

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: <http://www.bof.fire.ca.gov/>
(916) 653-8007

**MANAGEMENT COMMITTEE MEETING REPORT**

-Meeting Held August 4, 2009-

MEETING ATTENDANCE

Committee Members Tom Walz and Doug Piirto (Chair); Bill Snyder, Dr. Tim Robards (*CAL FIRE-FRAP*); Dr. Russ Henly, Dr. Helge Eng, Chris Maranto (*CAL FIRE*); Bob Rynearson (Wm. Beaty & Associates); Addie Jacobson (Ebbetts Pass Forest Watch); Michelle Dias (CFA); Doug Ferrier (Forest Slopes Management); Bill Keye (CLFA); Stacy Heaton (RCRC); Stan Dixon (Board Chairman).

~Agenda Items appear in the order in which they were discussed by the Committee~

AGENDA ITEM 2: PTEIR GUIDANCE DOCUMENT REVIEW.

Staff introduced the topic and noted that the document's author, Allen Robertson (Deputy Chief, *CAL FIRE*), could not attend the meeting. Mr. Robertson will however, be in attendance at the September Committee meeting. Pursuant to the Board's direction, the document has been posted on the Board's website along with a "note to the reader" explaining the purpose of the document and soliciting comments on its contents. The document was likewise emailed to regular Committee attendees, interested parties, and *CAL FIRE* Forest Practice staff.

CAL FIRE staff appears to have completed their review of the document and provided Mr. Robertson with extensive comments and questions. Comments have likewise been received from RPF John Ramaley of Mendocino Redwood Company. Mr. Robertson expects to complete review and any necessary response to the comments and questions prior to the September Committee Meeting. It is therefore anticipated that further discussion and any possible Board action on the document will occur no sooner than the September meeting.

AGENDA ITEM 1: CONTINUING DISCUSSION OF A MODIFIED TIMBER HARVESTING PLAN (MTHP) REGULATORY PROPOSAL FOR STREAMLINED PERMITTING OF FUEL HAZARD REDUCTION PROJECTS.

Staff introduced the topic and briefly described the contents of the proposal to date, noting that there are two MTHP options currently included in the proposal. Dr. Tim Robards of the *CAL FIRE-Fire and Resource Assessment Program (FRAP)* provided a detailed explanation and handout on the fuel treatment modeling currently in progress to test the prescriptive standards contained in the draft regulatory proposal. Dr. Robards indicated that the modeling would not likely be complete before the October Committee meeting. He anticipates providing the Committee with a progress report on the treatment modeling at the September Committee meeting. Chair Piirto requested that Dr. Robards include any additional relevant research findings to help further inform the discussion of this topic.

Mr. Doug Ferrier of Forest Slopes Management provided written comment in advance of the meeting and reviewed his detailed observations for the benefit of the assembly. Speaking from his experiences with smaller, non-industrial clients, Mr. Ferrier identified several proposed rule provisions that could limit the intended use of the MTHP. The Committee accordingly directed staff to edit the proposed rule plead language and further review the operational limits imposed in the proposal for discussion at the September Committee meeting.

AGENDA ITEM 3: STATUS UPDATE ON PUBLICLY NOTICE D REGULATORY PROPOSALS.

Staff summarized the status of noticed regulatory proposals that originated in the Management Committee. A public hearing for the “FIP, Urban Forestry, and Chaparral Management Regulatory Updates, 2009” and “Emergency Notice Effective Period Extension, 2009” proposals will be conducted on the following day. Board consideration of the adoption of the Final Statement of Reasons, findings, and response to public comments for the “Sustained Yield Plan Renewal, 2009” proposal will likewise occur during the full Board meeting on the following day.

Assistant Deputy Director, Dr. Russ Henly provided an update on the status of legislative efforts to revise the statutes authorizing the Board’s regulations for FIP, Urban Forestry, and Chaparral Management. Dr. Henly advised the Committee that the bill language requested by *CAL FIRE* had been included in state budget trailer language signed into law by the Governor. In light of the Governor’s approval of the budget bill language, the Board may now consider tentative adoption of the regulatory proposal for FIP, Urban Forestry, and Chaparral Management during the full Board meeting on the following day.

Ms. Michelle Dias of the California Forestry Association suggested that the Board’s Final Statement of Reasons include recognition of the statutory changes required to authorize the Board’s proposed regulatory revisions. The Committee concurred with this recommendation and directed staff to include this recognition in the Final Statement of Reasons.

It is important to note that the “FIP, Urban Forestry, and Chaparral Management Regulatory Updates, 2009” proposal is not forest practice related rulemaking. The proposed regulatory revisions may therefore take effect immediately upon the Office of Administrative Law’s (OAL’s) certification of the Board’s Final Statement of Reasons, response to comments, and final rule plead language.

