy cover.

The design stage of an inventory is the time to decide what definition of crown ratio to measure. Unfortunately there are different definitions for what would seem to be a

simple tree parameter. One straightforward definition used by the USDA Forest Service FIA program says to use the height of the first live branch (excepting the occasional epicormic sprout) as the starting point for the live crown length. They call this the uncompacted crown ratio.

Another definition requires a subjective balancing to account for trees where the live crown may be say 50 feet on one side and zero on another thus yielding 25 feet. This method is used by CACTOS, CRYPTOS and ORGANON¹ and is an attempt to get at the crown biomass and thus estimate the photosynthetic potential of a tree.

Habitat

There are so many words and phrases used to describe canopy density that a book could be written on just this subject, but personally I would not want to read it. What is important is that we understand that different measurement instruments and techniques measure different things about canopy. The table below summarizes some of these.

CANOPY ATTRIBUTE	MEASUREMENT	Instrument(s)
Leaf Area Index (LAI)	Directly through destructive sampling, indirectly by measuring other parameters such as DBH and estimating LAI.	Scales and oven to weigh biomass, light meters, fisheye photography, etc.
Shading of Solar Radiation	Measures solar incidence at a point considering the shading caused by canopy or other things such as cut banks.	Solar pathfinder™ www.solarpathfinder.com
Canopy Closure	Relative index of cover using instruments that "look around" a point.	Spherical densiometer, fisheye photography, moosehorn
Canopy Cover	Vertical cover	Any instrument that measures straight up, most common is sighting tube called GRS Densitometer™ (available in forestry supply catalogs)

Most of these measurements are correlated to varying degrees. The solar pathfinder was originally designed by the solar power industry for calculating solar radiation for any given month; all we need to know is the latitude.

What does aerial photography or satellite imagery measure? The center of a small-scale photo will be vertical but the edges will have an angle to them, although probably not significant enough to substantially alter the estimate. Satellites measure vertical due to their great altitude, however most pixels are a mix of vegetation and soils making cover one of the most difficult attributes for satellite scanners to estimate.

¹ An excellent resource for growth and yield programs has been compiled by Martin Ritchie and may be found at <http://redding.psw.fs.fed.us/sim.html>.

In some cases we will have timber inventory in hand and want to estimate canopy cover, for WHR for example. Examples of papers to accomplish this are given below.

Gill, S.J., G.S. Biging, and E.C. Murphy. 2000. Modeling conifer tree crown radius and estimating canopy cover. *For. Ecol. Manage.* 126:405-416.

Hann, D.W. 1997. Equations for predicting the largest crown width of stand-grown trees in western Oregon. Forest research lab, Oregon State Univ. *Res. Cont.* 17. 14 p.

Uzoh, F.C.C. and M.W. Ritchie. 1996. Crown area equations for 13 species of trees and shrubs in Northern California and Southwest Oregon. *Res. Pap. PSW-RP-227.* 13 p. PSW Res. Sta. USFS, Albany, CA.

Crown ratio may be estimated for CACTOS by running the data through a pre-processor (STAG). FVS will also fill in missing crown ratios. These estimates are not very accurate in predicting actual crown ratios, but do allow growth projections to be done.

Conclusion

Canopy density and crown size estimates are often needed for either habitat or growth analysis. Understanding what question the data will answer is the biggest hurdle. The most accurate means of collecting this data is by using the appropriate instrument and sampling protocol. Estimates may be derived from timber inventory data by using predictive equations.

Coming up with crown and canopy data may seem daunting at times. But at least in California we have the predictability of crown shapes and the persistent needles that conifers give, in contrast to an oak-hickory or beech-maple forest!

3. CWHR Version 8.0

The California Wildlife Habitat Relationships (CWHR) Program and the Wildlife Habitat Data Analysis Branch (WHDAB) have announced the release of CWHR Version 8.0.

The CWHR System is the most extensive compilation of wildlife habitat information in California today. CWHR is a community level matrix model for predicting wildlife habitat relationships for 675 regularly occurring terrestrial vertebrates in California. Presence/absence and habitat suitability predictions are based on geographic distribution, relationships to 59 habitat types averaging 12 stages each, and use of 124 special habitat elements. Also included are life history accounts and legal status, both of which have been updated for Version 8.0.

In addition to all of the reports and queries available in previous versions, Version 8.0 contains BIOVIEW, an application which translates habitat suitability values for wildlife species into data that can be used in a Geographic Information System (GIS), with an option to apply fuzzy logic to the calculation of these values.

The CWHR license is now free of charge (non-DFG users will pay \$20 to receive a CD if they prefer this option or they may download it for free). However, users still must agree

to all terms of use. Version 8.0 is now considered the current and valid version of CWHR for purposes of the Forest Practice Rules.

How to obtain CWHR Version 8.0:

1. Download the entire data set and application from our ftp site:
ftp://maphost.dfg.ca.gov/outgoing/whdab/cwhr/
(700 MB when unzipped and installed; 70 MB as a zipped file for download), or
2. Request a CD by e-mail at mparisi@dfg.ca.gov or by phone at (916) 327-8822

V. RPFs and CRMs

1. RPF Examination Results

The first RPF examination of 2002 took place on April 20, 2002. Of the 32 applicants taking the examination, 14 (44%) were successful. Congratulations to those who passed! The Board of Forestry and Fire Protection approved the following as Registered Professional Foresters at its July 2002 meeting:

Mr. Ole Buch,	RPF #2731	Mr. Brian Greisbach,	RPF #2738
Mr. Kenneth Scott Vroman,	RPF #2732	Mrs. Dawnne Hirt,	RPF #2739
Mr. Steven Louis Muha,	RPF #2733	Ms. Yana Valachovic,	RPF #2740
Mr. Steven Russell Auten,	RPF #2734	Mr. Richard Adams	RPF #2741
Mr. Robert J. Hawkins,	RPF #2735	Mr. Robert C. Horvat,	RPF #2742
Mr. Jeremy P. Wuerfel,	RPF #2736	Mr. Glenn A. Barley,	RPF #2743
Mr. David L. Shy	RPF #2737	Mr. James Gayner,	RPF #2744

2. Condolences

For those of you who have not heard, some of our fellow RPF's have passed away since the last issue of *Licensing News*. Our sympathy to the family and friends of each.

James Mallory	RPF # 1176	John Grimm	RPF #212
Robert Grundman	RPF #432	Lawrence Ford	RPF #1574
Robert Starrs	RPF # 556	Norman Wykoff	RPF #196
Robert MacGregor	RPF # 1135		

3. Current RPF Statistics (2001 numbers in parenthesis)

	Registered Professional Foresters	Certified Rangeland Managers
Valid	1375 (1421)	70 (79)
Withdrawal	140 (125)	1 (0)
Total	1515 (1546)	71 (79)

VI. Professional Foresters Examining Committee

1. Disciplinary Actions

CASE NUMBER:

293

REGISTERED PROFESSIONAL FORESTER:

**Jeffery C. Lindsay, RPF 2481
McKinleyville, CA**

ALLEGATION:

The complaint alleged that Mr. Lindsay exhibited an ongoing pattern of preparing Timber Harvesting Plans (THPs) that were incomplete and/or inaccurate upon submission. (14 CCR §1035.1) Mr. Lindsay asserted responsibility for supervision of harvest operations in several THPs that resulted in numerous violations. In one instance, Mr. Lindsay's failure to supervise resulted in the harvesting of a Class II watercourse and lake protection zone. After the harvest, but prior to departmental inspection, Mr. Lindsay filed an amendment to downgrade the classification of the watercourse from a II to a IV. This plan also received several violations for inadequate drainage facilities. In another instance, Mr. Lindsay's failure to supervise resulted in an harvest beyond that called for in the THP. In two instances, Mr. Lindsay filed plans that indicated incorrect timber and timberland owners.

AUTHORITY:

As authorized under PRC §777, the Board of Forestry and Fire Protection imposed the following discipline:

DISCIPLINE:

Mr. Lindsay and the Board have entered into a stipulated agreement wherein he admits to deceit and misrepresentation in the preparation of numerous timber harvesting plans which were inaccurate and/or incomplete upon submission (14 CCR §1035.1(a)), as well as a failure to adequately supervise operations under his control (14 CCR §1035.1(a) (1)).

Based on the foregoing, Mr. Lindsay's license to practice forestry as a professional was suspended for a period of eighteen (18) months, with six (6) months actual suspension and the remaining twelve (12) months stayed (probation) for twelve (12) months after actual suspension, making the total period of the Board order eighteen (18) months. During the total period of the Board's order, Mr. Lindsay agrees to comply with all laws and regulations relating to the professional practice of forestry. Additionally, Mr. Lindsay shall submit a report on all correspondence to and from the Department of Forestry and Fire Protection for any THP, emergency notice, or exemption he may prepare, from initial submission through final approval. Said report shall be submitted to the Executive Officer of Foresters Licensing every 4 months, commencing April 1, 2003.

CASE NUMBER:

296

ALLEGATION:

The complaint alleged RPF failure associated with two Timber Harvesting Plans (THPs) regarding plans that were incomplete and inaccurate upon submission, as well as failure to fully disclose a domestic water source.

DISCIPLINE:

The PFEC has completed its review of the case and has determined there was insufficient evidence to support disciplinary action by the Board of Forestry. Although the PFEC did not recommend censure by the Board of Forestry, it did determine that there were actions by the RPF relative to the identification of the domestic water source that could lead to serious failures of professional responsibility as well as circumventing the requirements for public notice in the THP process. As a result, the PFEC issued a **Confidential Letter of Concern** to the RPF.

CASE NUMBER:

217

RPF:

**Scott R. J. Feller, RPF 1950
Crescent City, CA**

ALLEGATION:

The Board's order of September 1, 1999 concluded that the respondent had committed an act of gross negligence. As a result, the Board ordered respondent Feller's license suspended for a period of twelve (12) months, with six (6) of those months stayed for a period of probation, effective November 1, 1999. On October 29, 1999, the Board stipulated to respondent's request for a stay of the Board's order, pending the outcome of his Petition for Writ of Mandate filed in Sacramento County Superior Court. On April 17, 2000, the court denied respondent's Petition and dissolved the stay of the Board's order. On that day, respondent's suspension was implemented.

In those disciplinary cases which result in suspension or revocation, the respondent is required to disclose contractual and employment relationships to the Board. Title 14, California Code of Regulations section 1612.2(a)(1), in relevant part, provides that:

"Respondent to submit to the Board, not later than thirty (30) days after the decision becomes effective, a complete list of all business and/or client names, addresses, and phone numbers with whom a current contractual or employment relationship exists. Furthermore, respondent shall notify the Board within ten (10) days of any new contractual or employment relationships over the duration of the stayed order. This information may be used to aid the Board in monitoring the performance of respondent over the period of the stayed order."

In addition to monitoring the respondent's performance during the period of probation, this disclosure is provided to allow the Board to notify the public of the respondent's professional failing(s). Title 14, California Code of Regulations section 1612.2(a)(2), in relevant part, provides that:

"Board to notify each business and/or client name submitted, or at it's option require respondent to notify with Board approved language and proof of notification, of the offenses(s), findings and discipline imposed."

On May 15, 2000, respondent's counsel forwarded a facsimile copy of a current client list to the Board.

In addition to the requirements of 14 CCR §1612.2(a)(2), the Board chose to impose several additional probationary conditions including a program of continuing forestry education and the independent review of Feller's probationary period work product. Prior to the end of the Board's order on July 16, 2001, Mr. Feller was required to notify the Board of his compliance with the probationary conditions and petition the Board for full reinstatement from probation:

"At least fifteen (15) days prior to the end of the fifteen (15) month period of this order and pursuant to PRC §777, Respondent shall petition the Board for full reinstatement from probation, and, pursuant to 14 CCR §1614(e), present evidence of compliance with the terms and conditions of this agreement."

Mr. Feller did not file for reinstatement and failed to provide any documentation of his compliance with listed probationary conditions.

As a condition of staying the full period of suspension, Mr. Feller was required to:

"Implement a continuing education pram leading to the successful completion of forty (40) hours of Category One Continued Forestry Education as certified by the Society of American Foresters prior to full reinstatement, provided the Society of American Foresters certifies forty (40) hours prior to the ending of probation period."

Mr. Feller provided no evidence of having complied with this condition during the period of the Board's order.

As a condition of staying the full period of suspension, Mr. Feller was also required to:

"Demonstrate to the Board that, during the period of probation, Respondent has retained an independent Registered Professional Forester to perform an office review, prior to submission, of three (3) Timber Harvesting Plans and three (3) Exemptions or Notice of Conversion Exemptions prepared by Respondent. At least two (2) of the written project reports shall also include the results of a field analysis performed, in the company of Respondent, by a wildlife biologist or ornithologist qualified, and approved by the Executive Officer of Foresters

Licensing, to identify habitat and nest sites of avian species listed as threatened or endangered under either the California or Federal Endangered Species Act or listed as "Sensitive Species" by the Board of Forestry and Fire Protection. Written reports of each such reviews shall be made by the independent Registered Professional Forester and biologist or ornithologist to the Executive Officer of Foresters Licensing prior to submittal of the Timber Harvesting Plans and Exemptions to the California Department of Forestry and Fire Protection for filing. The Executive Officer shall, through the Department of Forestry and Fire Protection, verify the accuracy of statements made by Respondent in projects submitted."

Mr. Feller failed to provide a written office review or avian field analysis report to the Executive Officer for Foresters Licensing per the requirements of his probationary conditions.

The matter was heard before Karl S. Engemann, Administrative Law Judge, Office of Administrative Hearings, State of California, on July 26, 2002 in Sacramento, California. On October 3, 2002, Judge Engemann submitted to the Board of Forestry and Fire Protection (Board) a Proposed Decision on the matter.

The Board considered the Proposed Decision in Closed Session at its regular meeting on November 6, and at its teleconference meeting on November 13, 2002. Following a review of the record and hearing transcripts, the Board, pursuant to Government Code §11517(c)(2)(B), reduced or otherwise mitigated the proposed penalty and adopted the balance of the proposed decision contained in the Factual Findings and Legal Conclusions provided by Judge Engemann in the Proposed Order.

AUTHORITY:

As authorized under PRC §777, the Board of Forestry and Fire Protection imposed the following discipline:

DISCIPLINE:

That portion of the Board's original order in Case No. 217 which stayed the remaining six months suspension is dissolved and the six months suspension is imposed. Notification of the disciplinary action shall be pursuant to Title 14 California Code of Regulations, §1612.2.

In accordance with the original order and the California Public Resources Code section 777, respondent's license shall not be restored in full until he has satisfied all of the conditions originally imposed and has provided evidence of having done so in a petition to the Board for full reinstatement of his license. Respondent shall have eighteen (18) months from the effective date of this order to satisfy these requirements. If the respondent does not satisfy these requirements, notification of this failure shall be furnished to his clients.

VII. Announcements

1. Francis H. Raymond Award

2003 FRANCIS H. RAYMOND AWARD

The California State Board of Forestry and Fire Protection is seeking nominations for the **2003 Francis H. Raymond Award**. The annual award is given to the individual(s), organization, agency or company who has contributed the most to the management and increased awareness of California's forested resources over the past five years.

The award is named in honor of Francis H. Raymond, former State Forester and leading advocate of the passage of Assembly Bill 469 in 1972, which resulted in the Professional Foresters Licensing Law.

The recipient chosen for the 2002 Award was William Beaty. Mr. Beaty was recognized for his work as a past chairman and current board member of Turtle Bay Museum and Arboretum, where he was instrumental in the development of the Forestry Museum. Mr. Beaty's career covers many organizations, which he served and continues to serve in various capacities. Mr. Beaty was a founding member and two term President of the Forest Landowners of California, and still serves on its Board of Directors. Additionally, Mr. Beaty is a past President or Chairman of all of the following: The California Forest Protective Association, the Technical Advisory Committee of the UC Forest Products Laboratory, the Western Forestry and Conservation Association, the Forest Insect Committee of the California Forest Pest Council, and the California Chapter of the Association of Consulting Foresters.

Although Mr. Beaty's involvement in his chosen profession is considerable, he also managed to find the time to be an asset to his community by serving on such boards as the Mercy Medical Center and the Shingletown Fire Department.

Chairman Stan Dixon of the Board of Forestry and Fire Protection presented the award to Mr. Beaty aboard the Tahoe Queen on October 2.

Previous recipients of the Award include: Collins Pine Company, The Fire Safe Council, Ronald Adams and Sherman Finch of the Forestry Center at Cal Expo, The Quincy Library Group, Frank Barron of Crane Mills, Tad Mason of Pacific Wood Fuels, the late Gil Murray of the California Forestry Association, Kay Antunez of the Project Learning Tree program, Gary Nakamura of UC Cooperative Extension, Bud McCrary of Big Creek Lumber Company, Andy Lipkis of TreePeople, Norm Pillsbury of Cal Poly San Luis Obispo, John Zivnuska of UC Berkeley, Ray Rice of the US Forest Service, Peter Passof of UC Cooperative Extension, Roseburg Resources Company, the Redwood Region Conservation Council, Jim Jenkinson of the US Forest Service, and Nancy Inmon of the Trees Are For People program.

Nominations are due to the Board of Forestry by December 15, 2002, with the selection being made by the nomination review committee in February, and the Award to be presented at a ceremony in the summer of 2003.

Additional information may be obtained from the California State Board of Forestry and Fire Protection, P.O. Box 944246, Sacramento, CA 94244-2460. Contributions to endow the Francis H. Raymond Award are greatly appreciated. The stipend that accompanies this Award depends on the interest earned from donations made to the Francis H. Raymond Fund.



Flex Your Power!



“Let’s all pull together to conserve power, and therefore California’s precious energy-producing natural resources. Saving energy is everyone’s job.”

**Andrea E. Tuttle
CDF Director**

- Turn off all non-essential lights and appliances.
- Shut down your computers when they are not in use.
- Set your thermostat to 68 degrees or lower.
- Close blinds and shades at night to keep heat in.
- Seal off unused rooms so that they are not heated.

For more energy conservation tips please visit www.ca.gov “California’s Energy Challenge”

This Flex Your Power reminder is from the California Department of Forestry and Fire Protection.

NOTICE

Examination For Registration of Professional Foresters

FRIDAY, APRIL 11, 2003 - 8:00 A.M.

Eureka, Redding, Sacramento, Santa Rosa and Riverside are set locations, and other locations will be set up as the need indicates.

DEADLINE FOR FILING

FEBRUARY 7, 2003

SCOPE OF THE EXAMINATION The examination will test the applicant's understanding of the significant concepts in the working knowledge of 1) Forest Economics, 2) Forest Protection, 3) Silviculture, 4) Forest Management 5) Forest Engineering, 6) Forest Administration, 7) Forest Ecology, 8) Forest Mensuration, 9) Forest Policy, 10) Short Answer.

EXAMINATION PROCEDURE The examination will consist of two parts, each three and a half hours in length. The first part will run from 8:30 a.m. until 12:00 noon, and the second part will run from 1:00 p.m. until 4:30 p.m. on APRIL 11, 2003.

In the morning, the applicant will be required to answer a short answer segment and two out of four essay questions. In the afternoon, the applicant will be required to answer three out of five essay questions. No extra credit will be granted for answering extra questions.

An average grade of 75% or more will be necessary for a passing grade.

Pocket calculators and a pen with black ink will be permitted. No other materials or aids will be allowed in the examination room.

Note: The application fee is \$200.00 and non-refundable.

