

Forest Practice Committee (FPC)

The mission of the FPC is to evaluate and promote an effective regulatory system to assure the continuous growth and harvesting of commercial forests and to protect soil, air, fish and wildland, and water resources.

January 22, 2019

COMPLETED OR SUBSTANTIALLY COMPLETED IN 2018:

1. Report on Exemptions and Emergencies as Required by AB 1958 and AB 2029:

***Status:** The Exemption-Emergency Notice pilot monitoring project was recently completed and the initial report is expected to be completed in January, 2019. Additionally, CAL FIRE is working on filling five (5) Forester I positions that will focus on continuing exemption and emergency data collection. CAL FIRE intends for this data collection effort to be ongoing.*

2. Review of Specific Provisions with Exemptions 14 CCR § 1038:

Objective:

- *Notification to CAL FIRE of the commencement of Timber Operations - Other exemptions under 14 CCR § 1038 require notification to CAL FIRE within 15 days of operations commencing. The notification allows CAL FIRE to appropriately time their inspections. CAL FIRE suggests that this required notification be applied to Less Than 3 Acre Conversions as well.*
- *Review of 14 CCR § 1038(j)(12) - 14 CCR § 1038(j)(12) states that fuel treatments under this exemption have to occur on at least 80% of the project area. The maximum diameter limit at stump height allowed under this exemption is currently 26", which is referenced in existing regulation under 14 CCR § 1038(j)(12). CAL FIRE contends that it may not be clear to the regulated public that trees harvested throughout the entire project area cannot exceed the 26" stump height threshold, rather than only across 80% of the project area.*
- *Potential extension of 14 CCR § 1038(k) - The Board adopted permanent regulations within 14 CCR § 1038(k) in response to the widespread bark beetle mortality resulting from 5 years of drought conditions. A sunset date of December 31, 2018 was included within the adopted regulations. The FPC will review the regulatory scheme considering any changing environmental conditions to determine if the regulation should be repealed or extended.*

***Status:** The Exemption Amendments rule package was approved by OAL and the above issues were all addressed in addition to other general issues of clarity. The 1038(k) Exemption was extended through 2021. The amended language is used in the current version of the Forest Practice Rules. Future changes may result from Senate Bill 901 (Dodd, 2018), which directed the Board to consolidate and streamline the exemption process.*

Currently, the Board is holding public workshops to enlist public input on this matter.

3. Cumulative Effects:

Objective: *The FPC continues to track updates from the Resources Agency detailing the progress of AB 1492 Working Groups on the issue of cumulative effects. The FPC also continues to track CAL FIRE Forest and Rangeland Assessment Program (FRAP) on the preparation of each new FRAP Assessment. Additionally, the FPC will be reviewing staff recommendations on the development of an environmental document regarding the effect of forest management on Greenhouse Gas sequestration based on the AB 1504 reporting. This process may assist landowners in the preparation of Plans as it relates to the analysis of cumulative impacts of GHGs.*

Status: *The 2018 iteration of the FRAP Assessment was released in August, 2018.*

The background paper on approaches to ecological performance measures has been drafted and will begin the workshopping process on January 15, 2019. The Campbell Creek Planning Watershed Pilot Project has completed the first phase and a draft report is in development as of December, 2018.

The Board will continue to provide annual reporting on above and below ground carbon stocks associated with the forestlands of California. Future reporting updates will consider the effects of harvested wood products on the state's carbon stocks. Upon the addition of those data, the FPC will consider staff recommendations on the preparation of an environmental document that will analyze these data. A data update was released on May 15, 2018 covering the years 2007-2016 and a formal report to the Board is planned for the January, 2019 meeting.

Finally, the Board has addressed the issue of cumulative effects this year via a regulatory package addressing Technical Rule Addendum No. 2. The amendments align the FPRs with significant provisions made to the California Environmental Quality Act (CEQA), specifically regarding fire hazard impacts and Greenhouse Gas (GHG) emissions. This helps preparers meet CEQA requirements while completing Timber Harvest Plans and maintains transparency for the Director of CAL FIRE, other interested agencies, and the regulated public. This action also serves to update 30-year-old guidance, including providing additional clarity in 14 CCR § 895, 895.1, 912.9 [932.9, 952.9], Technical Rule Addendum No. 2, and Appendix. Generally, the implementation of this amendment may improve environmental quality, lower wildfire risk, and thus improve the welfare and safety of California residents and workers. This regulatory action was approved by OAL on October 15, 2018 and became effective on January 1, 2019.

The Board may prioritize this item again in the future based on future developments in the AB 1492 and AB 1504 projects discussed above. The Board will also continue to monitor cumulative effects through the EMC as they continue to fund and receive updates from various projects testing the FPRs and related regulations.

PRIORITY 1 FOR 2019:

1. Review of Emergency Notice for Fuels Hazard Reduction:

Objective: Review the regulations for the Emergency notice for Fuels Hazard Reduction. Specifically, address the issues of canopy closure, surface fuels, and allowable geographic locations with respect to fuels reduction and fire prevention efforts. Address how to improve clarity related to canopy standards, clearance standards, and QMD standards.

