

DRAFT EXEMPTION AND EMERGENCY NOTICE MONITORING REPORT OUTLINE

I. Introduction

A. Statutory Requirement for Report [now due December 31, 2018].

1. Assembly Bills 1958/2029 – statutory language and creation of new Exemption type.
2. Budget Bill statute modification (SB 92 – Refer to excerpt of revised statute on page 4 of outline).
 - a. New report date of December 31, 2018.
 - b. requirement for “...an analysis of exemption use, whether the exemptions are having the intended effect, any barriers for small forest owners presented by the exemptions, and measures that might be taken to make exemptions more accessible to small forest owners.”

B. Broader Forest Practice Act and Rules context.

1. Act and Rule development history from 1973-2017.

II. Exemptions and Emergency Notices by permit type.

A. Statutory authority and rulemaking history by permit type.

B. Legislative and Board intent for use of Exemptions and Emergency Notices.

III. Trends in use of Exemptions and Emergency Notices.

A. Annual reported use by permit type.

1. Treated acres by CAL FIRE Administrative Unit, County.
2. Use by landowner categories (nonindustrial, industrial, homeowner, utility).
3. Relationship of use to catastrophic events such as fires, drought, insect mortality.
4. Relationship to defensible space requirements.
5. Relationship to log market conditions and LTO availability.

IV. Level of Compliance.

- A. Compliance monitoring inspections by permit type and CAL FIRE Administrative Unit for ten-year period of 2006-2016.**
 - 1. Completion inspections; active operations inspections; other inspections.
 - 2. Inspector use of new mobile device application.
- B. Forest Practice Enforcement actions by permit type and CAL FIRE Administrative Unit.**

V. Measure of Effectiveness.

- A. Acres treated by type and CAL FIRE Administrative Unit for ten-year period of 2006-2016.**
 - 1. Resulting level of fuel hazard reduction; defensible space creation.
 - 2. Resulting level of forest pest control.
- B. Economic value of Exemptions and Emergency Notices.**
 - 1. Salvage recovery and wood utilization; maintenance of industrial infrastructure.
 - 2. Cost-effectiveness of permitting options; benefits to small and large landowners.
 - 3. Yield tax revenue and benefits to local governments.
- C. Effectiveness field monitoring results.**
 - 1. Effectiveness of Forest Practice Rules for protection of public trust values.
 - a. Level of protection for watershed values related to clean water, erosion and sediment control, large wood recruitment (where appropriate).
 - b. Level of protection for biological resources such as anadromous and resident fisheries, terrestrial (including herpetological) and avifaunal species of concern, botanical species of concern, and habitat to support floral and faunal species.

VI. Past Monitoring Reports – Summary of Past Monitoring Efforts.

- A. Monitoring Study Group – Hillslope Monitoring Program.
- B. FORPRIEM
- C. Emergency Notice for Fuel Hazard Reduction; Forest Fire Prevention Exemption monitoring.
- D. Interagency Mitigation Monitoring Program.

VII. Findings.

- A. What do trends in use indicate; historical and contemporary data findings?
- B. What does level of Forest Practice Rule compliance indicate?
- C. What does effectiveness monitoring indicate; are there environmental protection problems to be corrected?
- D. Which permit options best support small and large forest landowners?
- E. Is the number of permitting options supported by the level of use? Is there an opportunity to compress or expand permitting options?

VIII. Recommendations.

EXCERPT OF SENATE BILL 92 [CHAPTERED 6/27/2017]

SEC. 77.

Section 4589 of the Public Resources Code is amended to read:

4589.

(a) On or before December 31, 2018, the department and board shall review and submit a report to the Legislature on the trends in the use of, compliance with, and effectiveness of, the exemptions and emergency notice provisions described in Sections 4584 and 4592 of this code and Sections 1038 and 1052 of Title 14 of the California Code of Regulations. The report shall include an analysis of exemption use, whether the exemptions are having the intended effect, any barriers for small forest owners presented by the exemptions, and measures that might be taken to make exemptions more accessible to small forest owners. The report shall also include recommendations to improve the use of those exemptions and emergency notice provisions.

(b) The Department of Fish and Wildlife, regional water quality control boards, and the public shall be provided opportunities to participate in the review and the development of the report.

(c) The report shall be submitted pursuant to Section 9795 of the Government Code.

(d) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2019, deletes or extends that date.