



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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June 8, 2015

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BOARD OF FORESTRY AND FIRE PROTECTION

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

Re: Working Forest Management Plan

Dear Chairman Gillless:

The California Department of Forestry and Fire Protection (CAL FIRE) has reviewed the proposed regulation language included in the 45-day notice for the Working Forest Management Plan (WFMP) scheduled for hearing June 17, 2015.

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

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

Thank you for providing the Department an opportunity to comment on this important rule package. A representative from CAL FIRE will be at the hearing should any questions arise related to this proposed change to the regulations.

Sincerely,

DUANE SHINTAKU
Deputy Director
Resource Management

Attachment

Attachment A

**CAL FIRE Comments
on the
Working Forest Management Plan
June 8, 2015**

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

1. Page 18, Lines 8 through 13 (ref. 14 CCR § 1094.1): This section of the regulations includes language that is not clear and could result in the submission of incorrect information to inappropriate locations. The language on line 12 stating in part, “. . . having jurisdiction over timber operations . . .” could be confusing and result in plans and/or notices being submitted to the wrong CAL FIRE office. Furthermore, the language on line 13 states that the WFMP or the Working Forest Harvest Notice shall contain the information specified in 14 CCR §§ 1094.6 and 1094.8; however, 14 CCR § 1094.6 is only pertinent to the WFMP and 14 CCR § 1094.8 only refers to the contents of the Working Forest Harvest Notice. CAL FIRE recommends the following changes to the proposed regulations:

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

2. Page 27, Line 1 (ref. 14 CCR § 1094.6(h)(3)): This section of the proposed regulations requires that inventory estimates of growth and yield be provided. CAL FIRE recommends that a stand or stock table indicating the tree diameter distribution including total heights be provided to support the inventory estimates. In addition, an inventory stand or strata summary table should be included indicating the: 1) the acreage; 2) number of measured inventory samples or plots; 3) corresponding site class; 4) average conifer and hardwood basal area density; 5) average conifer and hardwood volume per acre; 6) average conifer and hardwood trees per acre; 7) average first period conifer growth per acre; 8) quadratic mean diameter (QMD); and 9) corresponding WHR. This information would allow for greater confidence in the estimate provided.
3. Page 27, Line 2 (ref. 14 CCR § 1094.6(h)(3)): In order to evaluate growth and yield over time, CAL FIRE recommends that subsection (3) be revised to state “. . . determining LTSY and volumes available for harvest by Stand or Strata for each ownership of undivided interest and aggregated for the area covered by the WFMP to develop the LTSY estimate.”
4. Page 27, Line 9 through 13 (ref. 14 CCR § 1094.6(i)): The proposed regulations require the inclusion of a description of the property and planned activities including acres and projected growth, existing stand types, Major Stand Types or Strata, etc. CAL FIRE suggests the following changes to be included as required for Nonindustrial Timber Management Plans (NTMPs) under 14 CCR § 1090.5(g):

“(i) A description of the property and planned activities including acres and projected growth, existing stand types, Major Stand Types or Strata, its current projected growth by Strata, silvicultural method(s) to be applied to Strata to achieve LTSY, projected timber volumes and tree sizes to be available for harvest, and projected frequencies of harvest, and potential pest and protection problems. The description of the existing stand types shall include species composition, age classes, present stocking level, present volume per acre, size class distribution, and stand management history.”

5. Page 27, Line 14 (ref. 14 CCR § 1094.6(i)(1)): This paragraph refers to a description of silvicultural method(s) to be applied to Strata to achieve LTSY. In addition, a discussion should be included regarding additional potential silviculture methods that may be utilized during the life of the WFMP, including the forest conditions when these methods would be utilized. This would allow greater confidence in the growth and yield projections and provide greater flexibility for future management should site conditions change over time. CAL FIRE recommends a new paragraph (2) stating:

“(2) Additional silvicultural method(s) that may be utilized through the life of the WFMP including the forest conditions when each of these methods would be utilized to achieve LTSY.”

6. Page 27, Line 16 (ref. 14 CCR § 1094.6(j)): This paragraph provides an *OPTION 1* stating “An erosion control implementation plan with information as required by 14 CCR § 923.1(e).” *OPTION 2* is currently based on PRC § 4597.1(d), which has been revised in the attempt to comply with new regulations regarding the planning for logging roads and landings. CAL FIRE supports Option 1.
7. Page 33 (ref. 14 CCR § 1094.8): CAL FIRE recommends the Working Forest Harvest Notice Content include a provision requiring the identification of the silvicultural prescriptions that will be implemented during the harvest conducted under the notice.
8. Page 51, Line 21 (ref. 14 CCR § 1094.23(c)(3)): As currently proposed, an increase in volume to be harvested exceeding ten (10) percent as projected by the LTSY is ambiguous and problematic. As proposed it would be possible to interpret that the 10% threshold is based solely on the estimate of LTSY, not the estimate of periodic harvest for each rolling period leading up to the period that LTSY is based. In addition, the adverse consequence of this threshold would allow over-cutting of the WFMP resulting in substantially delaying the timeline to ultimately reach the LTSY of the original analysis. As a result, certain factors could result in harvest activities producing harvest levels below what had been forecast and would limit optimum stocking levels to maximize productivity. Inherent in the estimate of LTSY is that each silviculture prescription is implemented based on a variety of parameters, including but not limited to, timing, density, and diameter distribution, and any departure may invalidate the LTSY analysis.

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

“(3) Change in the average harvesting projections in any ten-year period which exceeds ten percent, including a deviation caused by changes of ownership and catastrophic events.”

9. Page 57, Lines 21 through 22 (ref. 14 CCR § 1094.29(c)): The proposed regulations do not provide the public access to the findings of the five-year review. The rules require the Department to notify the Working Forest Landowner(s) of the findings, but fail to provide similar notification to the public and other review team agencies. CAL FIRE recommends the following changes to the proposed regulations:

“The Department shall notify the Working Forest Landowner(s) of the findings of the five (5) year review and shall provide the public, in writing or on a publically available internet database, a copy of the findings.”