Status: The Committee added this item to their priorities list in January, 2019.

2. Review of Forest Practice Northern Spotted Owl (NSO) Rules:

Objective: The FPC recommended publication of a 45 Day Notice of Rulemaking for the "Activity Center Definition" rule proposal in 2013. The Board subsequently authorized the publication of the 45 Day Notice. However, publication was postponed as the Fish and Game Commission considered a petition requesting state listing of NSO. The Commission accepted the petition and has determined that state listing for the NSO is warranted.

Status: The FPC discussed the issue of NSO extensively during the second half of 2018. The Committee received presentations from a variety of individuals such as Ken Hoffman (USFWS) who spoke about NSO biology, and Mandy Culpepper (CDFW) who spoke about scoping sessions that CDFW has performed with affected landowners. Additionally, the Board held its September meeting in Yreka, CA with the specific intent of seeing NSO issues first hand via a field tour of NSO habitat areas on industrial and non-industrial lands. Many issues were raised by industrial landowners, non-industrial landowners, Board members, and members of the public. Staff Biologists from CDFW and the USFWS helped answer questions and facilitate the discussion during the tour of a variety of Siskiyou County timberlands. These discussions have culminated in an attempt to develop a well-defined problem statement related to NSO and possible courses of action to address this problem statement. Currently, the problem statement is still in development by the Board members and staff.

The FPC will continue the development of a problem statement and the review of consistency issues in 2019.

3. 14 CCR § 1034. Contents of Plan:

Objectives:

- 14 CCR § 1034(r), How are the requirements of 14 CCR § 1032.7(f) to be met? The reference to 1032.7(f) is obsolete, since it refers to the past requirement that the RPF distributes and publishes a copy of the NOI.
- 14 CCR § 1034(x)(7), On a plan map, show the location of all watercourse crossings of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations. The Board should consider revising 1034 to make Class III watercourse crossings a required mapping feature within a Plan.
- The Board should consider amending 14 CCR § 1034 when it adopts or amends any rule that adds elements that are considered a required portion of a harvesting plan. This ensures a central location where the RPF can find essential information that must be included in a harvesting document. The Board may want to consider a rule package that consolidates all required plan contents under 14 CCR §§ 1034, 1051, 1090.5, and 1092.09.

Status: No reportable actions were made on this topic in 2018.

4. Expanded Allowance for Use of Ground-Based Harvest Equipment:

Objective: Review existing Forest Practice Rules related to limitations on the use of ground-based log yarding equipment to improve antiquated language and allow the rules to be more responsive to recent developments in technology. Address code sections for potential amendments; these sections may include, but are not limited to:

- 14 CCR § 913.1 (a) (2) – tractor yarding acreage limitations.
- 14 CCR § 914.3 (e) – tractor use limitation in cable yarding areas
- 14 CCR § 916.5 – reduced WLPZ widths for cable yarding

Status: The Committee added this item to their priorities list in January, 2019.

5. Watercourse and Lake Protection Rule Review (14 CCR § 916):

Objectives:

- 14 CCR § 916.9(s) [936.9(s), 956.9(s)] [in part], No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under exemption notices except for... Should be considered in the context of 14 CCR § 1104.1(a)(2)(F), which allows conversion activities in the WLPZ where specifically approved by local permit. Should the Board defer to the county in these situations? Restriction of timber operations in the WLPZ affects timber operations conducted in compliance with defensible space regulations. There appears to be a conflict between this subdivision and PRC § 4291 and 14 CCR § 1299.
- Should mechanical feller-bunchers be classified as "heavy equipment" in WLPZs?
- Mapping of Class III Watercourse crossings. Language in 14 CCR §§1034(x)(7) and 916.4 [936.4,956.4] needs to be considered and potentially reconciled for purposes of consistency.
- Review the necessity and utility of assessing and mapping standards of 14 CCR § 916.4 for spawning and rearing habitat for anadromous salmonids.

Status: Significant progress was made on an Effectiveness Monitoring Committee (EMC) funded project at Blodgett Forest Research Station regarding the use of feller-bunchers in the WLPZ. A designation of "Experimental Forest Land" was granted by the Board with unanimous consent to Blodgett Forest to carry out the approved study. The EMC hosted its September meeting at Blodgett Forest with a presentation by Dr. Rob York, UC Berkeley – Blodgett Forest Research Station Manager, on the progress of the project. This project was initially funded in 2017 and is intended to address wildfire hazards in the WLPZ and determine various effects of feller-bunchers in the WLPZ. Preliminary results are anticipated in Winter 2019. The FPC also discussed the development of a non-regulatory action supporting the use of feller-bunchers within a WLPZ under Specified Best Management Practices at the November meeting. It is the hope of the EMC that this project's results will help guide the FPC on establishing policy and/or regulation regarding the use of Feller- bunchers in WLPZ areas.

