

September 2021 Management Committee

Revisions to 14 CCR § 895.1

At the June and July 2021 Management Committee (Committee) meetings, the Committee discussed several approaches to redefining key terms within the Forest Practice Rules intended to improve the clarity and utility of regulatory provisions related to the conversion of timberland. The following is a summary of the potential regulatory amendments made by Board staff at the direction of the Committee.

Amend § 895.1. “Crop of Trees”

The proposed action excludes all trees within 30-feet of certain structures, identified in statute, from constituting a “crop of trees” within the statutory definition of “Timberland” pursuant to PRC § 4526.

Under general understandings, the term “crop” is used to identify a plant “...that can be grown and harvested extensively for profit or subsistence”¹. The area immediately surrounding a building or structure is not suitable for repeated cycles of growth and harvest of trees, particularly Commercial Species² which are the concern of the Forest Practice Act and Rules. Buildings and structures are generally non-mobile on the landscape and may not easily be moved to avoid falling trees. As a result, the processing or removal of a tree within close proximity of a building or structure can create significant risk of damage to both life and property.

Furthermore, the area immediately surrounding buildings or structures is used to provide access, support accessory features of the structure, promote fire safety, or provide aesthetic or structural elements which in some way support these buildings. These areas generally managed to support these benefits and considerations, rather than in maintaining a harvestable crop of trees. Other state law, including PRC § 4291, requires that these areas be managed to reduce fire risk in a manner which does not provide consideration for the commerciality of the trees.

Finally, trees surrounding structures can provide numerous benefits, including aesthetic value, shade during periods of high-heat, bank-stabilization, and innumerable others. Among these other benefits is certainly a potential value as chattel, however, due to the other, overriding considerations for land-use and general suitability of tree harvesting surrounding structures, this value is negligible and, as such, these trees do not constitute a crop which can be grown and harvested for profit or sustenance and justifies their exclusion from the definition of Timberland.

Given that general land use surrounding buildings and structures does not support maintained growing and harvesting of commercial trees, it is appropriate to determine a standard of general application by which this area may be excluded from Timberland pursuant to PRC 4526. In this regard, existing statute in PRC § 4291, which compels fire-safe maintenance surrounding similar buildings and structures, also provides a prescriptive distance of 30 feet from these structures where intense fuels management must occur. Provided that this 30 feet represents a critical distance for a management consideration other than timber management, it is appropriate and suitable for use here to exclude this general area from the definition of Timberland.

¹ Merriam-Webster definition of “Crop” <https://www.merriam-webster.com/dictionary/crop>

² PRC § 4526