

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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August 1, 2022

Board of Forestry and Fire Protection
Attn: Jane Van Susteren
715 P Street
Sacramento, CA 95814

Subject: Comments on the "Spotted Owl Resource Plan Amendment, 2022"

Dear Ms. Van Susteren,

The California Department of Forestry and Fire Protection (CAL FIRE) supports the Board of Forestry and Fire Protection's (Board) adoption of the proposed rule change entitled "Spotted Owl Resource Plan Amendment, 2022. CAL FIRE appreciates the opportunity to provide comments on the proposed change to the definition of Spotted Owl Resource Plan (SORP) in the California Forest Practice Rules 14 CCR §895.1.

CAL FIRE provided a Northern Spotted Owl (NSO) presentation to the Board of Forestry's Forest Practice Committee on March 1, 2022. The presentation included a summary of definitions and regulations pertaining to NSO as well as their application, or lack thereof, within various types of timber harvesting plans. The presentation also provided a list of suggested changes to the FPRs, either through modification or removal. One recommendation was to change the definition of Spotted Owl Resource Plan to include Nonindustrial Timber Management Plans (NTMP) and Working Forest Management Plans (WFMP). Spotted Owl Resource Plan (SORP), per 14 CCR §895.1:

"means a plan that demonstrates an approach to preventing a taking of the northern spotted owl while conducting timber harvest operations. A Spotted Owl Resource Plan necessarily involves more than one timber harvest plan area."

As presented by CAL FIRE, this definition is interpreted as applying only to timber harvesting plans and not NTMPs or WFMPs based on the language in the second sentence. Because small timberland owners do not typically submit more than one timber harvesting plan, one could further interpret that SORPs would apply almost exclusively to large, industrial timberland owners.

In 2021, CAL FIRE and California Department of Fish and Wildlife, with input from United States Fish and Wildlife Service, finalized the Eastside SORP that covers the northeast portion of the NSO range in California. The primary purpose of this SORP is to address the large, unique geographic area whose stand type, climate, topography, hydrology, and owl densities are not typical of NSO. Additionally, the Eastside SORP was developed to

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combine the multiple landscape-level NSO take avoidance plans utilized by industrial landowners, but also make enrollment available across small private timberland owners, particularly those with NTMPs or WFMPs.

NTMPs and WFMPs are long-term timber available to small, private timberland owners seeking to manage their property as uneven aged stands on a long-term basis. NTMPs cover land ownerships of up to 2,500 acres and WFMPs between 2,500 and 15,000 acres. The Legislative findings and declaration in PRC §4593 apply to both plan types, whereby PRC §4593(b) states:

“The Legislature further finds and declares that minimal environmental harm is caused by prudent management of non industrial timberlands because low volume production and dispersion around the state of these small tracts reduces damage to aesthetics, air quality, watersheds, and wildlife.”

Given their uneven aged timber management, NTMPs and WFMPs typically do not modify NSO habitat in the sense of reducing it from nesting/roosting to foraging or foraging to non-habitat, but rather results in maintenance or improvement of habitat. There are over 650 NTMPs and one WFMP currently within the range of the Northern Spotted Owl (Figure 1.) accounting for over 260,000 acres of potential NSO habitat.

Including NTMPs and WFMPs in the SORP definition provides another tool for small timberland owners and acknowledges the benefits of these landowners for providing long-term management strategies that furthers the conservation and management of NSO and their habitat.

CAL FIRE appreciates the Board’s consideration of the proposed SORP definition modification and enacting it so quickly. CAL FIRE appreciates the opportunity to comment on the proposed SORP definition change and looks forward to engaging in further NSO discussions. If you have any questions or comments regarding this letter, please contact CAL FIRE Forest Practice Biologist Stacy Stanish (Anastasia.Stanish@fire.ca.gov or 916-616-8643).