PRIORITY 2 FOR 2019:

1. Review the Regulatory History, Implementation, and Future of 14 CCR § 916.11; Monitoring for Adaptive Management in Watersheds with Coho Salmon:

Objective: *The Rule requires the Board to develop a monitoring and adaptive management program for timber harvesting operations in watersheds with coho salmon. Multiple purposes for this program are stated within the Rule. The Board has since established a new science-based, multi-stakeholder, and multi-disciplinary Effectiveness Monitoring Committee (EMC) for the purpose of reviewing the efficiency and effectiveness of the Board's Forest Practice Rules relative to forestry and environmental protection, including the protection of watershed resources critical to listed species such as coho salmon. The FPC will review the history and requirements of 14 CCR § 916.11 to ensure the mission and activities of the EMC adequately address the purposes stated for this Rule and will determine if any additional specific Board action is necessary.*

Status: *No reportable actions were made on this topic in 2018.*

2. 14 CCR § 913.4(d) - Variable Retention Silviculture:

Objective: *Several questions have been raised regarding implementation of this Special Prescription: (1) Should the Variable Retention regulation specify a minimum re-entry period for designated retention areas?; (2) Should the current regulation require a minimum stand age necessary for harvest to occur in order to demonstrate maximum sustained production (MSP) as is required for even-age silviculture under 14 CCR § 913.11(c)?; and (3) Are the minimum stocking requirements of CCR § 913.4 (d)(3)(H) relative to aggregate versus dispersed retention clear enough for consistent application and enforcement?*

Status: *No reportable actions were made on this topic in 2018.*

PRIORITY 3 FOR 2019:

1. 14 CCR § 913.2 (b) – Transition Silviculture:

Objective: *It has been reported that CAL FIRE does not allow use of the Transition silviculture method in timber stands which were most previously harvested utilizing the Selection method. This 'policy' is not consistent with 14CCR § 913.2(b) or (b)(2). THP was returned on this issue without being evaluated through PHI to support the determination.*

Status: *No reportable actions were made on this topic in 2018.*

2. 14 CCR § 1054.8 – Order of the Board:

Objective: *CAL FIRE has requested that the Board consider amending this rule section for purposes of obtaining consistency with PRC § 4582.7(d) and 14 CCR § 1037.6. Additionally, CAL FIRE has requested that the Board take into consideration the lack of consistency between PRC § 4582.7(d) and 14 CCR § 1037.6 with current CEQA Guidelines and case law as they pertain to re-circulation of a Plan with substantial new information.*

Status: *No reportable actions were made on this topic in 2018.*

3. 14 CCR § 1032.7(d) and 14 CCR § 1092.04(d) [in part]:

“A Notice of Intent shall include the following information:

- i. The acres proposed to be harvested.*
- ii. The regeneration methods and intermediate treatments to be used.”*

Objectives:

(4) The Board should amend this paragraph to include all acres where timber operations will occur, not just the area where timber will be harvested. In doing so, the Board should consider the current definition of logging area and the lack of a definition of plan area.

(5) Requires stating the regeneration methods and intermediate treatments to be used. This paragraph may not capture all possible treatments that may occur, e.g., special prescriptions and other types of associated timber harvesting, such as road right-of-way or timberland conversion.

Status: *This item was initially addressed by the Management Committee in 2010 in the form of a rule proposal to amend the NTMP NTO requirements. The item was remanded back to the Management Committee following publication of a 45-day Notice of Rulemaking in December 2010 and initial hearing in February 2011. No further action was subsequently taken. No reportable actions were made on this topic in 2018.*

4. Regulatory Amendments to 14 CCR § 1032.10 – Request for Domestic Water Supplies:

“The THP submitter shall provide notice by letter to all other landowners within 1,000 feet downstream of the THP boundary whose ownership adjoins or includes a Class I, II, or IV watercourse(s) which receives surface drainage from the proposed timber operations. The notice shall...”

Objectives: *CAL FIRE has requested the following items be potentially addressed regarding Notice of Timber Operations:*

- *Overland flow or channel flow.*
- *Publication may need to be given in a newspaper of general circulation. CAL FIRE assumes this requires notification as defined in Government Code §§ 6000-6027.*
- *A tie should be made with the requirement to provide protection to domestic water supplies, as required per 14 CCR § 916.10 [936.10, 956.10].*
- *Require more current notification in which the post-marked date is no more than one year prior to submittal of the plan.*
- *Does a plan have to be returned if the RPF requests an exemption from one of the noticing requirements and CAL FIRE does not accept the request? The rule requires at least ten days passing after notification before submission of the plan.*

