

Forest Practice Committee (FPC)

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

COMPLETED OR SUBSTANTIALLY COMPLETED IN 2013

1. **Regulatory amendments for permanent T/I rules: "Road rulesRules"**
2. **Review of Class II-L Watercourses – Regulatory amendments to definition Definition and Requirements**
3. **Regulatory Amendments-amendments to 14 CCR 1051 – Modified Timber Harvest Plan**
4. **Revision-Regulatory amendments to of 14 CCR 895.1 – Definition of Commercial Species [Coast and Southern Forest Districts]**

PRIORITY 1:

1. **Consistency of NSO rules with -USFWS guidance and Definition of Activity Center**

Objective/Status: FPC ~~worked upon and substantially finished the Definition of Activity Center during 2013~~ recommended publication of a 45-day Notice of Rulemaking for the "Activity Center Definition" rule proposal. The Board ~~subsequently determined that it would be prudent to suspend action on this effort given that a determination of candidacy as a State listed Threatened species is currently pending before the Fish and Game Commission (Commission),~~ authorized publication of 45-day Notice. Publication of the 45-day Notice has been pending due to competing rulemaking priorities.

The FPC will continue ~~efforts on these matters~~ review of NSO rule consistency issues in January 2014 ~~in anticipation should the Fish and Game Commission will adopt findings in support of NSO listing candidacy~~ ~~render a decision on the matter~~ in December of 2013.

2. **Regulatory amendments for permanent T/I rules: Cumulative Effects (14 CCR § 916.9 (d)).**

Objective: Review of current status of cumulative effects process including a review of Technical Rule Addendum No. 2.

Status: FPC will continue addressing this matter in 2014.

3. **Regulatory amendments to 14 CCR § 1104(g)(2) - Definition of Timberland Conversion within THP Lands**

Objective: Existing Board regulations are currently inconsistent with PRC § 4621 as it applies to conversion of timberland. Current Board regulations address proposed conversions in 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. The Department 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.

Status: This is a recent submittal by the Department and the FPC intends on addressing this issue in 2014.

4. Development of regulations to support restoration of Oak Woodlands -

Objective: To develop silvicultural and stocking standards that will facilitate the restoration of true Oak Woodlands within the State. This effort is similar to the Aspen Restoration efforts that were addressed by the Board in 2012.

Status: FPC will begin work on this issue in January of 2014.

5. Regulatory amendments to 14 CCR § 917.2(a) [937.2(a), 957.2(a)] and 1038(c)(3) – Timely treatment of slash associated with Timber Operations under Plans and Fire Safe Exemptions:

Objective: California Licensed Forester Association (CLFA) will provide the Board the DRAFT regulatory revisions for consideration in January of 2014.

Status: FPC will begin work on this matter in January of 2014.

6. Regulatory amendments to 14 CCR § 1052- Native American Notification for Emergency Notice of Timber Operations

Objective/Status: FPC will continue to addressing this issue in January of 2014.

PRIORITY 2:

1. Regulatory amendments for permanent T/I rules: Monitoring. (14 CCR 916.11)

Objective/Status: FPC to begin work following completion of T/I road rules. To be delegated for initial review to Effectiveness Monitoring Committee.

2. Stocking levels - Existing Stocking Standards may be too high to achieve landowner goals within some forest types.

Objective/Status: The request has been made to investigate the current stocking standards as they relate to various regeneration methods and fuel hazard reduction within certain forest types. No progress to date.

THE FOLLOWING TWO ITEMS MORE APPROPRIATE FOR MANAGEMENT COMMITTEE?

3. ~~Development of pilot programs for SERM/ Option v projects~~

~~**Objective/Status:** Department 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).~~

~~**4. 14 CCR § 913.11(a) [933.11(a), 953.11(a)] Maximum Sustained Production**~~

~~**Objective:** Board should consider forming a technical working group to consider changes to existing MSP rule to provide more concrete standards for the MSP demonstration per 14 CCR § 913.11(a) [933.11(a), 953.11(a)]. Consider implications for assuring AB-32 targets.~~

~~**Status:** Committee reviewed February of 2011 and found no further action necessary. The Department has resubmitted the issue in 2013, which may indicate that further investigation into this issue is necessary.~~

IT WOULD SEEM APPROPRIATE TO MOVE SOME PRIORITY 3 ITEMS UP TO PRIORITY 2 IF THE CHANGES I'VE PROPOSED ABOVE STAND.

PRIORITY 3:

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

Objective/Status: FPC completed initial review of topic in April-June of 2010. FPC deferred additional work until road rules are completed.

2. Regulatory amendments to 14 CCR 895.1 – “Crop of Trees, Available for, and Capable of”

Objective/Status: The Department has made the request to address the definition of “crop of trees” to aid the Department in identification of timberland. No progress to date.

3. 14 CCR § 913.4(d) - Variable Retention silvicultural prescription

Objective/Status: The current regulations as they apply to Variable Retention do not specify reentry period for leave areas. Minimum age of application is the same as even age regeneration? No progress to date.

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

Objective/Status: 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). No progress to date.

5. 14 CCR § 916.8 [936.8, 956.8] – Sensitive Watersheds

Objective/Status: The Department has requested that the Board evaluate this existing regulation to determine if a need is still present for these provisions to be included in the Forest Practice Rules. No progress to date.