Sincerely,

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MATTHEW REISCHMAN
Deputy Director
Resource Management

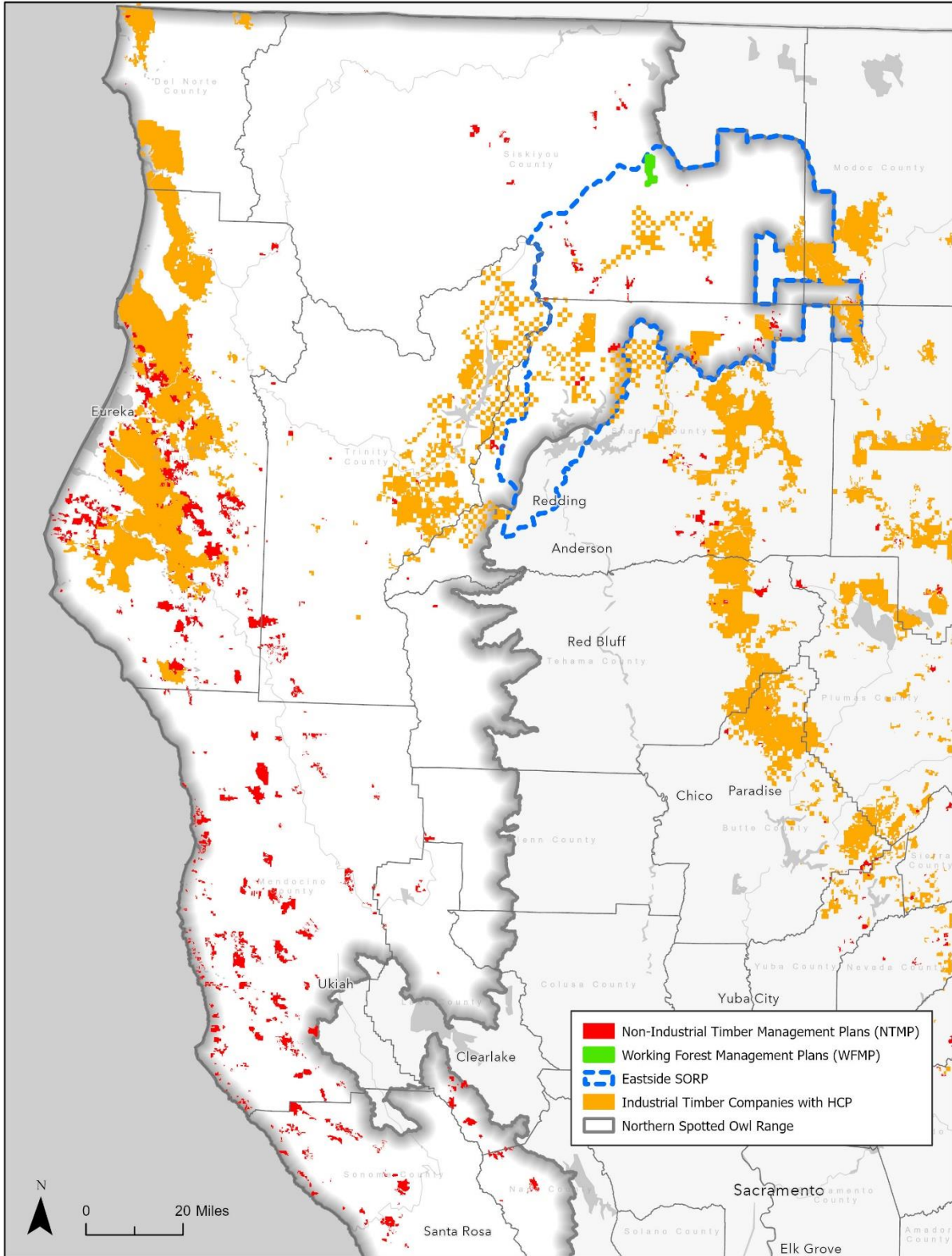


Figure 1. NTMPs within the range of NSO and other landscape-level, long-term conservation plans (HCPs and Eastside SORP)