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April XX, 2021

Charlton H. Bonham, Director  
California Department of Fish and Wildlife  
P.O. Box 944209  
Sacramento, CA 94244-2090

**Re: CNDDDB Affordability and Access**

Dear Director Bonham:

By letter dated November 22, 2019, the Department of Fish and Wildlife (CDFW) asked the Board of Forestry and Fire Protection (Board) to prioritize incorporation of specific botanical resources language into the Forest Practice Rules. CDFW's request generated considerable discussion spanning several Board meetings, ultimately culminating in a draft problem statement identifying key issues pertaining to the scoping and surveying of botanical resources for timber harvesting documents. A recurring issue of interest to both Board members and stakeholders is the need to improve the affordability of and access to the CDFW's California Natural Diversity Database (CNDDDB), particularly for small private landowners.

The California Forest Management Task Force (Task Force) recently released its Wildfire and Forest Resilience Action Plan (Plan), which further contemplates the benefits of improving CNDDDB affordability for small private landowners. The Plan calls upon state agencies, including the Board and CDFW, to increase the pace and scale of forest health projects. Key components of this goal include reducing regulatory burdens and streamlining permitting processes.

The Plan's anticipated success clearly emphasizes the need for forest management on privately owned lands, which "can only be achieved through significant contributions from small private landowners." In that regard, family-owned forest lands make up about 20 percent of California's forests, approximately 7 million acres. Nearly 90 percent of this acreage is comprised of parcels that are 50 acres or less in size.

As you know, the forest management projects contemplated by the Plan typically have environmental impacts that must be evaluated and mitigated, including potential adverse impacts on rare, threatened, or endangered species and related habitat. The CNDDDB is a repository of rarity assessments, location mapping, and other important data for hundreds of such species and natural communities. For four decades, the CNDDDB has been an invaluable scoping tool for individuals engaged in forest management activities. In fact, the CNDDDB has

become so thoroughly intertwined with the environmental review process that access to it may be better described as a requirement, not merely an available option.

However, the subscription fees that landowners must pay to access the data are substantial – currently set at \$600 for the first year and a renewal rate of \$400 per year. CDFW staff suggest that CNDDDB data may also be purchased for \$25 per 7 ½ minute USGS quadrangle (i.e., \$225 minimum for CDFW’s general 9-quad search standard for timber harvest documents). The high cost of and limited options for accessing scoping tools such as the CNDDDB is a significant barrier to pursuing forest management activities, particularly for small landowners. These are the very types of regulatory barriers that the Plan tasks the Board and CDFW with eliminating to facilitate wildfire and forest resiliency.

The Board recognizes that CDFW has a statutory obligation under Fish and Game Code section 1932 to “[e]nsure cost sharing by all who use the [CNDDDB] data....” However, CDFW is by no means obligated to fund the CNDDDB exclusively through user fees. Presumably alternative funding sources are available or could be established to offset or reduce the fees charged to individual landowners. Nor is CDFW precluded from exploring options for variable rate structures, such as significantly discounted access for small landowners. To the extent persons engaged in forest management activities are expected to utilize the CNDDDB as a scoping tool, the Board and CDFW are obligated as a matter of public policy to undertake reasonable efforts to consider these and other opportunities to improve the affordability of and access to the CNDDDB.

In this regard, it is also crucial to recognize that forest management projects enjoy a unique status as compared to other CNDDDB users, pursuant to AB 1492 (Ch. 289, Stats. 2012). AB 1492 replaced the existing piecemeal funding structure for forest practice project review with a lumber assessment imposed on end users. (PRC §4629 et seq.) Those funds are deposited into the Timber Regulation and Forest Restoration Fund and serve as the “single funding source” for review of forestry projects. Specifically, PRC §4629.6(c) dedicates those funds “[t]o support the activities and costs of the ... [state agencies] ... associated with the review of projects or permits necessary to conduct timber operations.” CNDDDB subscriber fees clearly meet these criteria and, therefore, qualify as a viable funding source for offsetting CNDDDB fees otherwise imposed on individuals pursuing forestry management projects.

**Accordingly, the Board wants to partner with CDFW to pursue these opportunities to prioritize improving affordability of, and expanded public access to, the CNDDDB. Clearly this issue resonates broadly with respect to scoping for both timber harvesting and the Board’s and CDFW’s joint obligations to reduce regulatory barriers for wildfire and forest resilience.** In furtherance of this effort, the Board appreciates CDFW’s assistance in providing relevant information about the CNDDDB, including, but not limited to, information addressing the questions posed on the attached enclosure.

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Please contact the Board's Executive Officer, Matt Dias, at (916) 653-8007 or [matt.dias@bof.ca.gov](mailto:matt.dias@bof.ca.gov) to confirm CDFW's commitment to cooperating with the Board on this important endeavor.

Respectfully,

J. Keith Gilles, Chair  
Board of Forestry and Fire Protection

**INFORMATION REQUESTED BY BOARD REGARDING CNDDDB FUNDING AND ACCESS**

1. What are CNDDDB's annual operating costs?
2. How much revenue has been generated by subscription fees for each of the last five years?
3. What revenue sources (other than subscription fees), if any, currently fund CNDDDB, and in what amounts for each source, for each of the last five years?
4. If CDFW disputes that CNDDDB is eligible for AB 1492 funding, per Public Resources Code section 4629.6, please provide CDFW's rationale for CNDDDB not being eligible for those funds.
5. AB 1492 prohibits state agencies from charging previously authorized or required fees associated with timber operations projects or permits. (PRC §4629.6(c).) Can CDFW clarify how CNDDDB fees differ from other fees that CDFW waives pursuant to AB 1492, such as fees for streambed alteration agreements?
6. What opportunities exist to reduce fees by making CNDDDB operations more efficient?
7. Can CDFW quantify the amount of CNDDDB use that is attributable to forestry practices (as opposed to academic or governmental uses or other industries, for example)?
8. What alternatives to the \$600/\$400 annual fee has CDFW authorized or considered to improve affordability for small private landowners and others?
9. What entities, if any, are granted free access to CNDDDB by CDFW? What can be done to extend similar licensing agreements to other entities? How does CDFW reconcile providing free access to certain entities with the statutory requirement for cost sharing by all who use the CNDDDB? (FGC §1932(e).)
10. As an alternative to the \$600/\$400 annual fee, what efforts can CDFW take to better publicize the option to purchase data for \$25 per 7 ½ minute USGS quadrangle as a more affordable option for small private landowners?
11. Does CNDDDB usage data indicate whether some subscribers should be charged a higher annual fee to reflect CNDDDB usage at levels that significantly exceed that of an average subscriber?
12. How often does CDFW revise the amount of the subscription fee and what criteria are considered? When was it last revised?
13. What alternative existing revenue streams could be used to fund the CNDDDB? How much revenue would be available from such sources?
14. What efforts have been made to advocate for new revenue streams to fund the CNDDDB?
15. What efforts have been made to engage the Legislature regarding statutory changes, such as eliminating or modifying the requirement for user cost sharing?