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Forest Practice Committee (FPC)

BOARD OF FORESTRY AND FIRE PROTECTION

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 Rules"**
2. **Review of Class II-L Watercourses – Regulatory amendments to Definition and Requirements**
3. **Regulatory amendments to 14 CCR 1051 – Modified Timber Harvest Plan**
4. **Regulatory amendments to 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 recommended publication of a 45-day Notice of Rulemaking for the "Activity Center Definition" rule proposal. The Board subsequently authorized publication of 45-day Notice. Publication of the 45-day Notice has been pending due to competing rulemaking priorities.

The FPC will continue review of NSO rule consistency issues in January 2014 in anticipation the Fish and Game Commission will adopt findings in support of NSO listing candidacy in December 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.

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PRIORITY FOUR

- e. (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.

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.

21. 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.

- f. Overland flow or channel flow?
- g. 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.
- h. 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].
- i. Require more current notification in which the post-marked date is no more than one year prior to submittal of the plan.
- j. 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.
- k. The 4th sentence should be changed to use the proper verb, "affect," in place of "effect."

22. 14 CCR § 1035.1, 1035.2, 1035.3, 1035.4. LTO's have reported that they have been cited by state regulatory agencies with responsibility and liability for violations, errors, or other wrongful actions taken to comply with a Timber Harvest Plan or other timber management document, where the LTO was following the direction of a Registered Professional Forester (RPF) in taking the action.

Objective: *The Board of Forestry should review those sections of statutory law and the Forest Practice Rules relating to the responsibilities of both LTOs and RPFs for actions undertaken under a Timber Harvest Plan, and the necessary meetings should be held so that liability and responsibility is not wrongly affixed to an LTO for work performed in accordance with the direction of the RPF on the Timber Harvest Plan.*

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23. 14 CCR §§ 1020 -1030. In December of 2012 a number of LTOs were informed that their licenses were unable to be renewed and issued in accord with renewal deadlines, because of "delays in the State Printer's office in getting notices out to LTOS." Though LTOs must postmark their renewal applications by December 1 of the year in which their license expires (per Forest Practice Rule 1026(b)), many LTOs could not do so as they had not received renewal notices.

Objective: (1) CALFIRE assure both initial licensing and renewal are done in a timely manner. (2) Renewals be issued so that an LTO will not have a "gap in time" during which he or she is not licensed (3) LTOs receive proper early notice of upcoming renewal dates and requirements.