Status: *No reportable actions were made on this topic in 2018.*

5. Definitions for Site Survey Area and Logging Area (14 CCR § 895.1):

Objective: *CAL FIRE has archaeological or historical sites along appurtenant roads that are not specifically associated with the commercial harvesting of forest products, but are associated with operations such as road construction, re-construction or maintenance. Considering these findings, CAL FIRE has requested a review of the definitions of Site Survey Area and Logging Area, balanced against the definition of timber operations in PRC § 4527, to address the issue of potential impacts to archaeological resources located along appurtenant roads where commercial harvesting is not occurring.*

Status: *No reportable actions were made on this topic in 2018.*

6. Archaeological Training (14 CCR § 929.4 [949.4, 969.4]):

Objective: *CAL FIRE indicates that existing Board regulations are not clear in terms of when a 5-year refresher training course for identification and protection of archaeological resources must be completed. It is recommended to review the existing rule to determine if further regulatory clarity could be achieved.*

Status: *No reportable actions were made on this topic in 2018.*

7. Board Policy Review:

Objective: *The Board currently has many policies in place, some dating back decades. The Board aspires to review and contemporize all policies and make them available to the public via the Board's website. Board policies cover a myriad of topics; committee assignment of this ongoing policy review will be based upon the subject matter of the individual policy under review.*

Status: *Continuously ongoing.*

Management Committee (Committee)

The mission of the Management Committee is to evaluate and promote long-term, landscape level planning approaches to support natural resource management on California's non-federal forest and rangelands.

January 22, 2019

COMPLETED OR SUBSTANTIALLY COMPLETED IN 2018:

1. Mountain Home Demonstration State Forest (MHDSF) Management Plan:

Objective: *Continue to review the management of Mountain Home Demonstration State Forest pursuant to Board Policy 0351.10.*

Status: *Revisions to the Management Plan and Initial Study began in 2017. In the summer of 2017, Board staff toured the state forest and were made aware of significant work that had been done on the forest that would result in the need for a substantial update to the Management Plan. MHDSF staff attended a Committee meeting in late 2017 and presented their initial assessment of the required workload for the Management Plan update. During this meeting, it became clear that the update would require substantial work, and the current MHDSF staff did not have sufficient time or resources to complete the update by the expected deadline. Due to these extenuating circumstances, the Committee voted to extend the deadline until 2020, and the Board approved this decision. Full revisions are expected to be submitted to the Committee by the Manager in 2020. The Board expects full review and certification pursuant to CEQA by the first quarter of 2020.*

2. Boggs Mountain Demonstration State Forest (BMDSF) Management Plan:

Objective: *Continue to review the management of Boggs Mountain Demonstration State Forest pursuant to Board Policy 0351.10.*

Status: *A revised Management Plan and Initial Study was presented to the Board in 2018. Due to the devastating Valley Fire in 2015, which burned approximately 90% of the forest, substantial changes were required to accurately reflect the post-fire conditions of the forest. Therefore, the deadline for submission of final drafts was delayed. Substantial work was completed by BMDSF staff, Board staff, and CAL FIRE Headquarters staff to re-work the plan. The Management Plan and Initial Study was presented to the Committee in early 2018, and was unanimously approved by the full Board for certification pursuant to CEQA.*

3. Board Policy Review (Completed in Part):

Objective: *The Board currently has many policies in place, some dating back decades. The Board aspires to review and contemporize all policies and make them available to the public via the Board's website. Board policies cover a myriad of topics; committee assignment will be based upon the subject matter of the individual policy under review.*

Status: *The Board revised two (2) existing policies – the Board's Nursery policy and the*

State Forest policy – and engaged stakeholders to comment on revisions.

The Board's nursery policy update was mainly centered on the reemergence of the CAL FIRE LA Moran Reforestation Center as a fully functional nursery and reforestation center. The revitalization of the center will help provide native conifer seeds to augment other private vendors throughout the state. The CAL FIRE Stewardship Division Chief, in consultation with the Board, decided to add revisions that included ensuring seed production from a wide variety of climates so that the seed bank can serve the entire state, particularly as the climate continues to change. New revisions also included stipulations to ensure that the existence of a CAL FIRE seed bank does not infringe on other existing nurseries' and seed banks' capabilities to produce seeds or seedlings. Rather, the Board's policy envisions the CAL FIRE seed bank acting as a backup to existing facilities, with utmost importance placed on growing seedlings for small non-industrial landowners. The policy also requires the Department to report to the Board every 10-years on the state of the nursery.

The State Forest policy required much more substantial work; Board staff, CAL FIRE staff, and the State Forest Managers committed significant time to revitalizing the State Forest policy. The revisions focused heavily on updating archaic language and establishing more specific behavior standards and expectations for visitors using the forest for recreational purposes. Specifically, camping traffic across all of the State Forests has significantly increased, expanding staff time expenditure on recreational duties, leaving less time for State Forest management activities. The State Forest policy has been updated to reflect these changes and was subsequently approved by the Board.