PLEASE POST

VIII. Continuing Education

Note: Wondering about SAF credits? Check out the Norcal SAF hotline on the web at:
<http://www.humboldt.edu/~norcal/Hotline/index.html>

1. Calendar of Courses and Conferences

December 3, 2002 to December 12, 2002

**Natural Resources Institute - Module 2: Decision Making and Systems Thinking
for Natural Resource Professionals**

Location: Corvallis, OR

Sponsor: Oregon State University, University of Washington, Washington State
University

Contact: 206-543-0867 206-685-6705, email: forestce@u.washington.edu

December 3, 2002 to December 4, 2002

Forest Health: Identification and Management of Forest Insects and Diseases

Location: Eugene, OR

Sponsor: Western Forestry and Conservation Assn.

Contact: Richard Zabel 503-226-4562, email: richard@westernforestry.org

December 9, 2002

*** Harvest Planning Workshop**

Location: Albany, OR

Sponsor: Forest Engineering Inc.

Contact: 541-754-7558, email: office@forestengineer.com

December 10, 2002

*** Skyline Payloads Workshop**

Location: Albany, OR

Sponsor: Forest Engineering Inc.

Contact: 541-754-7558, email: office@forestengineer.com

December 10, 2002

*** ArcView in Forestry**

Location: Beaverton, OR

Sponsor: Atterbury Consultants

Contact: 503-646-5393, 503-644-1683, email: jaschenbach@atterbury.com

December 11, 2002

*** Multi-Span Systems Workshop**

Location: Albany, OR

Sponsor: Forest Engineering Inc.

Contact: 541-754-7558, email: office@forestengineer.com

December 11, 2002 to December 12, 2002

*** ForestView**

Location: Beaverton, OR

Sponsor: Atterbury Consultants

Contact: 503-646-5393, 503-644-1683, email: jaschenbach@atterbury.com

Notes: <http://www.atterbury.com>

December 12, 2002

*** Guying and Anchoring Workshop**

Location: Albany, OR

Sponsor: Forest Engineering Inc.

Contact: 541-754-7558, email: office@forestengineer.com

December 13, 2002

*** Cost Control Workshop**

Location: Albany, OR

Sponsor: Forest Engineering Inc.

Contact: 541-754-7558, email: office@forestengineer.com

December 13, 2002

CLFA RPF Exam Preparation Seminar

Location: Sacramento, CA

Sponsor: California Licensed Foresters Assn.

Contact: Hazel Jackson 209-293-7323, fax 209-293-7544, email: clfa@volcano.net

December 16, 2002 to December 18, 2002

Sudden Oak Death Science Symposium - The State of Our Knowledge

Location: Monterey, CA

Sponsor: USDA FS PSW, UC Integrated Hardwood Range Mgmt. Program and the Center for Forestry, California Oak Mortality Task Force

Contact: Joni Rippee 510-642-0095, email: rippee@nature.berkeley.edu

January 6, 2003 to January 10, 2003

Natural Resources Communication Workshop

Location: Chico, CA

Sponsor: Western Section of The Wildlife Society

Contact: Dr. Jon K. Hooper, 530-898-5811, email: jhooper@csuchico.edu

January 14, 2003 to January 16, 2003

24th Annual FVMC: Moving Forward By Looking Back and Back to the Future

Location: Redding, CA

Sponsor: Forest Vegetation Management Conference

Contact: Program: Lee Hazeltine 530-795-1021, email: hazeltines@aol.com; Reg.: Sherry Cooper 530-224-4902, fax 530-224-4904, email: shcooper@ucdavis.edu

January 14, 2003 to January 16, 2003

CalFed Science Conference

Location: Sacramento, CA

Sponsor: CALFED

Contact: Elise Holland email: elise.Holland@tpl.org

January 16, 2003 to January 17, 2003

California Forestry Association Annual Meeting

Location: San Jose, CA

Sponsor: California Forestry Association

Contact: Eleanor Anderson 916-444-6592, email: eleanora@woodcom.com

January 17, 2003 to January 18, 2003

N. Cal. Society of American Forester's Winter Meeting: Theme TBA

Location: Redding, CA

Sponsor: Northern California Society of American Foresters

Contact: Program: Brad Seaberg 530-246-2455, email: bseaberg@masonbruce.com;

February 1, 2003

Annual CLFA Gil Murray Memorial Ski Race

Location: Mt. Shasta Ski Park

Sponsor: California Licensed Foresters Assn.

Contact: Hazel Jackson 209-293-7323, fax 209-293-7544, email: clfa@volcano.net

February 5, 2003 to February 6, 2003

Natural Resources Information Management Forum

Location: Vancouver, British Columbia, Canada

Sponsor: FORREX Forest Research Extension Partnership

Contact: Trina Innes 250-371-3955, email: trina.innes@forrex.org

March 6, 2003

CLFA Spring Workshop: Watercourse Crossings

Location: Sacramento, CA

Sponsor: California Licensed Foresters Assn.

Contact: Hazel Jackson 209-293-7323, fax 209-293-7544, email: clfa@volcano.net

March 7, 2003 to March 8, 2003

CLFA Annual Conference: Protecting the Working Forest

Location: Sacramento, CA

Sponsor: California Licensed Foresters Assn.

Contact: Hazel Jackson 209-293-7323, fax 209-293-7544, email: clfa@volcano.net

April 14, 2003 to April 17, 2003

W. Div. of the AFS Society Annual Meeting, Productive Pacific Ecosystems: Lake, Stream, Estuarine, and Marine Environments from Alaska to Baja

Location: San Diego, CA

Sponsor: California-Nevada American Fisheries Society (AFS) Chapter and the AFS Western Division

Contact: Program Chair: Tom McMahon 602-789-3216; Local Arrangements Chair:

April 14, 2003 to April 24, 2003

Natural Resources Institute - Module 3: Systems Approaches to Ecosystem Management and Landscape Ecology

Location: Pullman, WA

Sponsor: Oregon State University, University of Washington, Washington State University

Contact: 206-543-0867 206-685-6705, email: forestce@u.washington.edu

April 28, 2003 to April 30, 2003

Innovations in Species Conservation

Location: Portland, OR

Sponsor: USDA FS, USDI GS, USDI FWS, USDI BLM, Oregon State University, The Nature Conservancy, & the Society for Conservation Biology

Contact: Conference Assistant 541-737-2329, email: outreach@for.orst.edu

September 21, 2003 to September 28, 2003

CALL FOR PAPERS & POSTERS: XII World Forestry Congress

Location: Quebec, Canada

Sponsor: World Forestry Congress

Contact: WFC Rome 39.06.57055879, email: WFC-XII@fao.org

October 25, 2003 to October 29, 2003

SAF 2003 National Convention

Location: Buffalo, NY

Sponsor: Society of American Foresters

Contact: 301-897-8720, fax: 301-897-3690

CATEGORY 1 Organized course work or activities in forestry or forestry-related subject matter such as silviculture, mensuration, forest pest management, habitat management, urban forestry, or forest policy. Included are seminars, short courses, and workshops conducted or sponsored by public or private organizations, as well as technical sessions, meetings or conferences of SAF, CLFA, and ACF. In-house courses (such as USFS or CDF courses for their employees) can be given category 1 hours, but only for those portions of the training that would be applicable to any forester (agency or company-specific procedures may not warrant category 1 credits).

Credit will be approved only for subject matter related to forestry or forest resources. Credit accrues at the rate of one hour for each hour of actual contact. Unless otherwise warranted, three hours of tour or field session equals one contact hour.

IMPORTANT: Category 1 courses must be approved for credit by David Bakke. Courses listed in the hotline have already been approved. Additional courses can be approved for credit by sending a course outline or agenda to David Bakke.

CATEGORY 2 Other organized course work or activities not specifically forestry or forestry-related but which are professionally enriching or directly benefiting the individual in his or her present position.

Examples include general sessions of SAF, CLFA, ACF or other professional meetings or course work in areas such as real estate, computer science, managerial and leadership skills, public speaking, or vertebrate zoology. Credit accrues at the same rate as for Category 1.

Category 2 courses do not require advance approval by David Bakke. It is not necessary to send copies of category 2 course agendas when submitting your application.

CATEGORY 3 The development, preparation, and presentation of course work or activities, such as described in Categories 1 and 2, which require effort beyond the general scope of the individual's normal duties or job description. Credit accrues at the rate of two contact hours for each hour of presentation. This doesn't include presentations to school-age children as part of programs such as Forest Conservation Days.

CATEGORY 4 The preparation, writing, and publication of forestry or forestry-related subject matter which requires effort beyond the general scope of the individual's normal duties or job description. Credit accrues at the rate of 15 hours for each publication requiring technical review or 5 hours for an article or a series of articles of a substantial nature in magazines, newspapers, or similar publications.

CATEGORY 5 Self-improvement in forestry or related subjects. Included is participation in or attendance at meetings such as those conducted by the Board of Forestry, the PFEC, or tree improvement associations. Also included is self-improvement through reading of publications or audio-visual presentations on technical forestry subjects. Credit accrues at the rate of one hour for each hour of activity.

CATEGORY 6 Holding elected or appointed office or active committee assignment in the SAF or allied professional organizations such as California Licensed Foresters Association, The Wildlife Society, Society for Range Management, or Association of Consulting Foresters. Credit accrues at the rate of five hours per year for holding office or chairing an assignment or two hours per year for active committee membership.

IX. Appendix

1. Notification of Address Change

During the license renewal period, Professional Foresters Registration becomes aware of many individuals who have failed to change their mailing addresses following a move. Per 14 CCR §1606: "...holders of a certificate of registration and license, shall notify the Board in writing at its Sacramento office **within ten days** of any address changes, giving both the new and old address."

The failure to maintain a correct mailing address results in returned mail and additional costs which must be borne by all RPFs. Additionally, if the upcoming renewal notices and withdrawal reinstatement notifications are undeliverable, there is the potential for license revocation by the Board based on a failure to renew.

If you have moved, and have not done so yet, please fill out and return the change of address form below.

Name: _____ RPF#: _____

New Address (HOME):

Street: _____

City: _____ County: _____ State: _____ Zip: _____

Phone: _____ Email Address: _____

New Address (WORK):

Street: _____

City: _____ County: _____ State: _____ Zip: _____

Phone: _____ Email Address: _____

Former Address (HOME):

Street: _____

City: _____ County: _____ State: _____ Zip: _____

Phone: _____

Preferred Mailing Address: (circle one) Home Work

Signature: _____ Date: _____

2. FHR Award Nomination Guidelines

FRANCIS H. RAYMOND AWARD

Suggested Nomination Format

THERE IS NO ESTABLISHED FORMAT FOR THE SUBMISSION OF NOMINATIONS. THE NOMINEES MUST AGREE TO THE SUBMISSION OF THEIR NAME FOR CONSIDERATION. BASED ON PREVIOUS SUCCESSFUL NOMINATIONS, THE FOLLOWING ITEMS ARE SUGGESTED FOR INCLUSION IN THE NOMINATION PACKET:

- A short introduction letter on nominator's letterhead.
- A narrative of the nominee's qualifications, educational background, work history and accomplishments. The Award criteria dictates that the work of the past five years is the key to selection, irrespective of a long history of superior service or accomplishment.
- Letters of support from other individuals and organizations are important. A wide spectrum of support from diverse interests, including local politicians, has been a characteristic of previous successful nominees.
- Copies of newspaper or magazine articles on the nominee are key to supporting a nomination.
- Attach examples of the nominee's work and/or publications, if appropriate.
- Photographs may be helpful if they illustrate the extent of the nominee's dedication and accomplishment.
- **The key to the Award is effort above and beyond what is normally expected on the job.** Volunteer efforts, serving on committees, public service, etc., are important.
- The nomination committee requests the submission of **five** copies of the nomination packet. It is requested that all letters of support be included with the initial nomination, rather than submitted individually.

3. PFEC Nomination Form

**BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS EXAMINING COMMITTEE
NOMINATION FORM**

Please use a separate sheet for each nominee. Additional sheets are available upon request. Mail or FAX to: Board of Forestry and Fire Protection, PFEC Nomination, P.O. Box 944246, Sacramento, CA 94244. FAX (916) 653-0989.

1. Name of Nominee: _____

2. Nominee Address _____

3. Nominee Telephone: Work: (____) _____ Home: (____) _____

4. Category of Membership: (Public/RPF/Specialist) _____

5. Brief resume of the nominee's background and qualifications which qualify him/her for the Committee. (Attach additional sheets if needed)

6. Why do you think the nominee should be selected for the PFEC? _____

7. PRINT name of Nominator: _____

SIGNATURE of nominator: _____

8. Address of Nominator: _____

9. Telephone Number of Nominator: Work (____) _____ Home: (____) _____

10. Group you represent, if any: _____

4. Proposed Rule Language: January 1, 2003

Note: Rules for Threatened and Impaired Watersheds are not included here as they are unchanged from last year.

Lake Tahoe Exemption **OAL Approved Rule Language**

1038(f) Exemptions

f) On parcels of 20 acres or less in size within the Lake Tahoe Basin, that are not part of a larger parcel of land in the same ownership, the removal of dead or dying, (regardless of the definition of "dying trees" in section 895.1, dying means: will be dead within 1 year, based on the judgement of an RPF) trees as marked by an RPF and for which a Tahoe Basin Tree Removal Permit has been issued, when the following conditions are met:

(1) Tree removal on high erosion hazard lands (Bailey's Land Capability Districts 1a, 1c, or 2 per Land Capability Classification of the Lake Tahoe Basin, California-Nevada: A Guide for Planning by R.G. Bailey, USDA Forest Service, 1974) shall only be conducted using the following methods: helicopter, over-snow where no soil disturbance occurs, hand carry, and use of existing roads.

(2) Tree removal in Stream Environment Zones ("SEZs," Bailey's Land Capability District 1b) shall be permitted as in the preceding section (f)(1). End-lining may also be used provided that soils are dry, all heavy equipment remains outside the SEZ, and site conditions are such that soils or vegetation will not be adversely affected and a discharge of earthen materials to surface waters, SEZs, or 100-year floodplains will not occur.

(3) No tractor or heavy equipment (ground-based) operations on slopes greater than 30% except over-snow operations that result in no soil disturbance.

(4) No heavy equipment operations within the standard width of a watercourse or lake protection zone (WLPZ), as defined in 14 CCR 956.4(b), except for use or maintenance of existing roads, maintenance of drainage facilities or structures, or use of skid crossings approved pursuant to (f)(9) below.

(5) No new road construction or reconstruction, as defined in 14 CCR 895.1.

(6) No tractor or heavy equipment operations on known slides or unstable areas.

(7) No timber harvesting within the standard width of a watercourse or lake protection zone, as defined in 14 CCR 956.4(b), except sanitation-salvage harvesting, as defined in 14 CCR 953.3, where immediately after completion of operations, the area shall meet the stocking standards of 14 CCR 952.7(b)(2), or, except the removal of dead or dying trees where consistent with 14 CCR 956.4(b). Trees to be harvested shall be marked by, or under the supervision of, an RPF prior to timber operations.

(8) All Class III watercourses shall have at least a 25-foot WLPZ.

(9) No watercourse crossings of Class I or Class II watercourses except on existing bridges or existing culvert crossings. Any and all crossings proposed for Class III or Class IV watercourses shall be approved by staff of the Regional Water Quality Control Board (RWQCB) prior to operations.

(10) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.

(11) No timber operations within the buffer zone of a sensitive species, as defined in 14 CCR 895.1.

(12) No timber operations on historical or archaeological sites. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

(13) The landowner shall allow access to the property for inspections by staff of the RWQCB.

(14) A person shall comply with all operational provisions of the Forest Practice Act and District Forest Rules applicable to "Timber Harvest Plan", "THP", and "plan".

~~(15) Subsection (f) shall expire December 31, 2002.~~

Interim Watershed Mitigation Addendum
OAL Approved Rule Language

Amend 14 CCR § 895 Abbreviations Applicable throughout Chapter.

IWMA **Interim Watershed Mitigation Addendum.**

This abbreviation shall expire December 31, 2003.

Note: Authority cited: Sections 4551, 4551.5, and 21082, Public Resources Code.

Reference: Sections 4511, 4513, 4521.3, 4522.5, 4523-4524, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582, and 2180.5, Public Resources.

14 CCR § 895.1 Definitions

Amend "Limiting Factors for Anadromous Salmonids" means those factors that are critical to any freshwater or estuarine life stage of anadromous salmonids. These factors include, but are not limited to, water quality, water quantity, sedimentation, water temperature, large woody debris, and nutrients.

This definition shall expire December 31, 2003.

"Watercourse Order" is a hierarchy ordering of watercourses based on the degree of branching. A first order watercourse is an unforked or unbranched watercourse. Two first order watercourses combine to make a second order watercourse. Two second order watercourses combine to make a third order watercourse. When watercourses of equal order meet they form the next higher order watercourse.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7, and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, and 4591.1, Public Resources Code. Reference: 4512, 4512, 4526, 4551, 4551.5, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1; 21001(f), 21080.5, 21083.2, and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 California Code of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App. 3d 440: 246 Cal Rptr. 82.

Adopt 14 CCR §§ 916.13 [936.13, 956.13] Interim Watershed Mitigation Addendum (IWMA).

- (a) The timberland owner, or his/her agent, proposing the IWMA shall identify the limiting factor(s) for anadromous salmonids that may be effected by conditions within the evaluation area.**
- (b) The IWMA timberland owner, or his/her agent, shall identify site-specific watershed conditions within the evaluation area that contribute or are likely to contribute to limiting factors for anadromous salmonids.**
- (c) The IWMA shall propose mitigation measures to address site specific watershed conditions within the evaluation area that contribute or are likely to contribute to the existing limiting factors and.**
- (d) Implementation and initial effectiveness of the mitigation measures shall be evaluated through an expanded work completion report process set forth in 14 CCR § 916.13.6.**
- (e) This section shall expire December 31, 2003.**

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b).

21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A: 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.1 [936.13.1, 956.13.1] Consultation.

The timberland owner, or his/her agent, proposing the IWMA shall confer, early in the process of developing the IWMA, with the California Department of Forestry and Fire Protection, the Department of Conservation; California Geological Survey, the appropriate California Regional Water Quality Control Board, the California Coastal Commission (if the evaluation area includes portions of a Coastal Zone Special Treatment Area), the California Department of Fish and Game, the county (if the county has had special rules adopted by the Board), the Department of Parks and Recreation (if the evaluation area includes or is adjacent to state park lands), and the California Tahoe Regional Planning Agency (if any portion of the evaluation area is within the Tahoe Basin). The IWMA timberland owner or his/her agent shall request participation of the National Marine Fisheries Service (NMFS). The consultation will provide the IWMA timberland owner, or his/her agent, the opportunity to identify issues and concerns associated with the interaction of site specific watershed conditions in the IWMA evaluation area and limiting factors for anadromous salmonids.

This section shall expire December 31, 2003

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources*

Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172;
and Laupheimer v. State (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.2 [936.13.2, 956.13.2] IWMA Evaluation Area.

The IWMA evaluation area shall be:

(a) No smaller than a watershed containing a third order watercourse.

(b) No larger than a CalWater (CALWATER: A STANDARDIZED SET OF CALIFORNIA WATERSHEDS – revised 07/06/94) 2.2 planning watershed, except a larger IWMA evaluation area may be used when explained and justified in the IWMA, and approved by the Director.

(c) This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and Laupheimer v. State (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.3 [936.13.3, 956.13.3] Contents of IWMA

An IWMA shall include the following information for the evaluation area, with primary emphasis on the area owned, controlled, or leased by the landowner:

(a) A USGS topographic map, or the equivalent, clearly showing the evaluation area; the area within the evaluation area owned, controlled, or leased by the landowner; and the location of the evaluation area.

(b) A problem statement identifying:

(1) The limiting factors for anadromous salmonids that may be affected by conditions within the evaluation area.