6. **14 CCR § 1054.8 – Order of the Board**

Objective/Status: The Department 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, the Department 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. No progress to date.

7. **Department disallows use of the Transition silviculture method when applied to stands which have been previously harvested utilizing the Selection method.**

Objective/Status: Does not conform with 14CCR § 913.2(b) or (b)(2). Past harvest history should not be a condition of the application of any silvicultural prescription. THP was returned on this issue without being evaluated through PHI to support the determination. No progress to date.

8. **Should mechanical feller-bunchers be classified as "heavy equipment" in WLPZs?**

Objective/Status: No progress to date.

9. **14 CCR § 914 [934, 954] - Tractors shall not be used in areas designated for cable yarding except to pull trees away from streams.....Such exception (s) shall be explained and justified...Suggest replacing language to allow usage subject to the limitations of 14 CCR § 914 [934, 954].2 (f)- prohibitions on steep slopes.**

Objective/Status: No progress to date.

10. **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...**

Objective/Status: 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. 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. No progress to date.

PROGENY SITES MORE APPROPRIATE FOR MANAGEMENT COMMITTEE?

11. Progeny Sites: These sites are usually planted over a long period of time 3-10 year period to get various age classes and seed sources. Some of the land may sit fallow for a number of years and not meet a 5 year stocking requirement. Exempt up to 40 acres from meeting the required stocking standard if the property owner designates that area for a progeny plantation.

~~Objective/Status: No progress to date.~~

12.11. Issues related to THP form and content

Objective: Complete revisions to THP form and address the below issues:

Status: CAL FIRE ~~has previously circulated~~ draft revision for comment. No further action taken by CAL FIRE to date.

13.12. Restating FPRs in THPs: Consider allowing the statement of compliance with specific rule section (s) by number, rather than using language out of the FPRs. New THP form under development, will be addressed.

Objective/Status: *No progress to date.*

14.13. 14 CCR § 916.4(c)(1) [936.4(c)(1), 956.4(c)(1)] [in part], The location of the areas of heavy equipment use in any ELZ shall be clearly described in the plan, or flagged or marked on the ground before the preharvest inspection. 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 at that crossing.

Objective/Status: 14 CCR § 916.4(c)(1) [936.4(c)(1), 956.4(c)(1)] requires RPF to clearly describe, flag or otherwise identify ELZ on the ground prior to the pre-harvest inspection. 14 CCR § 1034(x)(7) requires the RPF to map the location of all classified watercourse crossings except temporary dry Class III crossings. CAL FIRE recommends the Board amend the rules to delete the allowance in 14 CCR § 1034(x)(7). ~~No progress to date.~~ FPC reviewed this comment in its deliberations on “Road Rules,” but did not revise the rule requirement.

15.14. CCR § 1034, Contents of Plan.

Objective/Status:

- a. **(r)** How the requirements of 14 CCR 1032.7(f) are to be met. The reference to 1032.7(f) is obsolete, since it refers to the past requirement that the RPF distribute and publish a copy of the NOI. No progress to date.
- b. **(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 at that crossing. (See above). ~~No progress to date.~~

FOLLOWING TWO ITEMS COMPLETED WITH “ROAD RULES” ADOPTION

- c. ~~**(x)(9)**, [On a plan map, show the location of all watercourses with Class I, II, III, or IV waters. This paragraph should be amended to add “and lakes.” No progress to date.~~

~~d. (ii), On a map complying with subsection 1034(x), the locations and classifications of roads, watercourse crossings, and landings to be abandoned shall be shown. This subdivision should be deleted and the mapping requirement should be incorporated as part of 14 CCR §1034(x), which applies strictly to mapping. No progress to date.~~

~~e.c.~~ Board should consider amending 14 CCR § 1034 when it adopts or amends any rule that adds elements considered a required portion of a harvesting plan. This ensures a central location where the RPF could be assured of finding what is considered essential information in a harvesting document. Board may want to consider a rule package that consolidates all required plan contents under 14 CCR §§ 1034, 1051, 1090.5, and 1092.09. No progress to date.

16.15. 14 CCR § 1032.7(d) [in part], A Notice of Intent [NOI] shall include the following information: (4) the acres proposed to be harvested. (5) The regeneration methods and intermediate treatments to be used.

Objective/Status:

- a. (4) 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. ~~No progress to date~~
- b. (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. ~~No progress to date~~

~~Item was initially addressed by Management Committee in 2010 in form of rule proposal to amend NTMP NTO requirements. Item was remanded back to Management Committee following publication of 45-day Notice of Rulemaking in December 2010 and initial hearing in February 2011. Management Committee was directed to review necessity of proposal and consider its combination with THP NOI amendments. Management Committee last discussed item at March 2011 meeting and deferred further action until Department could provide additional information related to necessity.~~

17.16. Regulatory amendments to 14 CCR § 1032.10 - Notice of Timber Operations. 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

Objective/Status: The Department has requested the following items be potentially addressed in regards to Notice of Timber Operations. No progress to date.

- a. Overland flow or channel flow?
- b. 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.

- c. 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].
- d. Require more current notification in which the post-marked date is no more than one year prior to submittal of the plan.
- e. Does a plan have to be returned where 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.
- f. The 4th sentence should be changed to use the proper verb, “affect,” in place of “effect.”