Additionally, the lack of ability to enforce camping fees due to insufficient regulations was raised as a serious issue. These updates could not be encumbered within Board policy alone, as establishing a fee-based minimum for campsites would require a full rulemaking effort, subject to approval by the Office of Administrative Law (OAL). These regulations have been submitted to OAL and are on track to be in effect by the summer 2019 camping season.

4. Issues Pertaining to Conversion of Timberland (Completed in Part):

Objectives:

- *Prevention of acceptance of Less than 3-Acre Conversions Exemptions after illegal conversion activities - CAL FIRE believes that disallowing use of 14 CCR §1104.1 for those who have already converted timberland meets the legislative intent of only one minor conversion on each contiguous ownership. Current Board regulations do not disallow submittal of an exemption after illegal conversion activities.*
- *Slash Treatment on Less than 3-Acre Conversions - Under 14 CCR §1104.1(a)(2)(D), a landowner may assume the responsibility for slash treatment, even if they generally do not have the ability or experience to treat the slash. It is recommended that the LTO maintain responsibility for slash treatment, as is the case for all Plans and Exemptions to assure that the slash associated with the conversion is appropriately treated in a timely fashion.*
- *Notification to Native Americans and Adjacent Landowners for Less than 3 Acre*

Conversions - The required notification to Native American and adjacent landowners of a Less Than 3-Acre Conversion does not require a map of the project area. CAL FIRE suggests considering amending 14 CCR

§1104.1(a)(3) to require a map for purposes of clarity.

- Notification to CAL FIRE of the commencement of Timber Operations - Other exemptions under 14 CCR §1038 require notification to CAL FIRE within 15 days of operations commencing. The notification allows CAL FIRE inspectors to target the appropriate timing to conduct inspections of timber operations. CAL FIRE suggests that this required notification be applied to Less Than 3-Acre Conversions as well.

Status: The Board completed, and successfully submitted two (2) rulemaking efforts to OAL regarding the issue of conversions:

1. **Exemption Amendments, 2018:** This action aims to clarify the fuel treatment standards of 1038 (j), extend the sunset date for the Drought Mortality Amendments an additional 3 years, and implement standardized notification procedures. These changes will allow for clearer and more consistent application and enforcement of exemption notices and operations. Additionally, the extension of the Drought Mortality Amendment will enhance public safety by helping landowners address fuel conditions which have been exacerbated by drought and tree mortality. This extension may also provide economic benefit to landowners within California by providing a regulatory mechanism for harvesting dead and dying trees. Finally, standardization of the notification process will improve the efficiency of CAL FIRE inspections and enforcement of exemption operations.
2. **Timberland Conversion Amendments, 2018:** The proposed action disallows the use of the Less than 3-Acre Conversion Exemption where prior conversion has occurred on a contiguous ownership, eliminates the ability of the LTO to transfer responsibility of slash and woody debris cleanup to the landowner, requires the inclusion of a map as part of notification to adjacent landowners and Native Americans, improves the notification procedure for the commencement of timber operations, and improves other issues of clarity and consistency as they exist. These changes help maintain clear and consistent application and enforcement of the Less than 3-Acre Conversion Exemption and may benefit environmental quality by reducing the acreage of timberland that is converted and improving slash treatment and timing. Finally, the improvement of notification processes will benefit the efficiency of CAL FIRE inspections and enforcement of exemption operations.

Both rule packages have been approved by OAL, and have been chaptered as regulation by the Secretary of State. These regulations became effective on January 1, 2019.

5. **Non-Industrial Timber Management Plan (NTMP) Review:**

Objective: Ongoing review of the regulatory standards associated with the NTMP, including CAL FIRE's Draft NTMP Growth and Yield Guidelines document posted on CAL FIRE's website. This guidance document is currently in use by CAL FIRE Plan review

personnel. Additionally, the following issues associated with a Notice of Timber Operations may be addressed:

- Consider requiring the inclusion of the number of acres proposed for harvest along with the required legal description on a submitted NOP. (Department of Tax and Fee Administration (formerly BOE) request).
- Consider requiring the mapped location of each ownership if multiple ownerships are being harvested under the same NOP. This applies to all Plans and Exemptions. (Department of Tax and Fee Administration (formerly BOE) request).

Status: The Board is currently working on changes to the NTMP rules and regulations in response to SB 901 (Dodd, 2018). These changes enable smaller, non-industrial timberland owners to manage their timberlands, achieve greater forest health, and reduce fire danger. Changes include clarifying that multiple land owners can participate in an NTMP, capping the maximum acreage of an NTMP at 2,500 acres, and the addition of mapping standards to maintain consistency with the Working Forest Management Plan. The Board is in the process of drafting an Initial Statement of Reasons and modified rule text. The Board aims to approve these drafts during the first half of 2019 and move through the OAL approval process for an effective date of January 1, 2020.

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PRIORITY 1 FOR 2019:

1. Permanent Post-Fire Recovery Exemption:

Objective: Develop and approve rulemaking language for a permanent post-fire recovery exemption. Each year the Board considers emergency regulations for post-fire recovery; these regulations would allow for faster recovery in communities where fire has impacted forested land.