(2) Site-specific watershed conditions within the evaluation area that contribute or are likely to contribute to the limiting factors for anadromous salmonids, and

(3)The results of consultations, the authorities referenced or consulted, and a description of the fieldwork conducted to make the determinations identified in 14 CCR §§ 916.13.3(b)(1) and (2)[936.13.3(b)(1) and (2), 956.13.3 (b)(1) and (2)].

(c) A map or list of the specific sites identified in 14 CCR §§916.13.3(b)(2) [936.13.3(b)(2), 956.13.3(b)(2)].

(d) A summary of findings and conclusions describing the association between existing site-specific watershed conditions within the evaluation area that affect the limiting factors for anadromous salmonids identified in 14 CCR § 916.13.3(b), and the proposed management activities.Proposed mitigation measures addressing the sites identified in 14 CCR §§ 916.13.3(b)(2) [936.13.3(b)(2), 956.13.3(b)(2)] and a description of how the proposed mitigation measures will address conditions that affect limiting factors for anadromous salmonids at those sites.

(e) The proposed evaluation methodology for the implementation and initial effectiveness of the mitigation measures.

(f) This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and Laupheimer v. State (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.4 [936.13.4, 956.13.4] Standards for IWMA Preparation.

The standards for the preparation of an IWMA are as follows:

(a) The timberland owner, or his/her agent, shall provide documentation of the information and evaluation approaches used to reach the findings and mitigation measures presented. The information and evaluation methods must be adequate to support the findings and proposed mitigation measures. Scientifically or professionally accepted approaches shall be used.

(b) The IWMA shall include information sufficient to support application and effectiveness of the mitigation measures proposed in the IWMA.

(c) The sufficiency of information or evaluation included in the IWMA shall be guided by the principles of practicality and reasonableness considering the size of the timberland owner's ownership within the evaluation area, lawful access to various parts of the evaluation area, the cost of collecting new information and the risks to anadromous salmonids posed by the scope and intensity of anticipated management activities.

(d) The IWMA will incorporate the most recently available pertinent information at the time of plan submittal.

Future IWMA's submitted in the same evaluation area must reflect any significant changes in watershed conditions within the evaluation area or limiting factors for anadromous salmonids since the submission of a prior IWMA and any new pertinent information that has become available.

(e) This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water

Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.5 [936.13.5, 956.13.5] Submission of an IWMA as Part of a Plan

- (a) The IWMA may only be submitted to the Department as an addendum to be incorporated in the plan at the time of submission.
- (b) An IWMA should be submitted in a standard digital format acceptable to the Department to facilitate review and the development of an electronic information base for the future assessment efforts on the subject watersheds.
- (c) To the extent consistent with the goal of every timber operation being planned and conducted to prevent deleterious interference with the watershed conditions that primarily limit the values set forth in 14 CCR §§ 916.2 [936.2, 956.2](a) (e.g. sediment load increase where sediment is a primary limiting factor, thermal load increase where water temperature is a primary limiting factor; loss of instream large woody debris or recruitment potential where lack of this value is a primary limiting factor; substantial increase in peak flows or large flood frequency when peak flows or large flood frequency are primary limiting factors), the Director may accept proposed mitigation measures for site specific watershed conditions identified in 14 CCR §§ 916.13.3 (b)(2) [936.13.3(b)(2), 956.13.3(b)(2)] in place of the operational rules in 14 CCR §§ 916.9(c), (e), (f), (g), (i), (j), (k), (m), (n), (q), (r) [936.9(c), (e), (f), (g), (i), (j), (k), (m), (n), (q), (r); 956.9(c), (e), (f), (g), (i), (j), (k), (m), (n), (q), (r)] and 923.9(b), (c) [943.9(b), (c); 963.9(b), (c)].
- (d) This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.6 [936.13.6, 956.13.6] Compliance Monitoring and Expanded Completion Report.

In addition to the requirements of Public Resources Code § 4585, at the conclusion of operations, the timber owner or owner's agent shall file a work completion report that lists IWMA-proposed mitigation measures incorporated in the THP and confirms their implementation. The information provided by the timber owner or owner's agent shall be verified through inspections conducted by the Department in coordination with other review team agencies. The timberland owner shall submit a report on the initial effectiveness of the IWMA mitigation measures incorporated into the THP within one year following completion of timber operations.

This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.7 [936.13.7, 956.13.7] Subsequent Plans within the IWMA Area.

Once a plan incorporating an IWMA has been approved, subsequent plans within that IWMA evaluation area may incorporate the IWMA.

This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.8 [936.13.8, 956.13.8] Equivalent Analysis.

(a) The provisions of 14 CCR § 916.13 [936.13, 956.13] do not apply to a plan that is subject to an incidental take permit for anadromous salmonids upon an approved Habitat Conservation Plan that addresses anadromous salmonid protection.

(b) The portions of an approved SYP, PTEIR or NTMP that assesses the limiting factors for anadromous salmonids and the watershed conditions within the IWMA evaluation area consistent with 14 CCR §§ 916.13-916.13.7[936.13-936.13.7, 956.13-956.13.7] may be submitted as an IWMA.

(c) This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources*

Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172;
and Laupheimer v. State (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Conversion Exemptions
OAL Approved Rule Language

1104.1 Conversion Exemptions

Timber operations conducted under this subsection shall be exempt from conversion permit and timber harvesting plan requirements of this article except no tree that existed before 1800 A.D and is greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species shall be harvested unless done so under the conditions or criteria set forth in subsection 1104.1 (i).

Timber operations shall comply with all other applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations of the Board and currently effective provisions of county general plans, zoning ordinances and any implementing ordinances. The Notice of Conversion Exemption Timber Operations shall be considered synonymous with the term "plan" as defined in 14 CCR 895.1 when applying the operational rules and regulations of the Board.

(a) This conversion exemption is applicable to a conversion of timberland to a non-timber use only, of less than three acres in one contiguous ownership, whether or not it is a portion of a larger land parcel and shall not be part of a THP. This conversion exemption may only be used once per contiguous land ownership. No person, whether acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, may obtain more than one exemption pursuant to this section in a five-year period. If a partnership has as a member, or if a corporation or any other legal entity has as an officer or employee, a person who has received this exemption within the past five years, whether as an individual or as a member of a partnership, or as an officer or employee of a corporation or other legal entity, then that partnership, corporation, or other legal entity is not eligible for this

exemption. "Person," for purposes of this section, means an individual, partnership, corporation, or any other legal entity.

(1) A Notice of Conversion Exemption Timber Operations (notice) must be prepared by an RPF and submitted to the Director. The notice shall contain the following:

(A) The names, addresses, and telephone numbers of the timber owner, owner of the timberland to be converted, RPF, timber operator, and the submitter of the Notice of Conversion Exemption Timber Operations;

(B) Legal description of the area where the timber operation is to be conducted, showing section, township, range, county and assessor parcel number;

(C) Maps showing the ownership boundaries, the location of the timber operation, boundaries of the conversion, access routes to operation, location and classification of all watercourses, and landing locations;

(D) Incorporation of a signed and dated statement from the authorized designee of the County Board of Supervisors stating that the conversion is in conformance with all county regulatory requirements, including county public notice requirements. When counties do not have an authorized designee, the RPF shall certify that the county has been contacted and the conversion is in conformance with county regulatory requirements (this may be incorporated into the notice);

(E) Incorporation of a statement by the owner of the timberland to be converted;

1. certifying that this is a one-time conversion to non-timberland use,

2. certifying that after considering the owner's own economic ability to

carry out the proposed conversion and the feasibility evaluation required by 14CCR

1104.1(a)(6) that there is a "bona fide intent", as defined in CCR 1100 (b), to convert,

and

3. specifying what the non-timberland use will be after conversion, and

4. certifying and declaring under penalty of perjury that he/she whether

acting as an individual, acting as a member of a partnership, or acting as an officer or

employee of a corporation or other legal entity, has not obtained an exemption pursuant

to this section in the last five years unless a waiver has been granted pursuant to

1104.1(a)(9); and

(F) signature of the submitter, timberland owner responsible for the conversion, the timber operator, and the RPF.

(2) The following conditions apply to conversion exemption timber operations:

(A) All timber operations shall be complete within one year from the date of acceptance by the Director.

(B) All conversion activities shall be complete within two years from the date of acceptance by the Director unless under permit by local jurisdiction. Failure to timely complete the conversion shall require compliance with stocking standards of the PRC 4561 and stocking report requirements of Forest Practice Act and Board regulations.

(C) The RPF or supervised designee shall visit the site and flag the boundary of the conversion exemption timber operation and flag any applicable WLPZs and equipment limitation zones.

(D) This section refers to slash and woody debris resulting from timber operations associated with conversion exemptions. The timber operator shall be the responsible party for the treatment of logging slash and woody debris. Responsibility for treatment of logging slash and woody debris may be assumed by the landowner, provided that the landowner acknowledges in writing to the Director at the time of notice such responsibility and specific slash and woody debris treatment requirements and timing.

1. Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

2. All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.

3. All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.

4. Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.

5. Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

6. Full slash and woody debris treatment may include any of the following:

- a. burying;
- b. chipping and spreading;
- c. piling and burning; or
- d. removing slash and woody debris from the site for treatment in compliance with (a)-(b).

Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.

7. Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation. All treatment work must be completed prior to the expiration date for the conversion exemption.

8. Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.

9. This section does not supersede more restrictive treatments or time frames within a Forest district or subdistrict.

(E) Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the following conditions:

1. During dry, rainless periods where saturated soils conditions, as defined in 14 CCR 895.1, are not present. Erosion control structures shall be installed on all constructed skid trails and tractor roads prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.

2. When ground conditions in the conversion exemption area and appurtenant roads satisfy the "hard frozen" definition in 14 CCR 895.1.

3. Over-snow operations where no soil disturbance occurs.

(F) No timber operations within a WLPZ unless specifically approved by local permit (e.g. County, City).

(G) The timber operator shall not conduct timber operations until receipt of the Director's notice of acceptance. Timber Operations shall not be conducted without a valid on-site copy of the Director's notice of acceptance of operations and a copy of the Notice of Conversion Exemption Timber Operations as filed with the Director.

(H) No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1.

(I) No timber operations on significant historical or archeological sites.

(J) The RPF and the timber operator shall meet (on-site, or off-site) if requested by either party to ensure that sensitive on-site conditions and the intent of the conversion regulations such as, but not limited to, slash disposal, will be complied with during the conduct of timber operations.

(3) A neighborhood notification of conversion exemption timber operations shall be posted on the ownership visible to the public by the RPF or supervised designee, at least 5 days prior to the postmark date of submission of the notice of Conversion Exemption Timber Operations to the Director. The date of posting shall be shown on the neighborhood notice. In addition, immediately prior to the submission of the exemption to the Director, the landowner shall mail a letter to adjacent landowners within 300 feet of the boundaries of the exemption, and to Native Americans, as defined in 895.1 notifying them of the intent to harvest timber. The mailed letter of notice and the posted notice shall contain the following information on a form prepared by the RPF:

(A) the name, address and telephone number of the timberland owner, the timber operator, the agency of the county responsible for land use changes and the designated representative; if any, and the RPF;

(B) the location of the project, parcel number, street address, section, township and range, and;

(C) a statement explaining that this is a conversion from timberland use to a new land use, what the new land use will be, and that the maximum size is less than three acres.

(4) The Director shall determine if the Notice of Conversion Exemption Timber Operations is complete and accurate within fifteen days from the date of receipt.

(A) If the Notice of Conversion Exemption Timber Operations is not complete and accurate it shall be returned to the submitter identifying the specific information required. When found complete and accurate, the Director shall immediately send a notice of acceptance of operations to the submitter.

(5) The timberland owner shall, within one month from the completion of conversion exemption timber operations, which includes all slash disposal work, submit a work completion report to the Director.

(6) The timberland owner shall, using the services of an RPF to the extent the information required is within the scope of professional forestry practice, provide information documenting that the conversion to the stated non-timber use is feasible based upon, at a minimum, the following:

(A) the extent of the vegetation removal and site preparation required for the conversion;

(B) the suitability of soils, slope, aspect, and microclimate for the stated non-timber use;

(7) The Department shall provide for inspections, as needed, to determine that the conversion was completed.

(8) The notice shall expire if there is any change in timberland ownership.

(A) If the conversion has not been completed, the timberland owner on the notice shall notify the Department of the change in timberland ownership on or before 5 calendar days after a change in ownership.

(B) If operations have been conducted, but not completed under the exemption, the timberland owner on the notice shall notify the new timberland owner at least 15 days prior to the sale of the timberland of the requirements under 14CCR 1104.1(a)(8)(C).

(C) If operations have been conducted, but not completed under the exemption, the new timberland owner shall :

1. submit a new notice, or
2. comply with the following:
 - a. harvest no additional timber;

- b. meet stocking requirements of 14CCR 1104.1(a)(2)(B);
- c. dispose of the slash created under the exemption activities according to 14CCR 1104.1(a)(2)(D);
- d. provide erosion control for skid trails, roads, landings, and disturbed areas as required by the Forest Practice Rules.
- e. submit a report within 90 days of the change of timberland ownership that items a through d above were completed.

(9) A timberland owner may request a waiver to the five-year limitation described in 14 CCR 1104.1(a). The Director may grant the waiver upon finding that one of the following conditions exist:

(A) 1. the construction of a building approved by the appropriate county/city permitting process is listed in the accepted Notice of Conversion Exemption Timber Operations as the non-timberland use after the conversion, and

2. the timberland owner demonstrates to the Director that substantial liabilities for building construction have been incurred on each conversion exemption that the timberland owner has received in the last 5 years at the time the waiver is requested, and

3. operations conducted on all exemptions issued to the timberland owner within the past 5 years, prior to the time the waiver is requested, have been conducted in a manner that meets or exceeds the intent of the Act and rules or any corrective work required by the Director has been satisfactorily completed.

(B) the change of ownership which caused the previous notice to expire was not the result of the sale of the timberland and the new timberland owner provides information demonstrating that the imposition of the 5-year limitation described in 14 CCR 1104.1(a) would impose an undue hardship on the timberland owner.

(C) the notice has expired and no operations have been conducted.

(D) The timberland owner provides an explanation and justification for the need of a waiver that demonstrates that the imposition of the 5-year limitation described in 14 CCR 1104.1(a) would impose an undue hardship on the timberland owner.

(b) Construction or maintenance of right-of-way by a public agency on its own or any other public property.

(c) The clearing of trees from timberland by a private or public utility for construction of gas, water, sewer, oil, electric, and communications (transmitted by wire, television, radio, or microwave) rights-of-way, and for maintenance and repair of the utility and right-of-way. The said right-of-way, however, shall not exceed the width specified in the Table of Normal Rights-of-Way Widths for Single Overhead Facilities and Single Underground Facilities and the supplemental allowable widths.

Nothing in this section shall exclude the applicable provisions of PRC 4292 and 4293, and 14 CCR 1250 through 1258 inclusive for fire hazard clearance from being an allowable supplement to the exempt widths.

(d) **TABLE OF RIGHTS-OF-WAY WIDTHS FOR SINGLE OVERHEAD FACILITIES**
(A single facility for overhead electric lines means a single circuit)

Utility	Size	Width
Electric (Overhead Distribution & Transmission Single Circuits)	0-33 KV	20'
	34-100 KV	45'
	101-200 KV (pole)	75'
	101-200 KV (tower)	80'
	201-300 KV (tower)	125'
	300 KV & above (tower)	200'

Telephone cable or open wire when underbuilt	All	30'
Communications (Radio, Television, Telephone & Microwave)	All	30'
Active or passive microwave repeater and/or radio sites	All	40'
Microwave paths emanating from antennas or passive repeaters	All	20' from edges of antenna or passive repeater, and following centerline path.
Radio & Television antennas	All	30' in all directions
Telephone cable or open wire when underbuilt	All	30'

(e) The above right-of-way widths for above ground facilities shall be allowed supplemental clearances as follows:

- (1) Equal additional rights-of-way for each additional facility, including these allowable supplemental clearances under this section.
- (2) Additional clearance widths for poles and towers, and for conductor sway as provided in PRC 4292 and 4293, and 14 CCR 1250 through 1258 inclusive, as applicable.
- (3) Additional clearance for removal of danger trees as defined in 14 CCR 895.1.
- (4) Additional land area for substation and switch yards, material storage and construction camps with clearance for firebreaks, and security fencing.

(f) TABLE OF RIGHTS-OF-WAY WIDTHS FOR SINGLE UNDERGROUND FACILITIES

Utility	Size	Width
Electric, Underground	4"-6" Conduit	50'
	More than 6" Conduit	60'
Gas, Oil, Water & Sewer (Underground pipe)	6" diameter or smaller	50'
	Over 6"-12" diameter	60'
	Over 12"-24"	75'

Utility	Size diameter	Width
	Over 24" diameter	100'
Penstocks, Siphons	All	100'
Ditches and Flumes	All	150'
Access Roads	All	Access road widths may be up to 14' with an additional 10' width at turnout locations, plus additional width for cuts and fills. Access roads shall be installed and maintained so as to comply with the stream protection requirements and erosion control requirements of the Forest Practice Act, related regulations, and the District Forest Practice Rules.

(g) The above right-of-way widths for underground facilities and penstocks, syphons, ditches and flumes shall be allowed supplemental clearances as follows:

- (1) Additional width for cuts and fills.
- (2) Removal of trees or plants with roots that could interfere with underground facilities, or with cuts and fills for installation.
- (3) Additional clearance for removal of danger trees as defined in 14 CCR 895.1.
- (4) For compressor, metering and control stations on natural gas pipelines; including firebreaks and security fencing:
 - (A) 450 foot width at one side of right-of-way and 500 foot length along the compressor stations.
 - (B) 300 feet x 300 feet on or alongside the right-of-way for metering and control stations.

(h) In-lieu practices for watercourse and lake protection zones as specified under Article 6 of these rules, exceptions to rules, and alternative practices are not allowed.

- (i) Harvesting of large old trees shall only occur when:
 - (1) the tree is not critical for the maintenance of a Late Successional Stand and

(2) an RPF attaches to the exemption an explanation and justification for the removal based on the RPF's finding that one or more of the criteria or conditions listed under subsection (A), (B), or (C) are met.

The requirements of (i)(2) need not be met if an approved management document; including but not limited to a HCP, SYP, NTMP or PTEIR; addresses large old tree retention for the area in which the large old tree(s) are proposed for removal and the removal is in compliance with the retention standards of that document.

All trees to be harvested pursuant to this subsection shall be marked by an RPF prior to removal.

(A) The tree(s) is a hazard to safety or property. The hazard shall be identified in writing by an RPF or professionally certified arborist;

(B) The removal of the tree(s) is necessary for the construction of a building as approved by the appropriate county/city permitting process and as shown on the county/city approved site plan, which shall be attached to the Notice of Exemption;

(C) The tree is dead or is likely to die within one year of the date of proposed removal, as determined by an RPF or professionally certified arborist.

Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and 4628, Public Resources

Code. Reference: Sections 4512, 4513, 4628 and 4584, Public Resources Code.

Director's Determination
OAL Approved Rule Language

1037.4 Director's Determination

The Director shall have ~~45~~ 30 days from the date the initial inspection is completed (ten of these days shall be after the last interagency review), or in the event the Director determines that such inspection need not be made, 15 days from the date of filing of an accepted plan in accordance with 14 CCR 1037, or such longer period as may be mutually agreed upon by the Director and the person submitting the plan, to review the plan and take public comment. After the initial review and public comment period has ended, the Director shall have up to ~~ten~~ fifteen working days, or a longer period mutually agreed upon by the Director and the person submitting the plan, to review the public input, to consider recommendations and mitigation measures of other agencies, to respond in writing to the issues raised and to determine if the plan is in conformance with the applicable rules adopted by the Board. The Director shall insure that an interdisciplinary review team has had an opportunity to review each plan. The Director shall review and consider the recommendations made on each plan by the interdisciplinary review team before determining if the plan conforms to the rules of the Board. The Director shall consider all written comments regarding the plan.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4582.7 and 4582.75, Public Resources Code.

