March XX, 2021

Charlton H. Bonham, Director

California Department of Fish and Wildlife

P.O. Box 944209

Sacramento, CA 94244-2090

**Re: CNDDB 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 (CNDDB), 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 CNDDB 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 CNDDB is a repository of rarity assessments, location mapping, and other important data for thousands of such species and natural communities. For four decades, the CNDDB has been an invaluable scoping tool for individuals engaged in forest management activities. In fact, the CNDDB 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 per year. The high cost of access to scoping tools such as the CNDDB 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 [CNDDB] data… .” However, CDFW is by no means obligated to fund the CNDDB 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 or less costly subscriptions offered on a monthly or per project basis. To the extent persons engaged in forest management activities are expected to utilize the CNDDB 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 CNDDB.

**Accordingly, the Board wants to partner with CDFW to pursue these opportunities to prioritize improving affordability of, and expanded public access to, the CNDDB. 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 requests that CDFW share relevant information about the CNDDB with the Board. The Board’s interests include, but are not limited to, the following:

* What are CNDDB’s annual operating costs?
* How much revenue has been generated by subscription fees for each of the last five years?
* What opportunities exist to reduce fees by making CNDDB operations more efficient?
* How often does CDFW revise the amount of the subscription fee and what criteria are considered? When was it last revised?
* What alternative existing revenue streams could be used to fund the CNDDB?
* What efforts have been made to advocate for new revenue streams to fund the CNDDB?
* What efforts have been made to engage the Legislature regarding statutory changes, such as eliminating or modifying the requirement for user cost sharing?
* Has CDFW considered authorizing significantly discounted CNDDB access for certain users, such as small landowners?
* Has CDFW considered authorizing a “per use” fee option as an affordable alternative in addition to the $600 annual fee option?

Respectfully,

J. Keith Gilless, Chair

Board of Forestry and Fire Protection