The Committee continued discussion of the proposed “Emergency Notice Effective Period Extension, 2009” Regulatory Proposal and focused specifically on *CAL FIRE*’s late opposition to the noticed proposal. Discussion concluded with recognition that a public hearing on the noticed package was scheduled for the following day.

AGENDA ITEM 4: DISCUSSION OF POSSIBLE COMPREHENSIVE REVISIONS TO THE EXISTING SUSTAINED YIELD PLAN REGULATION.

In the interest of time, the Committee directed staff to send an email of possible discussion items on this topic for review by regular Committee attendees. This item will be agendized for Committee discussion in September.

AGENDA ITEM 5: NEW AND UNFINISHED BUSINESS – 2 ITEMS FOR CONSIDERATION.

JACKSON DEMONSTRATION STATE FOREST TIMBER SALES:

At the request of Board staff, State Forest Program Manager, Dr. Helge Eng discussed the status of timber sales at Jackson Demonstration State Forest. Dr. Eng noted that anticipated revenues from the two timber sales just commenced will be significantly insufficient to cover the Forest’s operating costs for the current fiscal year. This is a particularly disagreeable situation in light of the 3 million dollar budget cut facing the Department’s Resource Management Program. It was observed that the economic viability of the Forest’s timber sales program may be compromised by the log size and species mix offered in the latest timber sales. The assembly discussed the “Initial Implementation Period Restrictions” imposed in the Board’s adopted Management Plan for Jackson as well as the current condition of the log and lumber economy. The Committee noted that the addition of a greater proportion of larger second growth redwood logs in timber sale offerings could produce more interest in log sales by prospective bidders while simultaneously meeting the interim period restrictions. **After further discussion, the Committee decided to bring this topic to the Board on the following day as an action item for consideration.**

Board Action Item for Consideration

The Committee suggests that the Board consider directing the Jackson Advisory Group and the Department to examine the potential effect of the inclusion of a greater proportion of larger diameter second growth redwood logs in prospective timber sale offerings.

PROPOSED TOTAL MAXIMUM DAILY LOAD (TMDL) FOR THE KLAMATH RIVER IN OREGON AND CALIFORNIA:

Member Walz introduced the topic noting that the North Coast Regional Water Quality Control Board (NCRWQCB) is soliciting comment on their proposed TMDL for the Klamath River. The TMDL proposes canopy retention standards in excess of the currently proposed modifications to the Board's Forest Practice Rules for Threatened or Impaired Watersheds.

Ms. Michelle Dias of the California Forestry Association added that it appears the NCRWQCB is signatory to a Memorandum of Understanding (MOU) with the Oregon Board/Department of Forestry. The MOU specifies that the Oregon Forest Practice Rules for protection of the Oregon portion of the Klamath River would satisfy the TMDL. Yet, the NCRWQCB has not similarly engaged with the California Board of Forestry and Fire Protection to specify that the Board's current proposed revisions to the existing Threatened or Impaired Watershed Rules would likewise satisfy the TMDL standards. This is despite the fact that the rule revisions currently under review by the Board are in excess of those imposed in Oregon.

Mr. Bill Keye of the California Licensed Foresters Association observed that it appeared the NCRWQCB was attempting to create forest practice rules for California under the separate authority of the Porter-Cologne Water Quality Control Act.

The Committee noted that the Board has conducted a lengthy riparian science review and comprehensive deliberations over the possible modification of existing Forest Practice Rules for Threatened or Impaired Watersheds. But, the NCRWQCB has apparently not considered adoption of those proposed rule standards for compliance with the proposed TMDL for the California portion of the Klamath River.

Following further discussion, Member Walz suggested that the Committee bring this item to the full Board's attention on the following day and recommend the drafting of Board correspondence to the NCRWQCB prior to the comment deadline later in August.

Board Action Item for Consideration

The Committee recommends that the Board direct staff to draft correspondence to the NCRWQCB prior to the comment deadline later in August. The purpose of the letter would be to express the Board's concerns relative to the NCRWQCB's apparent disregard of the Board's lengthy riparian science literature review and subsequent "Threatened or Impaired Watershed Rules" revisions; and to suggest NCRWQCB adoption of those proposed rule revisions as Klamath River TMDL compliance standards for California.

POTENTIAL AGENDA ITEMS FOR SEPTEMBER 2009 COMMITTEE MEETING:

1. Continuing Discussion of a Modified Timber Harvest Plan (MTHP) Regulatory Proposal for Streamlined Permitting of Fuel Hazard Reduction Projects.
2. Continuing Review of PTEIR Guidelines Document.
3. Discussion of Possible Comprehensive Revisions to the Existing Sustained Yield Plan regulation.
4. New and Unfinished Business.