1092.19 Time Periods for Review

The Director shall have ~~45~~ 30 days from the date the preharvest or initial inspection is completed or in the event the Director determines that such inspection is not needed, 15 days from the date of PTHP filing in accordance with 14 CCR 1092.16 or such longer period as may be mutually agreed upon by the Director and the person submitting the PTHP, to review the PTHP and to take written comment.

After the public review period has ended the Director shall have up to ~~ten~~ fifteen working days, or a longer period mutually agreed upon by the Director and the person submitting the PTHP, to review the public and agency comments, to respond in writing to issues regarding the conformance of the PTHP to the PTEIR and compliance with the rules of the board and to determine if the PTHP is in conformance with the PTEIR, Forest Practice Act and Board of Forestry rules.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4582.7 and 4582.75, Public Resources Code.

BOF Determination **OAL Approved Rule Language**

1058.5 Determination

The adoption, rejection or modification of the Proposed Decision, including the various procedural requirements and notifications, shall follow the process set forth in Chapter 5 (commencing with section 11500) of Part 1, Division 3, Title 2 of the Government Code, except that the Board shall make a written determination within forty-five (45) days of the date the Board first considered the proposed decision unless hearing transcripts are requested. If the Board orders transcripts of the proceedings before the Administrative Law Judge, the Board shall make a written determination within sixty (60) days of the receipt of those transcripts.

Note: Authority: Sections 4551.5, 4553 Public Resources Code. Reference Section 11517 Government Code, Sections 4601.1 and 4601.2 Public Resources Code.

Hardwood- Cumulative Assessment
OAL Approved Rule Language

Amend 932.9 and 952.9 Cumulative Impacts Assessment Checklist
Appendix Technical Rule Addendum No. 2

e. Hardwood Cover: Hardwoods provide an important element of habitat diversity in the coniferous forest and are utilized as a source of food and/or cover by a large proportion of the state's bird and mammal species. Productivity of deer and other species has been directly related to mast crops. Hardwood cover can be estimated using the basal area per acre provided by hardwoods of all species.

Post-harvest deciduous oak retention for the maintenance of habitats for mule deer and other hardwood-associated wildlife shall be guided by the Joint Policy on Hardwoods between the California Board of Forestry and California Fish and Game Commission (5/9/94). To sustain wildlife, a diversity of stand structural and seral conditions, and tree size and age classes of deciduous oaks should be retained in proportions that are ecologically sustainable. Regeneration and recruitment of young deciduous oaks should be sufficient over time to replace mortality of older trees. Deciduous oaks should be present in sufficient quality and quantity, and in appropriate locations to provide functional habitat elements for hardwood-associated wildlife.

Note: Authority cited: Sections 4551 and 21080.5, Public Resources Code. Reference: Sections 4512, 4513, 4551.5, 4582.6, 21000(g), 21002, and 21080.5, Public Resources Code; *Natural Resources Defence Council, Inc. v. Arcata Nat. Corp I* (1976) 59 Cal.App.3d 959; 131 Cal.Rptr. 172; *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

Stocking Standards
OAL Approved Rule Language

AMEND § 895.1. Definitions

"Decadent and Deformed Trees of Value to Wildlife": Trees, either conifers or hardwoods, that are not countable per PRC § 4528 but which exhibit characteristics of

substantial value to wildlife including but not limited to such features as broken tops, dead tops, forked tops, nests, mistletoe clumps, substantial decay and cavities.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal.Code of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

AMEND § 912.7. Resource Conservation Standards for Minimum Stocking

The following resource conservation standards constitute minimum acceptable stocking in the Coast Forest District after timber operations have been completed.

(a) Rock outcroppings, meadows, wet areas, or other areas not normally bearing commercial species shall not be considered as requiring stocking and are exempt from such provisions.

(b) An area on which timber operations have taken place shall be classified as acceptably stocked if either of the standards set forth in (1) or (2) below are met within five (5) years after completion of timber operations unless otherwise specified in the rules.

(1) An area contains an average point count of 300 per acre on Site I, II and III lands or 150 on Site IV and V lands to be computed as follows:

(A) Each countable tree { [Ref. PRC § 4528(b)] ~~CCR, Title 14, Section 895.1~~ } which is not more than 4 inches d.b.h. counts 1 point.

(B) Each countable tree over 4 inches ~~but less~~ and not more than 12 inches d.b.h. counts 3 points.

(C) Each countable tree over 12 inches d.b.h. counts as 6 points.

(D) Root crown sprouts will be counted using the average stump diameter 12 inches above average ground level of the original stump from which the sprouts originate, counting one sprout for each foot of stump diameter to a maximum of 6 per stump.

(2) The average residual basal area, measured in stems 1 inch or larger in diameter, is at least 85 square feet per acre on Site I lands, and 50 square feet per acre on lands of Site II classification or lower. Site classification shall be determined by the RPF who prepared the plan.

(3) To the extent basal area standards are specified in the rules in excess of 14 CCR §912.7(b)(2), up to 15 square feet of basal area of those standards higher than the minimum may be met by counting snags, and decadent or deformed trees of value to wildlife in the following sizes:

(A) 30 inches or greater dbh and 50 feet or greater in height on site I and

II lands;

(B) 24 inches or greater dbh and 30 feet or greater in height on site III

lands; and

(C) 20 inches or greater dbh and 20 feet or greater in height on site IV

and V lands.

(c) The substitution provided for in 14 CCR § 912.7(b)(3) may only be done when the potential spread of insects and diseases will not have a significantly adverse impact on long term productivity on forest health.

(e d) The resource conservation standards of the rules may be met with Group A and/or B commercial species.

The percentage of the stocking requirements met with Group A species shall be no less than the percentage of the stand basal area they comprised before harvesting. The site occupancy provided by Group A species shall not be reduced relative to Group B species. When considering site occupancy, the Director shall consider the potential long term effects of relative site occupancy of Group A species versus Group B species as a result of harvest. If Group A species will likely recapture the site after harvest, Group B species do not need to be reduced. The time frames for recapturing the site shall be consistent with achieving MSP. The Director may prohibit the use of Group A and/or B commercial species which are non-indigenous or are not physiologically suited to the area involved. Exceptions may be approved by the Director if the THP provides the following information and those exceptions are agreed to by the timberland owner:

(1) Explain and justify with clear and convincing evidence how using Group A nonindigenous, or Group B species to meet the resource conservation standards will meet the intent of the Forest Practice Act as described in PRC ~~Section~~ § 4513. The discussion shall include at least:

(A) The management objectives of the post-harvest stand;

(B) A description of the current stand, including species composition and current stocking levels within the area of Group B species. The percentage can be measured by using point-count, basal area, stocked plot, or other method agreed to by the Director.

(C) The percentage of the post-harvest stocking to be met with Group B species. Post harvest percentages will be determined on the basis of stocked plots.

Only the methods provided by 14 CCR §§1070-1075 shall be used in determining if the standards of PRC Section § 4561 have been met.

(D) A description of what will constitute a countable tree, as defined by PRC Section § 4528 for a Group B species and how such a tree will meet the management objectives of the post-harvest stand.

The Director, after an initial inspection pursuant to PRC Section § 4604, shall approve use of Group B species, as exceptions to the pre-harvest basal area percentage standard, if in his judgment the intent of the Act will be met, and there will not be an immediate significant and long-term harm to the natural resources of the state.

Note: Authority cited: Sections 4551, 4553, 4561.1, Public Resources Code. Reference: Sections 4561 and 4561.1, Public Resources Code.

AMEND § 932.7 Resource Conservation Standards for Minimum Stocking

The following resource conservation standards constitute minimum acceptable stocking in the Northern Forest District after timber operations have been completed.

(a) Rock outcroppings, meadows, wet areas, or other areas not normally bearing commercial species shall not be considered as requiring stocking and are exempt from such provisions.

(b) An area on which timber operations have taken place shall be classified as acceptably stocked if either of the standards set forth in (1) or (2) below are met within five (5) years after completion of timber operations unless otherwise specified in the rules.

(1) An area contains an average point count of 300 per acre on Site I, II and III lands or 150 on Site IV and V lands, to be computed as follows:

(A) Each countable tree { [Ref. PRC § 4528(b)] ~~CCR, Title 14, Section 895.1~~ } which is not more than 4 inches d.b.h. counts 1 point.

(B) Each countable tree over 4 inches ~~but less~~ and not more than 12 inches d.b.h. counts 3 points.

(C) Each countable tree over 12 inches d.b.h. counts 6 points.

(D) Sprouts over 1 foot in height will be counted, counting one sprout for each 6 inches or part thereof of stump diameter to a maximum of 4 per stump.

(2) The average residual basal area, measured in stems 1 inch or larger in diameter is at least 85 square feet per acre on Site I lands, and 50 square feet per acre on lands of Site II classification or lower. Site classification shall be determined by the RPF who prepared the plan.

(3) To the extent basal area standards are specified in the rules in excess of 14 CCR § 912.7(b)(2), up to 15 square feet of basal area of those standards higher than the minimum may be met by counting snags, and decadent or deformed trees of value to wildlife in the following sizes:

(A) 30 inches or greater dbh and 50 feet or greater in height on site I and

II lands;

(B) 24 inches or greater dbh and 30 feet or greater in height on site III

lands; and

(C) 20 inches or greater dbh and 20 feet or greater in height on site IV

and V lands.

(c) The substitution provided for in 14 CCR § 912.7(b)(3) may only be done when the potential spread of insects and diseases will not have a significantly adverse impact on long term productivity on forest health.

(e d) The resource conservation standards of the rules may be met with Group A and/or B commercial species.

The percentage of the stocking requirements met with Group A species shall be no less than the percentage of the stand basal area they comprised before harvesting. The site occupancy provided by Group A species shall not be reduced relative to Group B species. When considering site occupancy, the Director shall consider the potential long term effects of relative site occupancy of Group A species versus Group B species as a result of harvest. If Group A species will likely recapture the site after harvest, Group B species do not need to be reduced. The time frames for recapturing the site shall be consistent with achieving MSP. The Director may prohibit the use of Group A and/or B commercial species which are non-indigenous or are not physiologically suited to the area involved. Exceptions may be approved by the Director if the THP provides the following information and those exceptions are agreed to by the timberland owner:

(1) Explain and justify with clear and convincing evidence how using Group A

nonindigenous, or Group B species to meet the resource conservation standards will meet the intent of the Forest Practice Act as described in PRC ~~Section~~ § 4513. The discussion shall include at least:

(A) The management objectives of the post-harvest stand;
(B) A description of the current stand, including species composition and current stocking levels within the area of Group B species. The percentage can be measured by using point-count, basal area, stocked plot, or other method agreed to by the Director.

(C) The percentage of the post-harvest stocking to be met with Group B species. Post harvest percentages will be determined on the basis of stocked plots. Only the methods provided by 14 CCR §§ 1070-1075 shall be used in determining if the standards of PRC Section § 4561 have been met.

(D) A description of what will constitute a countable tree, as defined by PRC Section § 4528 for a Group B species and how such a tree will meet the management objectives of the post-harvest stand.

The Director, after an initial inspection pursuant to PRC Section § 4604, shall approve use of Group B species, as exceptions to the pre-harvest basal area percentage standard, if in his judgment the intent of the Act will be met, and there will not be an immediate significant and long-term harm to the natural resources of the state.

Note: Authority cited: Sections 4551, 4553, 4561.1, Public Resources Code. Reference: Sections 4561 and 4561.1, Public Resources Code.

AMEND § 952.7 Resource Conservation Standards for Minimum Stocking

The following resource conservation standards constitute minimum acceptable stocking in the Southern Forest District after timber operations have been completed.

(a) Rock outcroppings, meadows, wet areas, or other areas not normally bearing commercial species shall not be considered as requiring stocking and are exempt from such provisions.

(b) An area on which timber operations have taken place shall be classified as acceptably stocked if either of the standards set forth in (1) or (2) below are met within five years after completion of timber operations unless otherwise specified in the rules.

(1) An area contains an average point count of 300 per acre on Site I, II and III lands or 150 on Site IV and V lands to be computed as follows:

(A) Each countable tree { [Ref. PRC § 4528(b)] ~~GCR, Title 14, Section 895-1~~ } which is not more than 4 inches d.b.h. counts 1 point.

(B) Each countable tree over 4 inches ~~but less~~ and not more than 12 inches d.b.h. counts 3 points.

(C) Each countable tree over 12 inches d.b.h. counts 6 points.

(D) Root crown sprouts over 1 foot in height will be counted, using the average stump diameter at 1 foot above the average ground level of the original stump, counting 1 sprout for each foot of stump diameter to a maximum of 6 per stump.

(2) The average residual basal area, measured in stems 1 inch or larger in diameter, is at least 85 square feet per acre on Site I lands, and 50 square feet per acre on lands of Site II classification or lower. Site classification shall be determined by the RPF who prepared the plan.

(3) To the extent basal area standards are specified in the rules in excess of 14 CCR § 912.7(b)(2), up to 15 square feet of basal area of those standards higher than the minimum may be met by counting snags, and decadent or deformed trees of value to wildlife in the following sizes:

(A) 30 inches or greater dbh and 50 feet or greater in height on site I and

II lands;

(B) 24 inches or greater dbh and 30 feet or greater in height on site III

lands; and

(C) 20 inches or greater dbh and 20 feet or greater in height on site IV

and V lands.

(c) The substitution provided for in 14 CCR § 912.7(b)(3) may only be done when the potential spread of insects and diseases will not have a significantly adverse impact on long term productivity on forest health.

(e d) The resource conservation standards of the rules may be met with Group A and/or B commercial species. The percentage of the stocking requirements met with Group A species shall be no less than the percentage of the stand basal area they comprised before harvesting. The site occupancy provided by Group A species shall not be reduced relative to Group B species. When considering site occupancy, the Director shall consider the potential long term effects of relative site occupancy of Group A species versus Group B species as a result of harvest. If Group A species will likely recapture the site after harvest, Group B species do not need to be reduced. The time frames for recapturing the site shall be consistent with achieving MSP. The Director may prohibit the use of Group A and/or B commercial species which are non-indigenous or are not physiologically suited to the area involved. Exceptions may be approved by the Director if the THP provides the following information and those exceptions are agreed to by the timberland owner:

(1) Explain and justify with clear and convincing evidence how using Group A nonindigenous, or Group B species to meet the resource conservation standards will

meet the intent of the Forest Practice Act as described in PRC Section § 4513. The discussion shall include at least:

(A) The management objectives of the post-harvest stand;
(B) A description of the current stand, including species composition and current stocking levels within the area of Group B species. The percentage can be measured by using point-count, basal area, stocked plot, or other method agreed to by the Director.

(C) The percentage of the post-harvest stocking to be met with Group B species. Post harvest percentages will be determined on the basis of stocked plots.

Only the methods provided by 14 CCR §§ 1070-1075 shall be used in determining if the standards of PRC Section § 4561 have been met.

(D) A description of what will constitute a countable tree, as defined by PRC Section § 4528 for a Group B species and how such a tree will meet the management objectives of the post-harvest stand.

The Director, after an initial inspection pursuant to PRC Section § 4604, shall approve use of Group B species, as exceptions to the pre-harvest basal area percentage standard, if in his judgment the intent of the Act will be met, and there will not be an immediate significant and long-term harm to the natural resources of the state.

Note: Authority cited: Sections 4551, 4553, 4561.1, Public Resources Code. Reference: Sections 4561 and 4561.1, Public Resources Code.

AMEND § 913.1 Regeneration Methods Used in Evenaged Management

The following types of regeneration methods are designed to replace a harvestable stand with well spaced growing trees of commercial species. Evenaged management systems shall be applied with the limitations described by this rule:

(a) Timber stands harvested under an evenaged regeneration method shall meet the following standards:

(1) Where a regeneration step harvest of evenaged management will occur on stands younger than 50 years of age for Class I lands, 60 years of age for Class II and III lands, or 80 years of age for Class IV and V lands, or equivalent age of trees, based on height as determined according to the appropriate site class, the RPF preparing the THP or SYP must demonstrate how the proposed harvest will achieve MSP pursuant to Section 14 CCR § 913.11(a) or (b) provided,

however, that the Director may grant an exemption from this section based upon hardship.

(2) The regeneration harvest of evenaged management shall be limited to 20 acres for tractor yarding. Aerial or cable yarding may be 30 acres. Tractor yarding may be increased to 30 acres where the EHR is low and the slopes are < 30%. The RPF may propose increasing these acreage limits to a maximum of 40 acres, and the Director may agree where measures contained in the THP provide substantial evidence that the increased acreage limit does any one of the following:

(A) by using additional on-site mitigation measures, reduces the overall detrimental effects of erosion thereby providing better protection of soil, water, fish and/or wildlife resources; or

(B) provides for the inclusion of "long corners"; or

(C) create a more natural logging unit by taking maximum advantage of the topography; or

(D) will increase long-term sustained yield; or

(E) provide feasible off-site mitigation measures that can be incorporated in the plan to restore or enhance previously impacted resource areas or other environmental enhancements that will result in demonstrable net environmental benefits within the planning watershed. These measures may include, but are not limited to, watercourse restoration, soil stabilization, road surface stabilization, road outcropping, road abandonment, road reconstruction, enhancement of wildlife habitats and vegetation management. To qualify for an exemption the plan submitter is not required to demonstrate that other feasible options are not available.

(3) Evenaged regeneration units within an ownership shall be separated by a logical logging unit that is at least as large as the area being harvested or 20 acres, whichever is less, and shall be separated by at least 300 feet in all directions.

(4) Within ownership boundaries, no logical logging unit contiguous to an evenaged management unit may be harvested using an evenaged regeneration method unless the following are met:

(A) The prior evenaged regeneration unit has an approved report of stocking, and the dominant and codominant trees average at least five years of age or average at least five feet tall and three years of age from the time of establishment on the site, either by the planting or by natural regeneration. If these standards are to be met with trees that were present at the time of the harvest, there shall be an interval of not less than five years following the completion of operations before adjacent evenaged management may occur.

(5) Except for the clearcut method, all trees to be harvested or all trees to be retained shall be marked by, or under the supervision of, an RPF prior to felling operations. A sample area shall be marked prior to a preharvest inspection. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type, and must be representative of the range of conditions present in the area. The marking requirement may be waived by the Director if the trees to be harvested are easily distinguished from the trees to be retained, when explained and justified by the RPF in the plan.

(6) Special consideration for aesthetic enjoyment shall be given to selection of silvicultural treatments and timber operations within 200 feet of the edge of the traveled surface of any permanent road maintained by the County, or the State.

(7) Special consideration for aesthetic enjoyment and protection of adjacent stand vigor shall be given to the selection of silvicultural methods and timber operations within 200 feet of adjacent non-federal lands not zoned TPZ.

(b) Clearcutting. The clearcutting regeneration method involves the removal of a stand in one harvest. Regeneration after harvesting shall be obtained by direct seeding, planting, sprouting, or by natural seed fall. When practical, clearcuts shall be irregularly shaped and variable in size in order to mimic natural patterns and features

found in landscapes. Site preparation and slash disposal measures, if necessary for successful regeneration, shall be described in the plan.

(c) Seed Tree. The seed tree regeneration method involves the removal of a stand in one harvest except for well distributed seed trees of desired species which are left singly or in groups to restock the harvested area. The seed step is utilized to promote natural reproduction from seed and to initiate the establishment of an evenaged stand. The removal step may be utilized to remove the seed trees after a fully stocked stand of reproduction has become established.