Status: The Board will review draft regulations at the January, 2019 meeting.

2. Limited Timber Operators License & Timber Operator Education:

Objective: CAL FIRE has indicated that education for Limited Timber Operators is not equal to the education and insurance requirements for Full Licensed Timber Operators. However, the current regulations do not clearly identify the tasks that a Limited Timber Operator may not complete. This may result in unintended impacts to the landscape. CAL FIRE requests that the Board clarify the regulatory language to identify which tasks may be performed, pursuant to the necessary education and insurance for each type of license.

Status: The Committee added this item to their priorities list in January, 2019.

3. Review of Required Post-Harvest Stocking Standards (14 § CCR 913: 14 CCR § 1071). Pursuant to Assembly Bills (AB) 2082 (2014) and 417 (2015). Affecting Public Resource Code (PRC) 4561:

Objective: The request has been made to investigate the current stocking standards as they relate to various regeneration methods and forest health, including fuel hazard reduction, within certain forest types.

Additionally, progeny sites are usually planted over 3-10 year periods to establish various age classes and seed sources. Some of the land may sit fallow for several years and may not meet a 5-year stocking requirement between plantings. The goal is to investigate offering an exemption from stocking standards of up to 40-acres if the property owner designates that area for a progeny plantation.

Status: Recent legislative mandates (AB 2082, 2014 and AB 417, 2015) were chaptered by the Brown Administration and grant the Board the authority to review required minimum stocking standards pursuant to PRC § 4561. The FPC discussed this topic periodically throughout 2018, but due to a large workload this issue has been moved to the Committee for further action. The University of California, Berkeley Center for Forestry houses the William Main Seminar Series in Forestry and Natural Resources, led by Dr. Bob Ewing; the William Main Seminar Series is currently undertaking a study that may inform the Board on this issue. The Committee may address this issue further in 2019, pending updates on the stocking standards study.

4. Small Landowner Harvest Options:

Objective: Find effective methods to facilitate small landowner harvest. Such approaches include 1) An NTMP approach for landowners of 320 acres or less that cannot utilize a regular NTMP and 2) Woodlot owners of less than 40 acres seeking minimal harvesting.

Status: The Management Committee has intermittently discussed the development of small land owner harvest options over the course of several years. Senate Bill 901 (Dodd, 2018) has mandated the adoption of a small landowner exemption within 14 CCR § 1038. A few specifics of the exemption were required by the legislature in statute, but substantial discretion was given to the Board to adopt measures that they deemed appropriate for this exemption. The Board has been holding public workshops to engage stakeholders, elicit suggestions from individuals of varied backgrounds, and ensure widespread use of this exemption by small timberland owners within the state. It is anticipated that the rule package including the addition of the small land owner Exemption to CCR § 1038 will be approved within the 2019 rulemaking year.

5. Program Timberland Environmental Impact Report (PTEIR) for Carbon Sequestration and Fuel Reduction Program:

Objective: AB 862, chaptered by the Brown Administration in 2014, directs the Board of Forestry and Fire Protection to develop regulations, guidelines or publications to facilitate a grant program that allots funding for the development of PTEIRs that promote carbon sequestration and fuel hazard reduction on state or private lands. The grant program is to be administered by CAL FIRE.

Status: The PTEIR was briefly discussed at the beginning of the year, and was reported out to the full Board in February. After Board discussion, it was agreed that it would be prudent for Chair Gilliss and Vice-Chair Andre to draft a letter to the State of California Assembly Committee on Natural Resources to recommend possible legislative actions that could address issues that have been plaguing the PTEIRs use. No action has resulted from therecommendations.

6. Issues Pertaining to Conversion of Timberland:

Objectives:

- Regulatory amendments to 14 CCR § 1100(g)(2) - Definition of Timberland Conversion - Existing Board regulations are currently inconsistent with PRC § 4621 as it applies to conversion of timberland. Current Board regulations address proposed conversions in the Timber Production Zone (TPZ) where an immediate re-zone out of TPZ has been approved. State law does not recognize zoning as a controlling factor in the conversion of timberland. CAL FIRE has requested that the Board bring the current definition of conversion into conformance with State law to recognize all timberland conversions regardless of zoning status.
- Regulatory amendments to 14 CCR § 895.1 – “Crop of Trees, Available for, and Capable of...” – CAL FIRE has made the request to address the definition of “crop of trees” to aid CAL FIRE in identification of timberland. The Committee has received briefings from Board staff and CAL FIRE on potential options to address

this issue.

