April 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~~ hundreds 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 for the first year and a renewal rate of $400 per year. CDFW staff recently suggested that CNDDB data may 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), though that option is apparently not publicized. The high cost of ~~access to~~ and limited options for accessing 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~~ appreciates CDFW’s assistance in providing relevant information about the CNDDB~~, with the Board. The Board’s interests include, but are~~ including, but not limited to, ~~the following:~~ information addressing the questions posed on the attached enclosure.

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

Respectfully,

J. Keith Gilless, Chair

Board of Forestry and Fire Protection

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

1. What are CNDDB’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 CNDDB, and in what amounts for each source, for each of the last five years?
4. Does CDFW agree that CNDDB is eligible for AB 1492 funding, per Public Resources Code section 4629.6? If not, what is CDFW’s rationale for CNDDB not being eligible for those funds?
5. AB 1492 prohibits CDFW from charging previously authorized or required fees associated with timber operations projects or permits. (PRC §4629.6(c).) As such, how does CDFW justify the ongoing collection of CNDDB fees for data associated with forestry projects? How do CNDDB 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 CNDDB operations more efficient?
7. Can CDFW quantify the amount of CNDDB use that is attributable to forestry practices (as opposed to academic or governmental uses, 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 CNDDB by CDFW? How does CDFW reconcile providing free access to certain entities with the statutory requirement for cost sharing by allwho use the CNDDB? (FGC §1932(e).)
10. CDFW staff have reported that landowners can request CNDDB data for $25 per 7 ½ minute USGS quadrangle, as an alternative to the $600/$400 annual fee. If so, what efforts can CDFW take to better publicize this more affordable option for small private landowners?
11. Does CNDDB usage data indicate whether some subscribers should be charged a higher annual fee to reflect CNDDB 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 CNDDB? How much revenue would be available from such sources?
14. What efforts have been made to advocate for new revenue streams to fund the CNDDB?
15. What efforts have been made to engage the Legislature regarding statutory changes, such as eliminating or modifying the requirement for user cost sharing?
16. ~~Has CDFW considered authorizing significantly discounted CNDDB access for certain users, such as small landowners?~~ [deleted in favor of new questions 8 to 11.]
17. ~~Has CDFW considered authorizing a “per use” fee option as an affordable alternative in addition to the $600 annual fee option?~~ [deleted in favor of new questions 8 to 11.]