(1) Seed Tree Seed Step. The seed tree seed step is the regeneration step and shall meet the following requirements:

(A) Retention of at least 8 the following basal area of seed trees per acre

which are 18 inches dbh or greater; ~~Each seed tree 24 inches dbh or greater shall be equivalent to 2 seed trees less than 24 inches dbh.~~

1. Fifteen square feet basal area on site I, II and III lands and

2. Twelve square feet basal area on site IV and V lands.

The seed trees must be of full crown, capable of seed production and representative of the best phenotypes available in the preharvest stand.

(B) No point within the logged area shall be more than 150 feet from a seed tree.

(C) Seed tree species and site preparation measures shall be specified in the plan by the RPF.

(D) Seed trees shall be marked by or under the supervision of an RPF prior to felling operations.

(E) If natural regeneration is inadequate within two years after the first August following completion of timber operations, seed trees may be harvested and artificial regeneration shall be used to meet the requirements of 14 CCR § 912.7(b)(1).

(F) In the absence of a Sustained Yield Plan, to maintain and improve tree species diversity, genetic material and seed production, trees of each native commercial species where present at the time of harvest shall be retained after harvest. These leave trees shall be representative of the best phenotypes available in the preharvest stand. The RPF may propose and the Director may agree to a species specific plan in the THP which protects existing regeneration or provides for regeneration in-lieu of retaining trees.

(2) Seed Tree Removal Step. Not more than 15 predominant trees per acre may be removed in the seed tree removal step. Not more than 50 sq. ft. of basal area of predominant trees per acre may be removed in the seed tree removal step. The seed tree removal step may be utilized when the regeneration present exceeds the minimum stocking requirements set forth in 14 CCR § 912.7(b)(1). Regeneration shall not be harvested under the seed tree method unless the trees are dead, dying or diseased or substantially damaged during timber operations. The minimum stocking standards of 14

CCR § 912.7(b)(1) shall be met immediately upon completion of operations. The seed tree removal step shall only be used once in the life of the stand unless otherwise agreed to by the Director. If the extent and intensity of the soil and vegetation disturbance caused by the harvest is similar to what would have been caused by a clearcut, the size limitations, separation (spacing) by logical logging unit requirements, and yarding equipment limitations of 14 CCR § 913.1(a) are applicable.

(d) Shelterwood. The shelterwood regeneration method reproduces a stand via a series of harvests (preparatory, seed, and removal). The preparatory step is utilized to improve the crown development, seed production capacity and wind firmness of designated seed trees. The seed step is utilized to promote natural reproduction from seed. The removal step is utilized when a fully stocked stand of reproduction has become established, and this step includes the removal of the protective overstory trees. The shelterwood regeneration method is normally utilized when some shade canopy is considered desirable for the establishment of regeneration.

(1) Shelterwood Preparatory Step The shelterwood preparatory step shall meet the following minimum standards:

(A) At least ~~46~~ the following basal area of seed trees per acre which are 18 inches dbh or greater shall be retained.

1. Thirty square feet basal area on site I, II and III lands and

2. Twenty four square feet basal area on site IV and V lands.

~~Each seed tree 24 inches dbh or greater shall be equivalent to 2 seed trees less than 24 inches dbh.~~ The seed trees must be of full crown, capable of seed production and representative of the best phenotypes available in the preharvest stand.

(B) No point within the logged area shall be more than 100 ft. from a seed tree.

(C) Seed tree species shall be specified in the plan by the RPF.

(D) At least 125 sq. ft. of basal area per acre on Site I lands, and 75 sq. ft. of basal area per acre on Site II and III lands and 50 sq. ft. of basal area per acre on site IV and V lands shall be retained.

(E) The minimum stocking standards of 14 CCR § 912.7(b)(1) shall be met immediately upon completion of operations. Within six months following completion of work described in the plan, a report of stocking shall be filed as stated in PRC § 4587.

(2) Shelterwood Seed Step The shelterwood seed step is the regeneration step and shall meet the following standards:

(A) At least ~~46~~ the following basal area of seed trees per acre which are 18 inches dbh or greater shall be retained

1. Thirty square feet basal area on site I, II and III lands and

2. Twenty four square feet basal area on site IV and V lands.

~~Each seed tree 24 inches dbh or greater shall be equivalent to 2 seed trees less than 24 inches dbh.~~ The seed trees must be of full crown, capable of seed production and representative of the best phenotypes available in the preharvest stand.

(B) No point within the logged area shall be more than 100 feet from a seed tree.

(C) Seed tree species and site preparation measures shall be specified in the plan by the RPF.

(D) Seed trees shall be marked by or under the supervision of an RPF prior to felling operations.

(E) If natural regeneration is inadequate within two years after the first August following completion of timber operations, seed trees may be harvested and artificial regeneration shall be used to meet the requirements of 14 CCR § 912.7(b)(1).

(F) In the absence of a Sustained Yield Plan, to maintain and improve tree species diversity, genetic material and seed production, trees of each native commercial species where present at the time of harvest shall be retained after harvest. These leave trees shall be representative of the best phenotypes available in the preharvest stand. The RPF may propose and the Director may agree to a species specific plan in the THP which protects existing regeneration or provides for regeneration in-lieu of retaining trees.

(3) Shelterwood Removal Step. The shelterwood removal step may be utilized when the regeneration present exceeds the minimum stocking requirements set forth in 14 CCR § 912.7(b)(1). Unless otherwise agreed to by the Director, the Shelterwood removal shall only be used once in the life of the stand. Regeneration shall not be harvested during the shelterwood removal step unless the trees are dead, dying or diseased or substantially damaged by timber operations. The minimum stocking standards of 14 CCR § 912.7(b)(1) shall be met immediately upon completion of operations. The size limitations, and separation (spacing) by logical logging unit requirements, of 14 CCR § 913.1(a) are applicable unless the post-harvest stand, regardless of average diameter, meets the stocking standards of 14 CCR § 913.3(a)(1)(A) or (B). Not more than 32 predominant trees per acre may be removed in the shelterwood removal step. Not more than 100 square feet of basal area of predominant trees per acre may be removed in the shelterwood removal step.

Note: Authority cited: Sections 4551 and 4561, Public Resources Code. Reference: Sections 4561 and 4582(h), Public Resources Code.

AMEND § 933.1 Regeneration Methods Used in Evenaged Management

The following types of regeneration methods are designed to replace a harvestable stand with well spaced growing trees of commercial species. Evenaged management systems shall be applied with the limitations described by this rule:

(a) Timber stands harvested under an evenaged regeneration method shall meet the following standards:

(1) Where a regeneration step harvest of evenaged management will occur on stands younger than 50 years of age for Class I lands, 60 years of age for Class II and III lands, or 80 years of age for Class IV and V lands, or equivalent age of trees, based on height as determined according to the appropriate site class, the RPF preparing the THP or SYP must demonstrate how the proposed harvest will achieve MSP pursuant to Section 14 CCR § 933.11(a) or (b) provided, however, that the Director may grant an exemption from this section based upon hardship.

(2) The regeneration harvest of evenaged management shall be limited to 20 acres for tractor yarding. Aerial or cable yarding may be 30 acres. Tractor yarding may be increased to 30 acres where the EHR is low and the slopes are < 30%. The RPF may propose increasing these acreage limits to a maximum of 40 acres, and the Director may agree where measures contained in the THP provide substantial evidence that the increased acreage limit does any one of the following:

(A) by using additional on-site mitigation measures, reduces the overall detrimental effects of erosion thereby providing better protection of soil, water, fish and/or wildlife resources; or

(B) provides for the inclusion of "long corners"; or

(C) create a more natural logging unit by taking maximum advantage of the topography; or

(D) will increase long-term sustained yield; or

(E) provide feasible off-site mitigation measures that can be incorporated in the plan to restore or enhance previously impacted resource areas or other environmental enhancements that will result in demonstrable net environmental benefits within the planning watershed. These measures may include, but are not limited to, watercourse restoration, soil stabilization, road surface stabilization, road outcropping, road abandonment, road reconstruction, enhancement of wildlife habitats and vegetation management. To qualify for an exemption the plan submitter is not required to demonstrate that other feasible options are not available.

(3) Evenaged regeneration units within an ownership shall be separated by a logical logging unit that is at least as large as the area being harvested or 20 acres, whichever is less, and shall be separated by at least 300 ft. in all directions.

(4) Within ownership boundaries, no logical logging unit contiguous to an evenaged management unit may be harvested using an evenaged regeneration method unless the following are met:

(A) The prior evenaged regeneration unit has an approved report of stocking, and the dominant and codominant trees average at least five feet tall, or at least five years of age from the time of establishment on the site, either by the planting or by natural regeneration. If these standards are to be met with trees that were present at the time of the harvest, there shall be an interval of not less than five years following the completion of operations before adjacent evenaged management may occur.

(5) Except for the clearcut method, all trees to be harvested or all trees to be retained shall be marked by, or under the supervision of, an RPF prior to felling operations. A sample area shall be marked prior to a preharvest inspection. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type, and must be representative of the range of conditions present in the area. The marking requirement may be waived by the Director if the trees to be harvested are easily distinguished from the trees to be retained, when explained and justified by the RPF in the plan.

(6) Special consideration for aesthetic enjoyment shall be given to selection of

silvicultural treatments and timber operations within 200 feet of the edge of the traveled surface of any permanent road maintained by the County, or the State.

(7) Special consideration for aesthetic enjoyment and protection of adjacent stand vigor shall be given to the selection of silvicultural methods and timber operations within 200 feet of adjacent non-federal lands not zoned TPZ.

(b) Clearcutting. The clearcutting regeneration method involves the removal of a stand in one harvest. Regeneration after harvesting shall be obtained by direct seeding, planting, sprouting, or by natural seed fall. When practical, clearcuts shall be irregularly shaped and variable in size in order to mimic natural patterns and features found in landscapes. Site preparation and slash disposal measures, if necessary for successful regeneration, shall be described in the plan.

(c) Seed Tree. The seed tree regeneration method involves the removal of a stand in one harvest except for well distributed seed trees of desired species which are left singly or in groups to restock the harvested area. The seed step is utilized to promote natural reproduction from seed and to initiate the establishment of an evenaged stand. The removal step may be utilized to remove the seed trees after a fully stocked stand of reproduction has become established.

(1) Seed Tree Seed Step. The seed tree seed step is the regeneration step and shall meet the following requirements:

(A) Retention of at least 8 the following basal area of seed trees per acre

which are 18 inches dbh or greater; ~~Each seed tree 24 inches dbh or greater shall be equivalent to 2 seed trees less than 24 inches dbh.~~

1. Fifteen square feet basal area on site I, II and III lands and

2. Twelve square feet basal area on site IV and V lands.

The seed trees must be of full crown, capable of seed production and representative of the best phenotypes available in the preharvest stand.

(B) No point within the logged area shall be more than 150 feet from a seed tree.

(C) Seed tree species and site preparation measures shall be specified in the plan by the RPF.

(D) Seed trees shall be marked by or under the supervision of an RPF prior to felling operations.

(E) If natural regeneration is inadequate within two years after the first August following completion of timber operations, seed trees may be harvested and artificial regeneration shall be used to meet the requirements of 14 CCR § 932.7(b)(1).

(F) In the absence of a Sustained Yield Plan, to maintain and improve tree species diversity, genetic material and seed production, trees of each native commercial species where present at the time of harvest shall be retained after harvest. These leave trees shall be representative of the best phenotypes available in the preharvest stand. The RPF may propose and the Director may agree to a species specific plan in the THP which protects existing regeneration or provides for regeneration in-lieu of retaining trees.

(2) Seed Tree Removal Step. Not more than 15 predominant trees per acre may be removed in the seed tree removal step. Not more than 50 sq. ft. of basal area

of predominant trees per acre may be removed in the seed tree removal step. The seed tree removal step may be utilized when the regeneration present exceeds the minimum stocking requirements set forth in 14 CCR § 932.7(b)(1). Regeneration shall not be harvested under the seed tree method unless the trees are dead, dying or diseased or substantially damaged during timber operations. The minimum stocking standards of 14 CCR § 932.7(b)(1) shall be met immediately upon completion of operations. The seed tree removal step shall only be used once in the life of the stand unless otherwise agreed to by the Director. If the extent and intensity of the soil and vegetation disturbance caused by the harvest is similar to what would have been caused by a clearcut, the size limitations, separation (spacing) by logical logging unit requirements, and yarding equipment limitations of 14 CCR § 933.1(a) are applicable.

(d) Shelterwood. The shelterwood regeneration method reproduces a stand via a series of harvests (preparatory, seed, and removal). The preparatory step is utilized to improve the crown development, seed production capacity and wind firmness of designated seed trees. The seed step is utilized to promote natural reproduction from seed. The removal step is utilized when a fully stocked stand of reproduction has become established, and this step includes the removal of the protective overstory trees. The shelterwood regeneration method is normally utilized when some shade canopy is considered desirable for the establishment of regeneration.

(1) Shelterwood Preparatory Step The shelterwood preparatory step shall meet the following minimum standards:

(A) At least ~~16~~ the following basal area of seed trees per acre which are 18 inches dbh or greater shall be retained.

1. Thirty square feet basal area on site I, II and III lands and

2. Twenty four square feet basal area on site IV and V lands.

~~Each seed tree 24 inches dbh or greater shall be equivalent to 2 seed trees less than 24 inches dbh.~~ The seed trees must be of full crown, capable of seed production and representative of the best phenotypes available in the preharvest stand.

(B) No point within the logged area shall be more than 100 feet a seed tree.

(C) Seed tree species shall be specified in the plan by the RPF.

(D) At least 125 sq. ft. of basal area per acre on Site I lands, and 75 sq. ft. of basal area per acre on Site II and III lands and 50 sq. ft. of basal area per acre on site IV and V lands shall be retained.

(E) The minimum stocking standards of 14 CCR § 932.7(b)(1) shall be met immediately upon completion of operations. Within six months following completion of work described in the plan, a report of stocking shall be filed as stated in PRC § 4587.

(2) Shelterwood Seed Step The shelterwood seed step is the regeneration step and shall meet the following standards:

(A) At least ~~16~~ the following basal area of seed trees per acre which are

18 inches dbh or greater shall be retained .

1. Thirty square feet basal area on site I, II and III lands and

2. Twenty four square feet basal area on site IV and V lands.

~~Each seed tree 24 inches dbh or greater shall be equivalent to 2 seed trees less than 24 inches dbh.~~ The seed trees must be of full crown, capable of seed production and representative of the best phenotypes available in the preharvest stand.

(B) No point within the logged area shall be more than 100 ft. from a seed tree.

(C) Seed tree species and site preparation measures shall be specified in the plan by the RPF.

(D) Seed trees shall be marked by or under the supervision of an RPF prior to felling operations.

(E) If natural regeneration is inadequate within two years after the first August following completion of timber operations, seed trees may be harvested and artificial regeneration shall be used to meet the requirements of 14 CCR § 932.7(b)(1).

(F) In the absence of a Sustained Yield Plan, to maintain and improve tree species diversity, genetic material and seed production, trees of each native commercial species where present at the time of harvest shall be retained after harvest. These leave trees shall be representative of the best phenotypes available in the preharvest stand. The RPF may propose and the Director may agree to a species specific plan in the THP which protects existing regeneration or provides for regeneration in-lieu of retaining trees.

(3) Shelterwood Removal Step. The shelterwood removal step may be utilized when the regeneration present exceeds the minimum stocking requirements set forth in 14 CCR § 932.7(b)(1). Unless otherwise agreed to by the Director, the Shelterwood removal shall only be used once in the life of the stand. Regeneration shall not be harvested during the shelterwood removal step unless the trees are dead, dying or diseased or substantially damaged by timber operations. The minimum stocking standards of 14 CCR § 932.7(b)(1) shall be met immediately upon completion of operations. If the extent and intensity of the ground disturbance caused by the harvest is essentially the same as would have been caused by a clearcut or will cause adverse cumulative effects on wildlife as determined by the RPF or Director, the size limitations, and separation (spacing) by logical logging unit requirements of 14 CCR § 933.1(a) are applicable unless the post harvest stand, regardless of average diameter, meets area stocking standards of 14 CCR § 933.3(a)(1)(A) or (B).

Note: Authority cited: Sections 4551 and 4561, Public Resources Code. Reference: Sections 4561 and 4582(h), Public Resources Code.

AMEND § 953.1 Regeneration Methods Used in Evenaged Management

The following types of regeneration methods are designed to replace a harvestable stand with well spaced growing trees of commercial species. Evenaged management systems shall be applied with the limitations described by this rule:

(a) Timber stands harvested under an evenaged regeneration method shall meet the

following standards:

(1) Where a regeneration step harvest of evenaged management will occur on stands younger than 50 years of age for Class I lands, 60 years of age for Class II and III lands, or 80 years of age for Class IV and V lands, or equivalent age of trees, based on height as determined according to the appropriate site class, the RPF preparing the THP or SYP must demonstrate how the proposed harvest will achieve MSP pursuant to Section 14 CCR § 953.11(a) or (b) provided, however, that the Director may grant an exemption from this section based upon hardship.

(2) The regeneration harvest of evenaged management shall be limited to 20 acres for tractor yarding. Aerial or cable yarding may be 30 acres. Tractor yarding may be increased to 30 acres where the EHR is low and the slopes are < 30%. The RPF may propose increasing these acreage limits to a maximum of 40 acres, and the Director may agree where measures contained in the THP provide substantial evidence that the increased acreage limit does any one of the following:

(A) by using additional on-site mitigation measures, reduces the overall detrimental effects of erosion thereby providing better protection of soil, water, fish and/or wildlife resources; or

(B) provides for the inclusion of "long corners"; or

(C) create a more natural logging unit by taking maximum advantage of the topography; or

(D) will increase long-term sustained yield; or

(E) provide feasible off-site mitigation measures that can be incorporated in the plan to restore or enhance previously impacted resource areas or other environmental enhancements that will result in demonstrable net environmental benefits within the planning watershed. These measures may include, but are not limited to, watercourse restoration, soil stabilization, road surface stabilization, road outcropping, road abandonment, road reconstruction, enhancement of wildlife habitats and vegetation management. To qualify for an exemption the plan submitter is not required to demonstrate that other feasible options are not available.

(3) Evenaged regeneration units within an ownership shall be separated by a logical logging unit that is at least as large as the area being harvested or 20 acres, whichever is less, and shall be separated by at least 300 ft. in all directions.

(4) Within ownership boundaries, no logical logging unit contiguous to an evenaged management unit may be harvested using an evenaged regeneration method unless the following are met:

(A) The prior evenaged regeneration unit has an approved report of stocking, and the dominant and codominant trees average at least five feet tall, or at least five years of age from the time of establishment on the site, either by the planting or by natural regeneration. If these standards are to be met with trees that were present at the time of the harvest, there shall be an interval of not less than five years following the completion of operations before adjacent evenaged management may occur.

(5) Except for the clearcut method, all trees to be harvested or all trees to be retained shall be marked by, or under the supervision of, an RPF prior to felling operations. A sample area shall be marked prior to a preharvest inspection. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type, and must be representative of the range of conditions present in the area. The marking requirement may be waived by the Director if the trees to be harvested are easily distinguished from the trees to be retained, when explained and justified by the RPF in the plan.

(6) Special consideration for aesthetic enjoyment shall be given to selection of silvicultural treatments and timber operations within 200 feet of the edge of the traveled surface of any permanent road maintained by the County, or the State.