Status: *The Board anticipates that bullet points one and two will require significant effort because they both require regulatory amendments and input from a variety of agencies and stakeholders. The Board may begin to address these issues in 2019.*

7. Maximum Sustained Production (MSP) 14 CCR § 913.11(a) [933.11(a), 953.11(a)]:

Objective: *Review performance of existing MSP rules since Board adoption. The Committee may consider the following actions for MSP review:*

- *Consider forming a technical working group to consider changes to existing MSP rules to provide more concrete standards for the MSP demonstration per 14 CCR § 913.11(a) [933.11(a), 953.11(a)].*
- *Consider implications for carbon stocks and fluctuations.*
- *Review the constraints of the effective period of a Sustained Yield Plan (SYP) (PRC § 4551.3) against current Board regulations.*

Status: *The Committee reviewed the MSP rules in February of 2011 and found no further action necessary. CAL FIRE has resubmitted the issue in 2015, and industry stakeholders expressed concern over the effective period of the SYP in 2017. The Professional Forester's Examining Committee (PFEC) has started to examine this issue, and is expected to release recommendations to the Board in 2019.*

PRIORITY 2 FOR 2019:

1. Research Plan (PRC § 4789.6):

Objective: *The Board, assisted by the Director, shall biennially determine state needs for forest management research and recommend the conduct of needed projects to the Governor and the Legislature.*

Status: *Previously, during review of Demonstration State Forest Management Plans the Committee has requested improvements in the documentation and distribution of forest management, wildlife, fisheries, botanical and watershed research conducted on each forest or by CAL FIRE. The Committee intends to continue to work with each State Forest and CAL FIRE to better document and catalog results of these research efforts and seek improvements in the distribution of research reports through either CAL FIRE or the Board's website(s). The Committee also intends to review a draft Research Plan in the near future. Work continued on this topic in 2018, with no reportable actions available.*

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PRIORITY 3 FOR 2019:

1. Site Index for Major Young-Growth Forest Woodland Species in Northern California - Discussion of Update to 14 CCR § 1060 Site Classification:

Objective: FPC completed initial review of this topic in April-June of 2010 and deferred additional review until completion of the Road Rules. The Committee will continue review of the issue when sufficient Committee time is available.

Status: No reportable actions were made on this topic in 2018.

2. Development of Pilot Programs for SERM Option (v) Projects:

Objective: CAL FIRE has formed a Technical Advisory Committee (VTAC) to develop and provide advice on pilot programs to implement option (v) projects under the Anadromous Salmonid Protection Rules (ASP).

Status: No reportable actions were made on this topic in 2018.

3. Pacific Forest and Watershed Lands Stewardship Council:

Objective: Board approved CAL FIRE's effort to acquire lands in the Stewardship Council planning units of "Pit River," "Battle Creek," "Cow Creek," "Burney Gardens," "Lake Spaulding," "Bear River," "North Fork Mokelumne River," and "Lyons Reservoir" that would be suitable for inclusion in CAL FIRE's Demonstration State Forest Program. Substantial work is required of CAL FIRE for the acquisition of these lands and the Board must approve management plans for each parcel.

Status: The Stewardship Council Board has recommended fee title transfer of lands within the North Fork Mokelumne River, Pit River, Tunnel Reservoir, Battle Creek, Cow Creek, Lake Spaulding, and Bear River planning units to CAL FIRE. With the Stewardship Council Board recommendation for transfer of lands to CAL FIRE at Bear River in November 2018, fee title recommendations have been completed. In 2018, the Stewardship Council Board approved final Land Conservation and Conveyance Plans (conservation easements and agreements known also as LCCPs) for North Fork Mokelumne River, Pit River, and Tunnel Reservoir. Additionally, the Stewardship Council is expected to review final LCCPs for several additional projects during 2019.

The Department of General Services (Department) and PG&E have developed the final form and content of each of the transaction documents, which will be utilized to construct documents for each of the transactions going forward. It is anticipated that final Department documents will be brought back to the Management Committee for discussion in 2019.

Conservation easement holders for each of the properties have been recommended by the Stewardship Council Board and include: Shasta Land Trust (Pit River, Tunnel Reservoir, Cow Creek), Western Shasta Resource Conservation District (Battle Creek), Mother Lode Land Trust (North Fork Mokelumne River), Placer Land Trust (Lake

Spaulding), and Bear, Yuba, and Placer Land Trusts (Bear River).

CAL FIRE is beginning to develop management plans for each forest including whether each forest will be permanently, seasonally, or unstaffed, and what the purpose of each forest will be (e.g. recreation, timber management, research, etc.). CAL FIRE is also considering staffing needs related to the new lands.

4. Board Policy Review:

Objective: *The Board currently has many policies in place, some dating back decades. The Board aspires to review and contemporize all policies and make them available to the public via the Board's website. Board policies cover a myriad of topics; committee assignment will be based upon the subject matter of the individual policy under review.*

Status: *Continuously ongoing.*

DRAFT

Resource Protection Committee (RPC)

The mission of the RPC is to evaluate and promote an effective fire protection system implemented by the Department of Forestry and Fire Protection and improve forest and rangeland health in California.

JANUARY 22, 2019

COMPLETED OR SUBSTANTIALLY COMPLETED 2018

1. California Fire Plan

Objective: *Update California Fire Plan for 2018.*

Status: Plan approved at August, 2018, Board meeting.