MANAGEMENT COMMITTEE PRIORITIES FOR 2009

Management 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.

NOTE: 22 IDENTIFIED COMMITTEE PRIORITIES RANKED IN DESCENDING ORDER OF IMPORTANCE FROM 1-3; COMPLEXITY RANKED IN ASCENDING ORDER OF PERCEIVED DIFFICULTY OF MATERIAL RESOLUTION FROM 1-3.

Evaluation/Monitoring of Forest Practice Rules:

Priority 1 - Complexity 1 Items:

1. Sustained Yield Plan (SYP) Review: Rule language under development. *Phase 6. Possible adoption in 2009 for 2010 implementation.*
2. Non-Industrial Timber Management Plan (NTMP) Review: *Ongoing review of issues. Department Draft NTMP Growth and Yield Guidelines document posted on Department website—currently in use by Department plan review personnel.*

Priority 1 - Complexity 2 Items:

3. Programmatic Timberland EIR Guidance Document: *Department Guidelines under review by committee.*
4. Modified THP for fuel reduction: *Phase 5. Rule language development.*

Demonstration State Forests Management:

Priority 1 - Complexity 1 Items:

5. Jackson (Liaison to JAG): *Jackson Plan was approved in the early part of 2008. Ongoing evaluation of the JAG work plan.*
6. LaTour: *Updated Management Plan was approved in summer of 2008. All Board tasks completed, no further work required.*

7. Boggs: Updated Management Plan was approved in fall of 2008. **All Board tasks completed, no further work required.**

Priority 1 - Complexity 2 Items:

8. Mountain Home: Updated Management Plan under development. **Review to occur in 2009.**
9. Soquel: Updated Management Plan under development. **Review to occur in 2009.**

Items listed below were identified by the Policy Committee after November 2007-8 public input per Strategic Plan Criteria #7 Governance, Strategy E

Department Comment, 2007 and 2008:

Priority 1 - Complexity 1 Items:

10. 14 CCR § 1092.04(d) [in part]. A Notice of Intent shall include the following information: (4) The acres proposed to be harvested. (5) The regeneration methods and intermediate treatments to be used. 14 CCR § 1092.04(d)(4) requires stating the acres proposed to be harvested. Board should amend this paragraph to include all acres where **timber operations** will occur. Board should consider the current definition of logging area and the lack of a definition of plan area. 14 CCR § 1092.04(d)(5) This paragraph may not capture all possible treatments that may occur under a plan (special prescriptions, road right-of-way, or fuelbreak.)

Priority 1 - Complexity 2 Items:

11. 14 CCR § 1051, Modified THP. The Board could make changes to increase the utility of an MTHP, e.g., expanding the allowable acreage, limiting the application to small timberland owners and modifying certain limitations, or, as is currently being considered, focus a category of MTHPs on fuels reduction. **(See above, item under consideration by committee)**

Priority 2 - Complexity 1 Items:

12. 14 CCR § 1090.7(e), [NTOs shall contain i]dentification of silvicultural prescriptions to be applied. Board should amend this subdivision to require the number of acres of the silvicultural prescriptions to be applied in the NTO. (For tracking)

Priority 3 - Complexity 3 Items:

13. 14 CCR § 913.11(a) [933.11(a), 953.11(a)]. 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)].

Public Comment, 2008:

Priority 1 - Complexity 1 Items:

14. 14 CCR § 1052: Time limits of fire salvage emergencies do not allow enough time for a THP to be prepared and approved. **(See item # 2 and 5)**
15. 14 CCR § 1052 and 14 CCR § 917.2: "Slash to be treated for hazard reduction by burning shall be treated not later than one year following its creation."

16. *Expand use of electronic posting to allow for greater public access to information. (Cal Fire to prepare plan for implementation of electronic posting at Redding and Fresno offices for February 2009 Committee Meeting.)*

14 CCR § 912.9, Board of Forestry Technical Rule Addendum No. 2:

Priority 1 - Complexity 1 Items:

17. *Categories need to be expanded to include climate change and effect on fire threat from the proposed harvest.*

Priority 2 - Complexity 3 Items:

18. *Maps need to show all the past, currently proposed, and likely future THPs layered into one map.*
19. *Biological assessment areas and proportional mitigations, expansion of consideration of non-conifer resources.*
20. *Is mitigation required proportional to the impacts? E.g., small harvest operations required to utilize the same mitigations as industrial operations.*

Priority 3 - Complexity 3 Items:

21. *Consider adding adjacent watersheds for evaluating past, present and future projects.*
22. *Assessment of impacts made project by project, need landscape approach. California State Wildlife Action Plan not being adhered to: "Using the best-available science, extent, pattern, and pace for timber-harvest in a forest watershed". <http://www.dfg.ca.gov/wildlife/WAP/>*

###