(7) Special consideration for aesthetic enjoyment and protection of adjacent stand vigor shall be given to the selection of silvicultural methods and timber operations within 200 feet of adjacent non-federal lands not zoned TPZ.

(b) Clearcutting. The clearcutting regeneration method involves the removal of a stand in one harvest. Regeneration after harvesting shall be obtained by direct seeding, planting, sprouting, or by natural seed fall. When practical, clearcuts shall be irregularly shaped and variable in size in order to mimic natural patterns and features found in landscapes. Site preparation and slash disposal measures, if necessary for successful regeneration, shall be described in the plan.

(c) Seed Tree. The seed tree regeneration method involves the removal of a stand in one harvest except for well distributed seed trees of desired species which are left singly or in groups to restock the harvested area. The seed step is utilized to promote natural reproduction from seed and to initiate the establishment of an evenaged stand. The removal step may be utilized to remove the seed trees after a fully stocked stand of reproduction has become established.

(1) Seed Tree Seed Step. The seed tree seed step is the regeneration step and shall meet the following requirements:

(A) Retention of at least ~~8~~ the following basal area of seed trees per acre

which are 18 inches dbh or greater; ~~Each seed tree 24 inches dbh or greater shall be equivalent to 2 seed trees less than 24 inches dbh.~~

1. Fifteen square feet basal area on site I, II and III lands and

2. Twelve square feet basal area on site IV and V lands.

The seed trees must be of full crown, capable of seed production and representative of the best phenotypes available in the preharvest stand.

(B) No point within the logged area shall be more than 150 feet from a seed tree.

(C) Seed tree species and site preparation measures shall be specified in the plan by the RPF.

(D) Seed trees shall be marked by or under the supervision of an RPF prior to felling operations.

(E) If natural regeneration is inadequate within two years after the first August following completion of timber operations, seed trees may be harvested and artificial regeneration shall be used to meet the requirements of 14 CCR § 952.7(b)(1).

(F) In the absence of a Sustained Yield Plan, to maintain and improve tree species diversity, genetic material and seed production, trees of each native commercial species where present at the time of harvest shall be retained after harvest. These leave trees shall be representative of the best phenotypes available in the preharvest stand. The RPF may propose and the Director may agree to a species specific plan in the THP which protects existing regeneration or provides for regeneration in-lieu of retaining trees.

(2) Seed Tree Removal Step Not more than 15 predominant trees per acre may

be removed in the seed tree removal step. Not more than 50 sq. ft. of basal area of predominant trees per acre may be removed in the seed tree removal step. The seed tree removal step may be utilized when the regeneration present exceeds the minimum stocking requirements set forth in 14 CCR § 952.7(b)(1)]. Regeneration shall not be harvested under the seed tree method unless the trees are dead, dying or diseased or substantially damaged during timber operations. The minimum stocking standards of 14 CCR § 952.7(b)(1)] shall be met immediately upon completion of operations. The seed tree removal step shall only be used once in the life of the stand unless otherwise agreed to by the Director. If the extent and intensity of the soil and vegetation disturbance caused by the harvest is similar to what would have been caused by a clearcut, the size limitations, separation (spacing) by logical logging unit requirements, and yarding equipment limitations of 14 CCR § 953.1(a)] are applicable.

(d) Shelterwood. The shelterwood regeneration method reproduces a stand via a series of harvests (preparatory, seed, and removal). The preparatory step is utilized to improve the crown development, seed production capacity and wind firmness of designated seed trees. The seed step is utilized to promote natural reproduction from seed. The removal step is utilized when a fully stocked stand of reproduction has become established, and this step includes the removal of the protective overstory trees. The shelterwood regeneration method is normally utilized when some shade canopy is considered desirable for the establishment of regeneration.

(1) Shelterwood Preparatory Step. The shelterwood preparatory step shall meet the following minimum standards:

(A) At least ~~46~~ the following basal area of seed trees per acre which are 18 inches dbh or greater shall be retained.

1. Thirty square feet basal area on site I, II and III lands and

2. Twenty four square feet basal area on site IV and V lands.

~~Each seed tree 24 inches dbh or greater shall be equivalent to 2 seed trees less than 24 inches dbh.~~ The seed trees must be of full crown, capable of seed production and representative of the best phenotypes available in the preharvest stand.

(B) No point within the logged area shall be more than 100 ft. from a seed tree.

(C) Seed tree species shall be specified in the plan by the RPF.

(D) At least 125 sq. ft. of basal area per acre on Site I lands, and 75 sq. ft. of basal area per acre on Site II and III lands and 50 sq. ft. of basal area per acre on site IV and V lands shall be retained.

(E) The minimum stocking standards of 952.7(b)(1) shall be met immediately upon completion of operations. Within six months following completion of work described in the plan, a report of stocking shall be filed as stated in PRC § 4587.

(2) Shelterwood Seed Step. The shelterwood seed step is the regeneration step and shall meet the following standards:

(A) At least ~~46~~ the following basal area of seed trees per acre which are 18 inches dbh or greater shall be retained

1. Thirty square feet basal area on site I, II and III lands and

2. Twenty four square feet basal area on site IV and V lands.

~~Each seed tree 24 inches dbh or greater shall be equivalent to 2 seed trees less than 24 inches dbh.~~ The seed trees must be of full crown, capable of seed production and representative of the best phenotypes available in the preharvest stand.

(B) No point within the logged area shall be more than 100 ft. from a seed tree.

(C) Seed tree species and site preparation measures shall be specified in the plan by the RPF.

(D) Seed trees shall be marked by or under the supervision of an RPF prior to felling operations.

(E) If natural regeneration is inadequate within two years after the first August following completion of timber operations, seed trees may be harvested and artificial regeneration shall be used to meet the requirements of 14 CCR § 952.7(b)(1).

(F) In the absence of a Sustained Yield Plan, to maintain and improve tree species diversity, genetic material and seed production, trees of each native commercial species where present at the time of harvest shall be retained after harvest. These leave trees shall be representative of the best phenotypes available in the preharvest stand. The RPF may propose and the Director may agree to a species specific plan in the THP which protects existing regeneration or provides for regeneration in-lieu of retaining trees.

(3) Shelterwood Removal Step. The shelterwood removal step may be utilized when the regeneration present exceeds the minimum stocking requirements set forth in 14 CCR § 952.7(b)(1). Unless otherwise agreed to by the Director, the Shelterwood removal shall only be used once in the life of the stand. Regeneration shall not be harvested during the shelterwood removal step unless the trees are dead, dying or diseased or substantially damaged by timber operations. The minimum stocking standards of 14 CCR § 952.7(b)(1) shall be met immediately upon completion of operations. If the extent and intensity of the ground disturbance caused by the harvest is essentially the same as would have been caused by a clearcut or will cause adverse cumulative effects on wildlife as determined by the RPF or Director, the size limitations, and separation (spacing) by logical logging unit requirements of 14 CCR § 953.1(a) are applicable unless the post harvest stand, regardless of average diameter, meets area stocking standards of 14 CCR § 953.3(a)(1)(A) or (B).

Note: Authority cited: Sections 4551 and 4561, Public Resources Code. Reference: Sections 4561 and 4582(h), Public Resources Code.

AMEND § 913.2 Regeneration Methods Used in Unevenaged Management

Unevenaged management is utilized to establish and maintain an unevenaged stand structure. Unevenaged management attributes include the establishment and/or maintenance of a multi-aged, balanced stand structure, promotion of growth on leave trees throughout a broad range of diameter classes, and encouragement of natural

reproduction.

(a) Selection Under the selection regeneration method, the trees are removed individually or in small groups sized from .25 acres to 2.5 acres.

(1) Trees to be harvested or trees to be retained shall be marked by or under the supervision of the RPF prior to felling operations. When openings greater than .25 acres will be created, the boundaries of the small group(s) may be designated in lieu of marking individual trees within the small group areas. A sample area must be marked prior to a preharvest inspection for evaluation. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type which is representative of the range of conditions present in the area.

(2) Post harvest stand stocking levels shall be stated in the THP. The level of residual stocking shall be consistent with maximum sustained production of high quality timber products. In no case shall stocking be reduced below the following standards:

(A) Selection System.

1. On Site I lands at least 125 square feet per acre of basal area shall be retained.
2. On Site II and III lands at least 75 square feet per acre of basal area shall be retained.
3. On Site IV and V lands at least 50 square feet per acre of basal area shall be retained.

4. Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to ~~Section~~ 14 CCR § 913.11 (a) or (b), the residual stand shall contain sufficient trees to meet at least the ~~number~~ basal area, size, and phenotypic quality of tree requirement specified under the seed tree method.

(B) Group Selection.

1. At least 80% of the stocked plots must meet the Basal Area stocking standards of 14 CCR § 913.2(a)(2)(A).
2. Not more than 20% of the stocked plots may meet stocking standards utilizing the 300 point count standard with trees that are at least 10 (ten) years old.
3. An RPF or supervised designee may offset up to 8 plots per 40 plots where those plot centers are initially placed within small group clearings created during the current harvest. Unless substantially damaged by fire, the RPF or supervised designee shall not exclude small group clearings created by previous timber harvesting from the stocking survey.

4. Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to ~~Section~~ 14 CCR § 913.11(a) or (b), the residual stand shall contain sufficient trees to meet at least the ~~number~~ basal area, size, and phenotypic quality of tree requirements specified under the seed tree method.

(3) Within any THP, small group clearings under the selection method shall be

separated by a logical logging area.

(4) Following completion of timber operations (including site preparation) not more than 20 percent of the THP area harvested by this method shall be covered by small group clearings.

(5) Exceptions to stocking standards in 14 CCR § 913.2(a)(2) above may be granted only when proposed by the RPF and explained and justified in the plan, but in no case will the exceptions be less than specified in 14 CCR § 912.7 (b)(2). Exceptions may only be granted when the RPF clearly demonstrates that the existing stand will grow substantially less than both the potential site productive capacity and the proposed post harvest stand.

(b) Transition. The transition method may be used to develop an unevenaged stand from a stand that currently has an unbalanced irregular or evenaged structure. The transition method involves the removal of trees individually or in small groups from irregular or evenaged stands to create a balanced stand structure and to obtain natural reproduction.

(1) This method is used no more than twice to increase stocking and improve the balance of age classes so as to allow the residual stand to be managed by the selection or group selection method.

(2) Stands suitable for the transition method contain adequate quantity and quality of seed producing trees to provide maximum regeneration for new age classes. Stands suitable for this method have no more than 25 sq. ft. of basal area greater than the selection basal area standards. Area for determination of preharvest stocking levels shall be no greater than 20 acres in size if such a breakdown will change the stocking levels of individual areas.

(3) Trees to be harvested or trees to be retained shall be marked by or under the supervision of an RPF before felling operations. A sample area must be marked before preharvest inspection for evaluation. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type which is representative of the range of conditions present.

(4) Immediately following the completion of timber operations on the first use of this method, the minimum basal area standards in 14 CCR § 912.7(b)(2) shall be met.

(5) Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to ~~Section~~ 14 CCR § 913.11(a) or (b), the residual stand shall contain sufficient trees to meet at least the ~~number~~ basal area, size, and phenotypic quality of the leave tree requirements specified under the seed tree method.

(6) Following completion of timber operations (including site preparation) not more than 20 percent of the THP area harvested by this method shall be covered by small group clearings.

(7) No sooner than ten years following completion of the first entry with this method a second harvest using this method may be conducted.

(A) The standards of (1), (2), (3), (4), (5) and (6) above shall apply to the second entry.

(B) The THP submitter must provide the Director sufficient information such as growth and stand description to demonstrate that the standards of the selection method will be met for subsequent selection harvests.

(c) Within six months following completion of timber operations conducted pursuant to the selection and transition methods as described in the plan, a report of stocking shall be filed as stated in PRC Section § 4587.

(d) In the absence of a Sustained Yield Plan, to maintain and improve tree species diversity, genetic material, and seed production, trees of each native commercial species where present at the time of harvest shall be retained after harvest. These leave trees shall be representative of the best phenotypes available in the preharvest stand. The RPF may propose and the Director may agree to a species specific plan in the THP which protects existing regeneration or provides for regeneration in-lieu of retaining trees.

Note: Authority cited: Sections 4551 and 4561, Public Resources Code. Reference: Sections 4561 and 4582(h), Public Resources Code.

AMEND § 933.2 Regeneration Methods Used in Unevenaged Management

Unevenaged management is utilized to establish and maintain an unevenaged stand structure. Unevenaged management attributes include the establishment and/or maintenance of a multi-aged, balanced stand structure, promotion of growth on leave trees throughout a broad range of diameter classes, and encouragement of natural reproduction.

(a) Selection Under the selection regeneration method, the trees are removed individually or in small groups sized from .25 acres to 2.5 acres.

(1) Trees to be harvested or trees to be retained shall be marked by or under the supervision of the RPF prior to felling operations. When openings greater than .25 acres will be created, the boundaries of the small group(s) may be designated in lieu of marking individual trees within the small group areas. A sample area must be marked prior to a preharvest inspection for evaluation. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type which is representative of the range of conditions present in the area.

(2) Post harvest stand stocking levels shall be stated in the THP. The level of residual stocking shall be consistent with maximum sustained production of high quality timber products. In no case shall stocking be reduced below the following standards:

(A) Selection System.

1. On Site I lands at least 100 square feet per acre of basal area shall be retained.
2. On Site II and III lands at least 75 square feet per acre of basal area shall be retained.
3. On Site IV and V lands at least 50 square feet per acre of basal area shall be retained.
4. Unless the plan submitter demonstrates how the proposed

harvest will achieve MSP pursuant to ~~Section~~ 14 CCR § Section 933.1 (a) or (b), the residual stand shall contain sufficient trees to meet at least the ~~number~~ basal area, size,

and phenotypic quality of tree requirement specified under the seed tree method.

(B) Group Selection.

1. At least 80% of the stocked plots must meet the Basal Area stocking standards of 14 CCR § 933.2(a)(2)(A).

2. Not more than 20% of the stocked plots may meet stocking standards utilizing the 300 point count standard with trees that are at least 10 (ten) years old.

3. An RPF or supervised designee may offset up to 8 plots per 40 plots where those plot centers are initially placed within small group clearings created during the current harvest. Unless substantially damaged by fire, the RPF or supervised designee shall not exclude small group clearings created by previous timber harvesting from the stocking survey.

4. Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to Section 14 CCR § 933.11(a) or (b), the residual stand shall contain sufficient trees to meet at least the ~~number~~ basal area, size, and phenotypic quality of tree requirements specified under the seed tree method.

(3) Within any THP, small group clearings under the selection method shall be separated by a logical logging area.

(4) Following completion of timber operations (including site preparation) not more than 20 percent of the THP area harvested by this method shall be covered by small group clearings.

(5) Exceptions to stocking standards in 14 CCR § 933.2(a)(2) above may be granted only when proposed by the RPF and explained and justified in the plan, but in no case will the exceptions be less than specified in 14 CCR § 932.7 (b)(2). Exceptions may only be granted when the RPF clearly demonstrates that the existing stand will grow substantially less than both the potential site productive capacity and the proposed post harvest stand.

(b) Transition. The transition method may be used to develop an unevenaged stand from a stand that currently has an unbalanced irregular or evenaged structure. The transition method involves the removal of trees individually or in small groups from irregular or evenaged stands to create a balanced stand structure and to obtain natural reproduction.

(1) This method is used no more than twice to increase stocking and improve the balance of age classes so as to allow the residual stand to be managed by the selection or group selection method.

(2) Stands suitable for the transition method contain adequate quantity and

quality of seed producing trees to provide maximum regeneration for new age classes. Stands suitable for this method have no more than 25 sq. ft. of basal area greater than the selection basal area standards. Area for determination of preharvest stocking levels shall be no greater than 20 acres in size if such a breakdown will change the stocking levels of individual areas.

(3) Trees to be harvested or trees to be retained shall be marked by or under the supervision of an RPF before felling operations. A sample area must be marked before preharvest inspection for evaluation. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type which is representative of the range of conditions present.

(4) Immediately following the completion of timber operations on the first use of this method, the minimum basal area standards in 14 CCR § 932.7(b)(2) shall be met.

(5) Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to Section 933.11(a) or (b), the residual stand shall contain sufficient trees to meet at least the ~~number~~ basal area, size, and phenotypic quality of the leave tree requirements specified under the seed tree method.

(6) Following completion of timber operations (including site preparation) not more than 20 percent of the THP area harvested by this method shall be covered by small group clearings.

(7) No sooner than ten years following completion of the first entry with this method a second harvest using this method may be conducted.

(A) The standards of (1), (2), (3), (4), (5) and (6) above shall apply to the second entry.

(B) The THP submitter must provide the Director sufficient information such as growth and stand description to demonstrate that the standards of the selection method will be met for subsequent selection harvests.

(c) Within six months following completion of timber operations conducted pursuant to the selection and transition methods as described in the plan, a report of stocking shall be filed as stated in PRC Section 4587.

(d) In the absence of a Sustained Yield Plan, to maintain and improve tree species diversity, genetic material, and seed production, trees of each native commercial species where present at the time of harvest shall be retained after harvest. These leave trees shall be representative of the best phenotypes available in the preharvest stand. The RPF may propose and the Director may agree to a species specific plan in the THP which protects existing regeneration or provides for regeneration in-lieu of retaining trees.

Note: Authority cited: Sections 4551 and 4561, Public Resources Code. Reference: Sections 4561 and 4582(h), Public Resources Code.

AMEND 953.2 Regeneration Methods Used in Unevenaged Management

Unevenaged management is utilized to establish and maintain an unevenaged stand

structure. Unevenaged management attributes include the establishment and/or maintenance of a multi-aged, balanced stand structure, promotion of growth on leave trees throughout a broad range of diameter classes, and encouragement of natural reproduction.

(a) Selection Under the selection regeneration method, the trees are removed individually or in small groups sized from .25 acres to 2.5 acres.

(1) Trees to be harvested or trees to be retained shall be marked by or under the supervision of the RPF prior to felling operations. When openings greater than .25 acres will be created, the boundaries of the small group(s) may be designated in lieu of marking individual trees within the small group areas. A sample area must be marked prior to a preharvest inspection for evaluation. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type which is representative of the range of conditions present in the area.

(2) Post harvest stand stocking levels shall be stated in the THP. The level of residual stocking shall be consistent with maximum sustained production of high quality timber products. In no case shall stocking be reduced below the following standards:

(A) Selection System.

1. On Site I lands at least 100 square feet per acre of basal area shall be retained.
2. On Site II and III lands at least 75 square feet per acre of basal area shall be retained.
3. On Site IV and V lands at least 50 square feet per acre of basal area shall be retained.
4. Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to Section 14 CCR § 953.11 (a) or (b), the residual stand shall contain sufficient trees to meet at least the ~~number~~ basal area, size, and phenotypic quality of tree requirement specified under the seed tree method.

(B) Group Selection.

1. At least 80% of the stocked plots must meet the Basal Area stocking standards of 14 CCR § 953.2(a)(2)(A)].
2. Not more than 20% of the stocked plots may meet stocking standards utilizing the 300 point count standard with trees that are at least 10 (ten) years old.
3. An RPF or supervised designee may offset up to 8 plots per 40 plots where those plot centers are initially placed within small group clearings created during the current harvest. Unless substantially damaged by fire, the RPF or supervised designee shall not exclude small group clearings created by previous timber harvesting from the stocking survey.
4. Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to Section 14 CCR § Section 953.11(a) or (b), the residual stand shall contain sufficient trees to meet at least the ~~number~~ basal area, size,

and phenotypic quality of tree requirements specified under the seed tree method.

(3) Within any THP, small group clearings under the selection method shall be separated by a logical logging area.

(4) Following completion of timber operations (including site preparation) not more than 20 percent of the THP area harvested by this method shall be covered by small group clearings.