2. Fire Safe Development Workgroup

Objective: *Develop a workgroup to revise the Title 14 SRA Fire Safe Regulations on a triennial basis to coincide with the California Fire Code updates. Ensure consistent, technically sound, and appropriate regulations and guidelines are established for governing fire safe development in State Responsibility Area and other locations determined to be within the statutory responsibility of CAL FIRE and the Board.*

Status: Regulatory changes approved by the Board November, 2018. Staff work ongoing to submit to OAL.

3. Technical Rule Addendum No. 4, Minimum Distances Require by Law, Fire Safe THP Vegetation Treatment

Objective: *The Department has request that the Board amend the diagram in technical rule addendum No. 4 to accurately portray the vegetation treatments as required by PRC § 4291(b) and 14 CCR § 1299(a)(2).*

Status: Staff successfully utilized Section 100 process to update this graphic in 14 CCR 1038 and two instances of outdated websites specified in a related regulation, 14 CCR 1299.03.

4. SRA Grant Guidelines Regulations

Objective: *Review language in AB 398 (Garcia, 2017) to determine necessity of revising the SRA Fire Prevention Fund (14 CCR § 1666).*

Status: Staff successfully utilized Section 100 process to strike reference to Fire Prevention Fee in 14 CCR 1666.0.

ANNUAL ONGOING ITEMS

5. Safety Element Review (all counties with SRA; cities with VHFHSZ)

Objective: *Review General Plan Safety Elements of all counties with SRA and cities with Very High Fire Hazard Severity Zones.*

Status: Review of safety elements ongoing.

6. Fire Safe Development Regulations Certification

Objective: Review and certify local county ordinances submitted for certification under 14 CCR §1270.03.

Status: Ongoing as counties submit ordinances.

7. Forest Pest Council

Objective: Ongoing monitoring, management, and education and outreach (for professionals and lay people) regarding invasive pests and pathogens of concern in California's urban and wildland forests.

Ongoing effort to offer relative, practical information on tree dieoff as well as native and invasive pests and pathogens affecting California's urban and wildland forests.

Ongoing effort to further advance the CA Firewood Task Force 'Buy It Where You Burn It' message as well as the risks associated with spread of invasive species through the long-distance movement of firewood.

Status: Ongoing review in 2019.

2019 PRIORITIES

PRIORITY 1

8. California Vegetation Treatment Program PEIR (CalVTP PEIR)

Objective: Certify a statewide program environmental impact report for vegetation treatment.

Status: Working with consultants to prepare Draft PEIR for public comment in 2019.

9. Regulations Development

Objective: Clarify, interpret, or make specific new legislation from 2018 (AB 2911, SB 1260, SB 901) via regulation, as necessary.

Status: "Safety Element Review, 2019;" "Subdivision Map Findings, 2019;" and "Very High Fire Hazard Severity Zone Adoption, 2019" 45-day initial notices published January 11, 2019. "Fire Safety Survey, 2019" in committee development; anticipated initial notice in February or March 2019.

10. Fire Safety Survey

Objective: Clarify, interpret, or make specific new legislation from 2018 (AB 2911, SB 1260, SB 901) via regulation, as necessary. With the Office of the State Fire Marshal, by July 1, 2021 survey existing subdivisions of 30 or more residential structures without secondary access at high fire risk, and develop recommendations to improve that subdivision's fire safety.

Status: Regulations ongoing to establish structure of survey process. No further progress.

11. Utility Right of Way Exemptions

Objective: Review existing Forest Practice Rules for areas of conflict or inconsistency with utility clearance requirements established by the California Public Utilities Commission (CPUC).

Status: Priority added as a result of CAL FIRE’s “Report to the Board of Forestry and Fire Protection on Newly Effective Forest Practice Rules and Suggested Rule Modifications for Consideration, December 5, 2018.” No progress to date.

PRIORITY 2

12. Policy Updates

Objective: Review and update, as necessary, all policies related to the Board of Forestry and Fire Protection and associated Committees. Examine all general policies, licensing policies, joint policies with other agencies, and other policies as identified and revise policies to reflect current programs and business operations.

Status: Review of relevant policies ongoing. Anticipated approval of policies in Committee in first quarter of 2019.

13. Fire Safe Regulations Update

Objective: Clarify, interpret, or make specific new legislation from 2018 (AB 2911, SB 1260, SB 901) via regulation, as necessary. By July 1, 2021, update the 14 CCR 1270 regulations to apply to LRA, to establish requirements for greenbelts around communities, and to protect undeveloped ridgelines.

Status: No progress to date.

14. Fire Risk Reduction Communities List

Objective: Clarify, interpret, or make specific new legislation from 2018 (AB 2911, SB 1260, SB 901) via regulation, as necessary. By July 1, 2022, develop a list of local agencies taking fire risk reduction activities.

Status: No progress to date.