(5) Exceptions to stocking standards in 14 CCR § 953.2(a)(2) above may be granted only when proposed by the RPF and explained and justified in the plan, but in no case will the exceptions be less than specified in 14 CCR § 952.7(b)(2). Exceptions may only be granted when the RPF clearly demonstrates that the existing stand will grow substantially less than both the potential site productive capacity and the proposed post harvest stand.

(b) Transition. The transition method may be used to develop an unevenaged stand from a stand that currently has an unbalanced irregular or evenaged structure. The transition method involves the removal of trees individually or in small groups from irregular or evenaged stands to create a balanced stand structure and to obtain natural reproduction.

(1) This method is used no more than twice to increase stocking and improve the balance of age classes so as to allow the residual stand to be managed by the selection or group selection method.

(2) Stands suitable for the transition method contain adequate quantity and quality of seed producing trees to provide maximum regeneration for new age classes. Stands suitable for this method have no more than 25 sq. ft. of basal area greater than the selection basal area standards. Area for determination of preharvest stocking levels shall be no greater than 20 acres in size if such a breakdown will change the stocking levels of individual areas.

(3) Trees to be harvested or trees to be retained shall be marked by or under the supervision of an RPF before felling operations. A sample area must be marked before preharvest inspection for evaluation. The sample area shall include at least 10% of the harvest area up to a maximum of 20 acres per stand type which is representative of the range of conditions present.

(4) Immediately following the completion of timber operations on the first use of this method, the minimum basal area standards in 14 CCR § 952.7(b)(2) shall be met.

(5) Unless the plan submitter demonstrates how the proposed harvest will achieve MSP pursuant to Section 913.11(a) or (b), the residual stand shall contain sufficient trees to meet at least the ~~number~~ basal area, size, and phenotypic quality of the leave tree requirements specified under the seed tree method.

(6) Following completion of timber operations (including site preparation) not more than 20 percent of the THP area harvested by this method shall be covered by small group clearings.

(7) No sooner than ten years following completion of the first entry with this method a second harvest using this method may be conducted.

(A) The standards of (1), (2), (3), (4), (5) and (6) above shall apply to the

second entry.

(B) The THP submitter must provide the Director sufficient information such as growth and stand description to demonstrate that the standards of the selection method will be met for subsequent selection harvests.

(c) Within six months following completion of timber operations conducted pursuant to the selection and transition methods as described in the plan, a report of stocking shall be filed as stated in PRC Section 4587.

(d) In the absence of a Sustained Yield Plan, to maintain and improve tree species diversity, genetic material, and seed production, trees of each native commercial species where present at the time of harvest shall be retained after harvest. These leave trees shall be representative of the best phenotypes available in the preharvest stand. The RPF may propose and the Director may agree to a species specific plan in the THP which protects existing regeneration or provides for regeneration in-lieu of retaining trees.

Note: Authority cited: Sections 4551, 4553, 4561.1, Public Resources Code. Reference: Sections 4561 and 4561.1, Public Resources Code.

Archaeological Rules **Board Approved Rule Language**

AMEND § 895.1 Definitions

“Archaeological Coverage Map” means the map or maps required as part of a Confidential Archaeological Addendum or a Confidential Archaeological Letter pursuant to 14 CCR Section ~~§§~~ 929.1 [949.1, 969.1](c)(9) and 1052(~~da~~)(10). The map(s) shall contain a north arrow, a scale, and accurately display the project boundary, the site survey area (showing survey intensity(ies)), and specific location of all archaeological and historical sites identified within the site survey area. The map(s) must be on a 1:1 scale copy of a USGS 7.5' quadrangle(s), or digitally generated topographical equivalent. Additional maps at other scales may be ~~included~~ required to more accurately display required information or increase clarity.

“Confidential Archaeological Addendum” means the archaeological and historical resources survey and impact assessment report prepared for a proposed timber operation

pursuant to the rules. It is submitted on a form entitled "CDF Confidential Archaeological Addendum for Timber Operations on Non-Federal Lands in California" dated 1/1/98 (or an equivalent) and The addendum is confidential to the extent permitted pursuant to Government Code Sections §§ 6254(r) and 6254.10. It shall not be included in any document provided to the public. It shall contains all information required by 14 CCR §§ 929.1, 929.2, 929.3, 929.7, 949.1, 949.2, 949.3, 949.7, 969.1, 969.2, 969.3, 969.7.

"Confidential Archaeological Letter" means the archaeological and historical resources survey and impact assessment prepared for an Emergency Notice covering three acres or more in size. It is included with the submittal of the Emergency Notice to the Director and contains all information required by 14 CCR Section § 929.1 [949.1,969.1] (bc)(2),(67),(78),(89), (10) and (1011), including site records, if as required pursuant to 14 CCR §§ 929.1 [949.1,969.1] (fg) and 929.5 [949.5,969.5]. The information may be presented on the form entitled "CDF Confidential Archaeological Addendum for Timber Operations on Non-Federal Lands in California" dated 1/1/98 (or an equivalent) or in either a letter or report format. It is confidential to the extent permitted pursuant to Government Code Sections §§ 6254(r) and 6254.10 and shall not be included in any document provided to the public.

"Native Americans" means local federally recognized tribal governments, and those California Native American organizations and individuals, as listed on the Native American contact list provided to the Director by the Native American Heritage Commission (NAHC) for the area that contains the proposed timber operation. The Director shall ensure that the list provided by the Department for archaeological and historical work includes all "Native Americans" identified by January 1st of each year. the Native American Heritage

Commission and those local Native American tribal groups and individuals to be notified or consulted pursuant to the Forest Practice Rules as defined in the Native American Contact List.

“Native American Contact List” means the list that identifies those Native Americans that must be notified or consulted pursuant to the Forest Practice Rules. The Department shall maintain this list utilizing information and advice provided by the Native American Heritage Commission (NAHC). The list shall identify the appropriate contacts to be notified or consulted during preparation or review of Timber Harvesting Plans. The list shall be organized by counties or portions of counties and shall include all local federally recognized tribal governments. It shall also include other California Native American organizations or individuals that the Department places on the list based upon demonstrated knowledge concerning the location of archaeological or cultural resources within California. The NAHC shall also be included as a required contact for each county on the list to enable the NAHC to complete a check of their Sacred Lands File which is authorized by PRC Sections §§ 5097.94(a) and 5097.95. The list shall be posted on the Department’s internet site to make it readily available to RPFs and others needing the list to comply with these rules. The list shall also be available by mail through written request to the Department’s Region offices. At least twice annually, the Department shall update the list to provide the most current information. Each update will reflect a new revision date, so users of the list may identify which version of the list they were using.

“Native American Archaeological or Cultural Site” means any archaeological or other cultural resource that is associated with Native Americans. These sites must be identifiable by a specific physical location containing specific physical attributes. Native

American archaeological or cultural sites include but are not limited to: village sites, camp sites, petroglyphs, prehistoric trails, quarries, milling stations, cemeteries, ceremonial sites or traditional cultural sites and properties.

“Significant Archaeological or Historical Site” means a specific location which may contain artifacts, or objects and where evidence clearly demonstrates a high probability that the site meets one or more of the following criteria:

- (a) Contains information needed to answer important scientific research questions.
- (b) Has a special and particular quality such as the oldest of its type or the best available example of its type.
- (c) Is directly associated with a scientifically recognized important prehistoric or historic event or person.
- (d) Involves important research questions that historical research has shown can be answered only with archaeological methods.

(e) Has significant cultural or religious importance to ~~California Indians as identified by the Native American Heritage Commission (NAHC) or Native American organizations or individuals in concurrence with the NAHC or locally federally recognized tribal governments~~ Native Americans as defined in 14 CCR § 895.1.

~~CONFIDENTIAL ARCHAEOLOGICAL ADDENDUM~~

~~FOR TIMBER OPERATIONS ON NON-FEDERAL LANDS IN CALIFORNIA~~

~~This report form may only be used to document an archaeological and historical resource survey and impact assessment for a Timber Harvesting Plan (THP), Non-industrial Timberland Management Plan (NTMP), Program Timber Harvesting Plan (PTHP), Emergency Notice (EM), Modified Timber Harvesting Plan (MTHP), or other commercial timber operation on privately owned or other non-federal lands within California pursuant to California’s Forest Practice Regulations (14 CCR Section 929, 949, 969 et seq.). This entire report, except Parts I and V, is confidential and may not be included in any document provided to the public. Completed reports will be reviewed by a CDF Archaeologist as part of the overall project review conducted by CDF. Any questions pertaining to the use of this report form, the Forest Practice Regulations which address protection of archaeological resources, or archaeological investigations of commercial timber operations may be directed to CDF Archaeology Program Manager Dan Foster at (916) 653-0839 or to any of the regional CDF Archaeologists.~~

~~Part I: ADMINISTRATIVE INFORMATION~~

~~Note: The information in Part I is not confidential and may be released to the public.~~

Name of Surveyor: _____ Name of RPF: _____
Address: _____ Address: _____
Phone #: _____ Phone #: _____
Project Name: _____ Project #: _____

Project Type: _____ Approximate Acreage: _____
County: _____ Legal Description: _____
Name of USGS 7.5' Quad(s): _____ Date Report Completed: _____
Author of Report: _____ Signature of Archaeological Surveyor: _____

Part II: ARCHAEOLOGICAL RECORDS CHECK INFORMATION

~~A current archaeological records check conducted at the appropriate Information Center of the California Historical Resource Information System must have been conducted for this project area. A copy of the completed records check request form, map, and reply (including mapped information) from the Information Center must be included as an attachment to this report, or a justification provided as to why that is not possible. If a copy of written records check information cannot be attached, provide a justification, the date of the records check, the Information Center File Number, and a summary of the results discussing whether or not archaeological or historical sites are known or suspected to exist within the site survey area and whether or not the site survey area has a previous archaeological investigation on record.~~

- ~~() Records Check Attached~~
- ~~() Records Check Not Attached:~~

~~Justification:~~

~~Date of Records Check Conducted by Information Center:~~

~~Information Center File #:~~

~~Records Check Results:~~

Part III: NATIVE AMERICAN CONSULTATION INFORMATION

~~_____ 14 CCR Section 929.1 [949.1, 969.1] (a)(2) requires the RPF or the RPF's supervised designee to provide written notification to local Native American groups and individuals on the current list of Native American contacts provided by the Native American Heritage Commission, and to allow a minimum of 10 days for response prior to submitting a THP to CDF. This notice must: (A) request information concerning any archaeological or historical sites within the THP boundaries which may be known by Native Americans, (B) provide the project location by county, section, township and range, and the direction and distance from the nearest community or landmark, (C) provide an estimate of the earliest date CDF may approve the project, (D) include a statement that they may participate in the review process and provide the address and phone number of appropriate CDF offices to contact, (E) indicate that a Confidential Archaeological Addendum will be prepared and how a copy may be obtained, (F) provide a map with project boundary, legend, and scale, and (G) include the name of the USGS 7.5' map(s) upon which the project is located. Complete the following section and provide an example of the correspondence as an attachment to this report.~~

~~List the individuals or groups which were provided written notification:~~

~~Date notification was sent:~~

~~Results of notification :~~

- ~~() No reply received as of (date):~~
- ~~() Written reply received (copy attached)~~
- ~~() Verbal reply received (summarize reply below):~~

Part IV: OTHER PRE-FIELD RESEARCH

~~_____ Describe research conducted prior to field survey, other than the Archaeological Records Check and Native American consultation described in Parts II and III. For example, List the individuals or agencies which were contacted (such as the landowner,~~

local archaeologist, etc.), the pertinent archaeological, ethnographic, or historical literature which was reviewed, and summarize the results of this research.

Literature Reviewed:

Persons Contacted:

Results of Pre-Field Research:

Part V: TRAINING AND EXPERIENCE OF ARCHAEOLOGICAL SURVEYOR(S)

Note: The information in Part V is not confidential and may be released to the public.

_____ To meet the requirements of 14 CCR Section 929.1 [949.1, 969.1], archaeological surveys of THP's or EM's shall be conducted by a Professional Archaeologist or a person who has satisfactorily completed a CDF Archaeological Training Course within five years prior to submission of the project to CDF. Complete the following information:

Name of current Archaeological Surveyor(s):

() _____ Archaeological Survey conducted by Professional Archaeologist

() _____ Archaeological Survey conducted by person with a current CDF

Archaeological Training _____ Certificate

CDF Archaeological Training Course #

Date Completed:

() _____ Archaeological Survey done for previous project within site survey area previously conducted by (provide name):

Part VI: SURVEY METHODS AND PROCEDURES

Survey strategy:

Time spent conducting archaeological field survey:

Survey coverage intensity:

Ground visibility/other limitations:

Other relevant information:

Part VII: SURVEY RESULTS

_____ List and briefly describe all archaeological or historical sites identified within the site survey area, including the site(s) size, type, and condition. Display the specific location of all identified archaeological or historical sites on the attached Archaeological Coverage Map or Maps. The designations used for the sites listed below (e.g. Site #1, Site #2, etc.) must correspond to the designations used in Parts VIII and IX, and to the site locations plotted on the Archaeological Coverage Map or Maps.

Survey Results:

Part VIII: EVALUATION OF SIGNIFICANCE

_____ 14 CCR Section 929.7 [949.7, 969.7] specifies that a determination of significance shall be made for an identified archaeological and historical site located within the site survey area if damaging effects from timber operations cannot be avoided. The determination of significance shall be based upon criteria defined for a "significant archaeological or historical site" found in 14 CCR Section 895.1, utilize any information provided by Native Americans, or found in any archaeological, historical, or ethnographic data pertinent to the region or to the site, and the physical characteristics of the site. If required, a preliminary determination of significance shall be made by the RPF or RPF's supervised designee and included in this report. The CDF Director shall

~~make the final determination of significance, and substantial adverse change, based on advice of a professional archaeologist.~~

~~Preliminary Determination of Significance:~~

~~Part IX: PROTECTION MEASURES~~

~~_____ List each archaeological or historical site identified within the project area and clearly describe the specific enforceable protection measures to be implemented, both within the site boundaries and within 100 feet of the site boundaries pursuant to 14 CCR 929.1 [949.1, 969.1] (b). In accordance with 14 CCR 929.2 [949.2, 969.2] (a), these are specific measures taken to mitigate or avoid substantial adverse change to any known significant archaeological or historical sites. The RPF may propose, and the Director may agree to, specific mitigation measures without~~

~~evaluating the significance of any identified site.~~

~~Protection Measures:~~

~~Part X: MEETING WITH THE LICENSED TIMBER OPERATOR (LTO)~~

~~_____ 14 CCR Section 929.2 [949.2, 969.2] (b) requires the RPF or supervised designee familiar with on-site conditions to meet with the LTO prior to the start of timber operations at each archaeological or historical site that is described in the plan, or notice, that requires avoidance or protection measures, and do the following: (1) show the LTO the location, extent and boundaries of each archaeological or historical site requiring protection, (2) discuss with the LTO the protection measures, and (3) apprise the LTO of confidentiality requirements concerning the physical location of archaeological or historical sites. Pursuant to 14 CCR Section 929.2 [949.2, 969.2] (c), if the RPF or supervised designee familiar with on-site conditions is unable to perform these duties, the RPF shall: (1) explain the reasons in the THP, or THP amendment, or EM, (2) meet with the plan submitter, or if the plan submitter will not comply with the RPF's request for a meeting, notify the Director in writing, (3) except for EM's, notify the plan submitter in writing that it is the plan submitter's responsibility to transfer information to the LTO, and to notify the Director. Describe how this requirement has been or will be addressed:~~

~~Meeting with LTO:~~

~~() _____ There are no archaeological or historical sites requiring protection, no meeting required.~~

~~() _____ Meeting between RPF or supervised designee familiar with on site conditions and LTO will be _____ conducted prior to start of timber operations.~~

~~() _____ Meeting between RPF or supervised designee familiar with on site conditions and LTO has _____ been conducted (provide details):~~

~~() _____ This RPF or supervised designee will not be meeting with the LTO.~~

~~Provide information demonstrating compliance with 14CCR Section 929.2 [949.2, 969.2](c):~~

~~Part XI: SITE RECORDING~~

~~_____ Any time prior to THP approval, or accompanying an EM larger than 3 acres, the RPF or RPF's supervised designee shall submit completed site records for each site determined to be a significant archaeological or historical site [14 CCR Section 929.1 [949.1, 969.1] (c)], or for sites the surveyor elects to record but for which no~~

determination of significance has been made [14 CCR 929.1 [949.1, 969.1] (f)]. Furthermore, the Director is responsible to ensure that all archaeological or historical sites determined to be significant and located within the site survey area on THP's or EM's larger than 3 acres are recorded in a manner consistent with the recording standards identified in OHP's "Instructions for Recording Historical Resources." Describe how these recording requirements have been or will be addressed:

- ~~() — No sites found within the site survey area.~~
- ~~() — The following sites have been recorded and completed records are attached:~~
- ~~() — The following site(s) will be recorded prior to THP approval:~~
- ~~() — The following site(s) has been previously recorded, update(s) not prepared (attach copy(ies)):~~
- ~~() — The following site(s) has been previously recorded, update(s) prepared (attach copy(ies)):~~
- ~~() — The following sites will not be recorded, justification provided below:~~

PART XII: OTHER APPLICABLE INFORMATION

~~_____ Provide any additional information concerning the archaeological survey for this project:~~

~~Additional Information:~~

PART XIII: ATTACHMENTS

~~_____ Indicate which attachments are included with this report. For THP's, and EM's of 3 acres or larger, the rules require the attachment of an Archaeological Coverage Map or Maps [14 CCR Sections 929.1 [949.1, 969.1] (b) [(8)] and 1052 (h)]. This map (or maps) shall contain a north arrow, a scale, and accurately display the project boundary, the site survey area (showing survey intensity(ies)), and specific location of all archaeological and historical sites identified within the site survey area. The map(s) must be on a 1:1 scale copy of a USGS 7.5' quadrangle(s), or~~

~~digitally generated topographic equivalent. Additional maps at other scales may be included to more accurately display required information or increase clarity.~~

- ~~() — Archaeological Records Check Request () — Archaeological Coverage Map (1:1 scale of USGS 7.5' quad)~~
- ~~() — Archaeological Records Check Request Map () — Additional Archaeological Coverage Map(s)~~
- ~~() — Information Center Reply () — Project Vicinity Map (optional)~~
- ~~() — Example of Notice to Native Americans () — Written Reply from Native Americans~~
- ~~() — USFS or other Agency Correspondence () — Site Records for: (specify which sites)~~
- ~~() — Other: () — Photographs (optional)~~

Part XIV: SUBMISSION OF APPROVED REPORT TO INFORMATION CENTER

~~_____ Pursuant to 14 CCR Section 929.1 [949.1, 969.1] (f), the RPF or supervised designee, within 30 days following CDF's approval of a THP or acceptance of an EM of~~

larger than 3 acres, shall send to the appropriate Information Center the following:
(1) A complete Confidential Archaeological Addendum which includes all changes and additions required in the THP review process, and which identifies the plan number, or for EM's of three acres or larger, a Confidential Archaeological letter, and,
(2) Two copies each of any completed archaeological or historical site records, for sites determined to be significant or for sites the surveyor elects to record but for which no determination of significance has been made.
Complete this section only after CDF approves the THP or after an EM is submitted to the Director.

THP plan number:

Emergency Notice number:

Date mailed to Information Center:

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal.Code of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

AMEND 929.1 [949.1,969.1] Plan and Emergency Notice Preparation.

(a) Preparing a THP plan. Prior to submitting a THP plan, the RPF, or the RPF's supervised designee:

(1) Shall conduct an archaeological records check at the appropriate Information Center using a form entitled "Archaeological Records Check Request for a CDF Project" dated 1/1/07. The RPF may use a A previously-conducted archaeological records check for the property may be used to satisfy this requirement if it covers the entire area proposed for timber operations and if it meets the definition of "current archaeological records check" in 14 CCR § 895.1.

(2) Shall provide written notification to Native Americans of the location preparation of a plan the THP. The primary purpose for this notification is to provide Native Americans an opportunity to disclose the existence of any Native American archaeological or cultural sites that are potentially within or adjacent to the site survey area, and the opportunity to comment on the plan. The RPF shall allow a minimum of 10 days for notification and response to this notice before prior

to submitting the ~~THP~~ plan to the Director. The remainder of the 10-day waiting period is waived when all Native Americans required to be ~~notified~~ informed respond in less than 10 days. This ~~notification~~ notice shall contain the following attachments or items of information:

(A) ~~A Request for~~ information concerning the potential existence of any Native American archaeological or cultural historical sites within the ~~THP plan boundaries which may be known by Native Americans.~~

(B) Information concerning the location of the plan including:

(1) A general location map that, at a minimum, shows the travel route from the nearest community or well-known landmark to the plan area.

(2) A copied segment of the titled USGS (if available) or equivalent map(s) that displays

the approximate boundary of the plan area, and includes a map legend and a scale.

(3) Provide A description of the plan location of the plan area by including the county, section, township, and range, base and meridian, and the approximate direction and distance from the nearest community or well-known landmark.

(C) ~~Provide the estimated earliest date that the Director may approve the plan.~~ A statement that all replies, comments, questions, or other information submitted by Native Americans as a result of this notice be directed to the RPF. The name, address, and phone number of the RPF shall be provided.

(D) Information concerning the available time for response. Indicate that the RPF is requesting a response within ten days from the date of the notice so the information can be incorporated into the plan when initially submitted to the Director. Provide the estimated date the plan will be submitted to Director. Provide the following statement: "The earliest possible date the Director may approve the plan is 16 calendar days after it is submitted to Director, although typically, the plan is reviewed for at least 45 calendar days following plan submittal before the Director approves the plan."

~~(D)~~ (E) Include a A statement that the Native American groups may participate in the plan review process by submitting written comments to the Director before close of public comment period.

~~and provide the address and phone number of the appropriate CDF office to contact.~~

(F) A statement that locations of sites disclosed will be kept confidential.

~~(E)~~ (G) Include a A statement that a Confidential Archaeological Addendum (CAA) will be prepared for the project plan and a copy of pertinent information contained within ~~it~~ the CAA may, at the discretion of the Director, be obtained from the Director.

~~(F) Provide a map which displays the approximate boundary of the THP area, a map legend, and a scale.~~

~~(G) Provide the name of the USGS 7.5' minute quadrangle map(s) upon which the project is located.~~

(3) Shall provide a professional archaeologist or a person with archaeological training (in accordance with 14 CCR Section § 929.4 [949.4, 969.4]) to conduct a field survey for archaeological and historical sites within the site survey area. Previous archaeological

surveys within the site survey area may also be used to partially or entirely satisfy this requirement.

(4) Shall ensure that research is conducted prior to the field survey, including review of appropriate literature and contacting knowledgeable individual, concerning potential archaeological or historical sites occurring on the property.

(b) Provide Notification to Native Americans if a Native American Archaeological or Cultural Site is located within the plan. On a plan that contains a Native American archaeological or cultural site as defined in 14 CCR § 895.1 the RPF or the RPF's supervised designee shall:

(1) provide a written notice to Native Americans informing them of the presence of Native American cultural resources within the site survey area. This notification shall include:

(A) The RPF's name, address, and telephone number.

(B) The name, number, or other designator of the plan.

(C) A list of all known Native American archaeological or cultural sites located within the site survey area, including a name, number or other designator and brief description of each site.

(D) A brief discussion of how each site shall be protected or avoided.

(E) The address and phone number of the appropriate CDF office to contact as well as a statement that written comments may be submitted to Director for consideration prior to the close of public comment.

(F) The estimated earliest date the Director may approve the plan.

(2) submit a copy of all letters sent pursuant to 14 CCR § 929.1 [949.1, 969.1]

(b)(1) to the Director. The Director shall allow a minimum of 15 days from the date of the notification letter for receipt of responses to notices sent pursuant to 14 CCR § 929.1 [949.1, 969.1] (b)(1) prior to the close of public comment.

(bc) Submitting a Confidential Archaeological Addendum for a ~~THP~~ plan.

The RPF shall include the following information in a Confidential Archaeological Addendum with the proposed ~~THP~~ plan:

(1) Administrative information which is not confidential and may be released to the public. This includes:

(A) The name, affiliation, address, and phone number of the archaeological surveyor.

(B) The name, affiliation, address, and phone number of the RPF, if different than the archaeological surveyor.

(C) The plan name ascribed by the RPF, plan number (if known), type, and approximate acreage.

(D) The county, legal description, and name of USGS 7.5' Quad(s) within which the project is located.

(E) The date the CAA was completed.

(F) The name of the author of the CAA.

(G) The signature of the RPF or archaeological surveyor.

(2) Archaeological Records Check Information. A copy of the ~~completed request form~~ records check and written reply (including mapped information) from the Information Center shall be attached, or a justification as to why that is not possible shall be included.

(A) If the ~~completed request form~~ records check request and written reply from the Information Center are attached, no additional information is required.

(B) If the ~~completed request form~~ records check request and written reply from the Information Center are not attached, the following information shall be included:

(1) Justification why ~~completed request form~~ records check request and written reply could not be attached.

(2) The date the records check was conducted at the Information Center.

(3) The Information Center File Number.

(4) Summary of records check results discussing whether or not archaeological or historical sites are known or suspected to exist within the site survey area and whether or not the site survey area has a previous archaeological investigation on record.

(3) Results of notification to consultation ~~with~~ Native Americans of plan preparation pursuant to 14 CCR Section § 929.1 [949.1, 969.1](a)(2)(B). This shall include:

(A) An example of a notification letter and project maps submitted to Native American contacts.

(B) Copies of any written responses received from Native American contacts.

(C) A list of the individuals or groups which that were provided written notification

and the date of the Native American Contact List being used.

(D) Date the notification was sent.

(E) Results of ~~notification~~ the information request, specifically addressing the results of information received from the NAHC, if those results have been received.

(4) Results of notification to Native Americans of the existence of a Native American archaeological or cultural site on the plan, if required, pursuant to 14 CCR § 929.1 [949.1, 969.1](b).

(45) A list of the research done prior to field survey ~~including.~~ This list shall include literature reviewed and persons contacted in addition to the required archaeological records check with Information Center and Native Americans, and a summary of the results of this research.

(56) Information on the current or previous archaeological surveyor(s), which is not confidential. This shall include:

(A) the name of the current archaeological surveyors and an indication of whether or not the person either meets the specifications of a professional archaeologist as defined in 14 CCR ~~Section §~~ 895.1 or meets the requirements specified in 14 CCR ~~Section §~~ 929.4 [949.4, 969.4].

(B) the name of any previous archaeological surveyors, if known.

(67) Description of archaeological survey methods and procedures including survey strategy, time spent conducting archaeological field survey, the date or dates the survey was conducted, survey coverage intensity, and ground visibility or other limitations.

(78) A list and description of all archaeological or historical sites identified within the site survey area including information on the site(s) size, type, and condition. The designations used in this listing of sites found shall be consistently used throughout the CAA.

(89) An Archaeological Coverage Map or maps prepared in accordance with the specifications identified in the definition of an Archaeological Coverage Map in 14 CCR ~~Section §~~ 895.1.

(910) A preliminary determination of significance of identified archaeological and historical sites, if damaging effects from timber operations cannot be avoided. This determination shall be based upon the criteria for a significant archaeological or historical site listed in 14CCR ~~Section §~~ 895.1.

(1011) Description of any specific enforceable protection measures to be implemented both within the site boundaries and within 100 feet of the site boundaries.

(1112) Information concerning the proposed on-site meeting between the RPF or supervised designee familiar with on-site conditions and the LTO to discuss protection of archaeological and historical resources, if required, pursuant to 14 CCR ~~Section §~~ 929.2 [949.2,969.2](b).

(~~42~~13) Information concerning site-recording requirements pursuant to 14 CCR Section ~~§~~ 929.1 [949.1,969.1](~~ed~~) and (~~fg~~).

(~~43~~14) Other applicable information, if any, concerning the archaeological survey for this project.

(~~44~~15) List of attachments to the CAA.

(~~ed~~) Site Records.

~~Any time prior to THP approval~~ Upon submission of a plan, the RPF or the RPF's supervised designee shall submit completed site records for each site ~~determined proposed~~ to be a significant archaeological or historical site in a manner consistent with the recording standards identified in the State Office of Historic Preservation's "Instructions For Recording Historical Resources" (March, 1995), which is incorporated by reference.

(~~de~~) Emergency Notice of 3 Acres or More.

(1) Prior to submitting an Emergency Notice of three acres or more, the RPF:

(A) Shall ensure that an archaeological field survey is, or has been previously conducted by a professional archaeologist or person with archaeological training (pursuant to 14CCR Section § 929.4 [949.4, 969.4]) within the site survey area.

(2) Prior to submitting an Emergency Notice of three acres or more, the RPF or the RPF's supervised designee:

(A) Shall complete a current archaeological records check. This check may be conducted by telephone. If the Information Center is unable to provide the information within three business days following receipt of an RPF's request for an Emergency Notice records check, the records check requirement is waived.

(B) Shall submit a Confidential Archaeological Letter that includes the information required by 14 CCR § 929.1 [949.1,969.1](~~bc~~)(2),(~~67~~),(~~78~~),(~~89~~), (10) and (~~40~~11), including site records, if required pursuant to 14 CCR § 929.1 [949.1, 969.1](~~fg~~) and 929.5 [949.5,969.5].

(C) Shall send a copy of the Emergency Notice to Native Americans.

(~~ef~~) Emergency Notice of Less Than 3 Acres.

(1) Prior to submitting an Emergency Notice of less than three acres, the RPF or the RPF's supervised designee shall:

(A) Conduct an archaeological survey for said area to determine whether it contains any significant archaeological sites using the criteria for a significant archaeological or historical site defined in 14 CCR § 895.1.

(B) Send a copy of the Notice to Native Americans.

(2) An archaeological records check, Confidential Archaeological Addendum, or Confidential Archaeological Letter, is not required.

(3) No timber operations shall occur within the boundaries of any significant archaeological or historical sites as determined by the RPF or the RPF's supervised designee.

(~~fg~~) Submitting Archaeological and Historical Information to Information Centers.

Within 30 days following the Director's approval of a ~~THP plan~~ or acceptance of an Emergency Notice of three acres or larger, the ~~RPF or supervised designee~~ Director shall send to the appropriate Information Center of the California Historical Resource Information System the following information provided by the RPF:

(1) a complete Confidential Archaeological Addendum which includes all changes and additions required in the THP plan review process and which identifies the plan number, or, for Emergency Notices of three acres or larger, a Confidential Archaeological Letter.

(2) two copies each of any completed archaeological or historical site records

for:

(A) archaeological sites determined to be significant, or

(B) sites that a person elects to record, but for which no determination of significance has been made. The records shall be completed by a person who satisfies the training requirements specified in 14 CCR §§ 929.4 [949.4, 969.4], in a manner consistent with the recording standards identified in the State Office of Historic Preservation's "Instructions For Recording Historical Resources" March, 1995, which is incorporated by reference.

(3) The RPF or supervised designee shall ensure that the site records are completed in the manner specified in subsection (2).

Note: Authority cited: Sections 4551, 4551.5, Public Resources Code. Reference: Sections 4582(f), 21002 and 21060.5 Public Resources Code.

Amend 929.2 [949.2,969.2] Protection Measures for THPs Plans and Emergency Notices 3 Acres and Larger.

(a)(1) The RPF shall describe in the separate Confidential Archaeological Addendum or Letter, measures to be taken to mitigate or avoid substantial adverse change to any known significant archaeological or historical sites.

(2) The RPF may propose, and the Director may agree to, site-specific protection measures for any identified archaeological or historical site without evaluating the significance of the site. These proposed protection measures shall be designed to ensure protection of such archaeological and historical sites from damaging effects. Avoidance of activities which will cause damaging effects is a preferred protection measure.

(b) The RPF or supervised designee familiar with on-site conditions shall meet with the LTO prior to the start of timber operations at each archaeological or historical site that is described in the plan or notice that requires avoidance or other protection measures and do the following:

(1) show the LTO the location, extent and boundaries of each archaeological or historical site requiring protection,

(2) discuss with the LTO the protection measures,

(3) apprise the LTO of the confidentiality requirements for any information concerning the physical location of archaeological or historical sites.

(c) If the RPF or supervised designee is unable to perform the duties in 14 CCR § 929.2 [949.2, 969.2](b), the RPF shall:

(1) explain the reasons in the emergency notice, plan, or as a minor amendment to the plan,

(2) (A) meet with the plan submitter, timberland owner, or their authorized agent, and review in the field, the items described in 14 CCR § 929.2 [949.2, 969.2](b),

(B) if the plan submitter, timberland owner, or their authorized agent will not comply with the RPF's or RPF's supervised designee's request for a meeting, the RPF shall notify the Director.

(3) except for an emergency notice, notify the plan submitter in writing that it is the plan submitter's

responsibility to transfer the information in 14 CCR § 929.2 [949.2, 969.2](b) to the LTO per 1035(gh),

(4) notify the Director in writing.

(d) The LTO shall not conduct timber operations within the boundaries of any archaeological or historical site identified in the CAA unless such operations are described in the CAA and made part of the plan approved by the Director.

(e) In the event that the CAA authorizes limited timber operations within the boundaries of archaeological or historical sites identified in the plan, the LTO and the RPF, if so stated in the plan, shall be responsible for ensuring that specific protection measures and timber operations are conducted in the manner described in the CAA..

Note: Authority cited: Sections 4551, 4551.5, Public Resources Code. Reference: Sections 4582(f), 21001, 21060.5, 21083.2, and 21084.1, Public Resources Code.

AMEND 929.3, [949.3, 969.3] Post-Review Site Discovery.

If a person discovers a potentially significant archaeological or historical site after a THP plan, NTMP, Emergency Notice, or Exemption is accepted by the Director, the following procedures apply:

(a) The person who made the discovery shall immediately notify the Director, LTO, RPF, or timberland owner of record.

(b) The person first notified in (a) shall immediately notify the remaining parties in (a).

(c) No timber operations shall occur within 100 feet of the identified boundaries of the new site until the plan submitter proposes, and the Director agrees to, protection measures pursuant to 14CCR § 929.2 [949.2, 969.2].

(d) A minor deviation shall be filed to the THP, ~~if the plan is changed~~ plan. The minimum

information provided shall include:

(1) A statement that the information is confidential.

(2) The mapped location of the site.

(3) A description of the site.

(4) Protection measures, and

(5) Site records, if site records are required pursuant to 14 CCR §§ 929.1(g)(2)(b) and 929.5 [949.5, 969.5].

(e) ~~The~~ Upon receipt the Director shall immediately provide the proposed minor deviation or portions of the minor deviation, to Native Americans ~~and the NAHC~~ when Native American archaeological or cultural sites are involved.

Note: Authority cited: Sections 4551, 4551.5, 4583.2, 4591.1 Public Resources Code.
Reference: Sections 4582(f), 21002 and 21060.5 Public Resources Code.

929.4, [949.4, 969.4] Archaeological Training Requirements.

To meet the requirement of 14 CCR § 929.1 [949.1, 969.1] archaeological surveys of ~~Timber Harvesting a P~~plan or Emergency Notice areas for archaeological or historical sites shall be conducted only by a professional archaeologist or a person who has attended a training program approved by the Director within five years prior to submission of the ~~THP~~ plan or Emergency Notice. The training program must meet the following standards:

(a) The course shall use education materials approved by the Director which address the current regulations and procedures for the identification, recordation, and protection of archaeological and historical resources during timber operations.

(b) The course may require that the applicant demonstrate, in the field, and in a final written examination, the ability to conduct a record search, perform field identification, complete an archaeological site record, and to identify appropriate mitigation and protection measures for archaeological or historical sites covered in the course.

(c) The Director shall issue ~~a certificate of training~~ verification to all students that satisfactorily complete the training course.

(d) Following an individual's successful completion of an archaeological training course approved by the Director, he or she may enroll in a refresher training course, approved by the Director, to renew a 5-year archaeological training certification.

(e) The Director may conduct the archaeological training courses (in addition to or in-lieu of approving programs conducted by others) at least annually.

Note: Authority cited: Sections 4551, 4551.5, Public Resources Code. Reference: Sections 4582(f), 21002 and 21060.5 Public Resources Code.

929.5, 949.5, 969.5 Site Recording [All Districts]

The Director shall ensure that all archaeological or historical sites determined to be significant and located within the site survey area on plans ~~THPs~~, or Emergency Notices are recorded by the RPF or supervised designee in a manner consistent with the recording standards identified in the State Office of Historic Preservation's "Instructions

For Recording Historical Resources" March, 1995, which is incorporated by reference.
Note: Authority cited: Sections 4551, 4551.5, Public Resources Code. Reference:
Sections 4582(f), 21002 and 21060.5 Public Resources Code.

1037.5(a) Review Teams to be Established.

Interdisciplinary review teams shall be established by the Director to review plans and assist the Director in the evaluation of proposed timber operations and their impacts on the environment.

(a) Review Team Composition: Each review team, when possible, shall consist of a representative from each of the following agencies: the appropriate California Regional Water Quality Control Board, Department of Conservation, Division of Mines and Geology, Department of Fish and Game, a representative of county government when the county government so requests, California Coastal Commission (for plans in the coastal zone), California Tahoe Regional Planning Agency (for plans in the Tahoe Basin) and the Department of Forestry and Fire Protection. The Director shall request a representative from the Department of Parks and Recreation in the case of plans that may affect values in publicly owned parks. The Director may request other federal, state or county agencies, or the ~~Native American Heritage Commission (NAHC) or local tribal groups identified by the NAHC,~~ Native Americans as defined in 14 CCR 895.1, when appropriate, to assist as advisors in the review process. The Department of Forestry and Fire Protection's representative shall be the review team Chairperson and shall be an Registered Professional Forester.

Note: Authority cited: Sections 4551, 21080.5, Public Resources Code. Reference: Sections 4512, 4513, 4551.5, 4582.6, 21000(g), 21002, 21080.5, Public Resources Code; *Natural Resources Defence Council, Inc. v. Arcata Nat. Corp I*(1976) 59 Cal.App.3d 959; 131 Cal.Rptr. 172.

1052 Emergency Notice.

(a) (10) For Emergency Notices covering three acres or more in size, the RPF shall include a Confidential Archaeological Letter with the Emergency Notice submitted to the Director. The Confidential Archaeological Letter shall include that includes all information required by 14 CCR Section § 929.1[949.1,969.1](bc)(2),(67),(78),(89), (10) and (4011), including site records, if required pursuant to 14 CCR§§ 929.1 [949.1, 969.1] (fg) and 929.5. ~~This Confidential Archaeological Letter shall be included with the submittal of the Emergency Notice to the Director. The RPF or supervised designee Director shall also submit a complete copy of the Confidential Archaeological Letter and two copies of any required archaeological or historical site records, to the appropriate Information Center of the California Historical Resource Information~~

System within 30 days from the date of Emergency Notice submittal to the Director.

Prior to submitting the emergency notice to the Director the RPF shall send a copy of the emergency notice to Native Americans as defined in 14 CCR § 895.1.