

BOARD OF FORESTRY AND FIRE PROTECTION

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**Management Committee Meeting Report**

MANAGEMENT COMMITTEE
September 7, 2010
Time: 8:00 a.m. – 12:00 p.m.

Location: **Resources Building**
15th Floor, Room 1506-12
Sacramento, California

Meeting Attendance

Committee Members Doug Piirto (Chair), Pam Giacomini, Tom Walz; Dr. Helge Eng, Jill Butler, Allen Robertson, Bill Snyder (Department of Forestry & Fire Protection); Bill Keye (California Licensed Foresters Association); Lorna Dobrovolny, (Department of Fish & Game); Charles Greenlaw, Dan Weldon (Alliance 4 Family Forests), Thom Sutfin (retired Forest Manager-SDSF), Jodi Frediani (Sierra Club/Central Coast Forest Watch); Staci Heaton, (Regional Council of Rural Counties), Addie Jacobson (Ebbetts Pass Forest Watch), Richard Gienger (Humboldt Watershed Council).

~ Items Appear in the order in which they were discussed by the Committee ~

Agenda Item #1: Review of the Revised Draft NTMP Program Growth and Yield Guidelines Document.

Staff introduced the topic with a brief recounting of the historical background and purpose for the draft guidelines document. Following a review of staff revisions to the document, Deputy Director, Bill Snyder provided a more detailed assessment of the necessity and prospective utility of the draft guidelines. Member Walz questioned the necessity of the document in light of the guidance already provided in the regulations. Mr. Snyder responded that the document could provide a cost savings to prospective NTMP landowners in the form of reduced plan filing and review delays. Mr. Bill Keye reminded the assembly that the NTMP is a "special vehicle" for non-industrial landowners and cautioned that the proposed guidelines should not result in reduced regulatory utility.

Upon conclusion of the discussion, Chair Piirto directed Committee participants to further review the draft document in anticipation of further discussion of the topic at the October Board meeting. Staff was directed to post the document on the Board's website.

This item will be agendized for the October Management Committee Meeting.

Agenda Item #2: Status Report on Draft Soquel Demonstration State Forest Management Plan and Reconstitution of the Soquel Advisory Committee.

Following a brief synopsis of the actions to date on this item, staff introduced Department representatives, Jill Butler and Dr. Helge Eng. Dr. Eng provided the assembly with a status update on the Department's efforts toward reconstitution of the Soquel Demonstration State Forest Advisory Committee. He went on to explain that the Department is continuing to work on "factual updates" to bring the Plan up to contemporary standards. Dr. Eng then deferred to Jill Butler for her PowerPoint and slideshow presentation on the update process.

Ms. Butler provided a handout to the assembly that included a number of the items that have been updated. She reviewed the prospective membership of the advisory committee and then moved on to explain the changes to the various chapters made thus far. Following review and discussion by Committee participants,

SDSF Plan Update Continued...

Ms. Butler summarized next steps. Chair Piirto inquired as to when a draft document would be circulated to both the advisory committee and the Management Committee. Dr. Eng reported that the draft ought to be ready for dissemination within a month or so. The Management Committee will accordingly anticipate further opportunity for review and discussion of the draft in concert with the advisory committee.

This item will be agendaized for the October Management Committee Meeting.

Agenda Item #3: Continuing Discussion of Modified Timber Harvesting Plan (MTHP) Regulatory Proposal for Permitting of Fuel Hazard Reduction Projects.

Staff introduced the topic with a brief explanation of the status of the MTHP effort. He then went on to review the latest changes to the rule plead language. The discussion then moved on to the unresolved issue of cumulative effects documentation to support the regulation as well as individual MTHP projects. Ms. Lorna Dobrovolny of the Department of Fish & Game suggested that perhaps the Committee or MTHP Subcommittee could assemble and review various forms of CEQA Checklists currently in use. Member Giacomini added that perhaps the analysis of cumulative effects contained within the draft Cal Fire Vegetation Treatment Program Environmental Impact Report (VTP EIR) could be utilized in some manner to support the MTHP. The VTP EIR is focused on fuel hazard reduction across the state and contains an exhaustive and detailed analysis of the potential effects of fuel reduction treatments.

Following considerable discussion, Chair Piirto summarized the next steps as follows:

- Staff is directed to review the VTP EIR information for possible incorporation into the draft Initial Statement of Reasons (ISOR); staff is also directed to assemble CEQA checklist documents for review pursuant to Ms. Dobrovolny's suggestion.
- Staff is directed to solicit proposed revisions to the draft rule plead language and incorporate them into a revised rule plead.
- Staff is directed to coordinate with MTHP Subcommittee Chair, Tom Walz for the possible scheduling of a Subcommittee meeting to review staff's work and further discuss the cumulative effects issue.

This item will be agendaized for the October Management Committee Meeting.

Agenda Item #4: Review of 14 CCR Section 1090.7(e) – NTMP Notice of Timber Operations (NTO) Content (Possible Action Item)

Staff introduced the topic noting that it was a "Priority 2" item from the Committee's list of Priorities for 2010. The item originated from a Department of Forestry & Fire Protection report to the Board's Policy Committee during its 2009 Forest Practice Rule implementation review. Staff presented a brief revised draft rule plead as well as a draft Initial Statement of Reasons (ISOR). The ISOR provides an explanation of the purpose for the regulation and examines a number of alternatives to the regulatory proposal.

Following discussion of the draft documents, Chair Piirto summarized the next steps with direction to staff as follows:

- Revise the proposed draft rule plead language to improve clarity.
- Respond to the question of whether or not the proposed rule change would apply to those NTMPs already approved.
- Solicit the Department's perspective on the purpose and utility of the proposed rule change.

Staff was further directed to include this item in both the Committee and full Board Agendas for possible 45-day Notice of Rulemaking by the Board at the October 2010 meeting.

Agenda Item #5: New and Unfinished Business

a. SYP Renewal Update.

Staff reported that Wm. Beaty & Associates SYP Renewal submission for Red River Forests was accepted for filing and a public hearing was held. A Pre-Harvest Inspection was conducted for a portion of the SYP area and a second PHI for the remainder is scheduled for later in the month. The 60 day review period ends October 9, 2010.

Beaty & Associate's submission of the Shasta Forest SYP Renewal is anticipated to occur on December 1, 2010.

b. Discussion of items for next month's agenda, review of 2010 Priorities.

Staff reviewed agenda items for the October Board Meeting.

c. New Business

- Mr. Charles Greenlaw and Mr. Dan Weldon of the Alliance 4 Family Forests asked the Committee to consider among its priorities for the coming year a review of possible new incentives to support non-industrial timberland owners. Chair Piirto asked Mssrs. Weldon and Greenlaw to provide the Committee with a letter addressing such incentives.
- Ms. Jodi Frediani of the Sierra Club and Central Coast Forest Watch expressed her desire to see the NTMP NTO regulations revised to include specific requirements for inclusion of information such as Review Team Recommendation "errata pages" in NTO submissions.

Possible Committee Agenda Items for October 2010 Meeting

The assembly identified the following agenda items for possible inclusion on the July 2010 Agenda:

1. Review of the revised draft NTMP Program and Growth and Yield Guidelines Document.
2. Status Report on Draft Soquel Demonstration State Forest Management Plan Update and Reconstitution of the Soquel Advisory Committee.
3. Continuing Discussion of Modified Timber Harvesting Plan (MTHP) Regulatory Proposal for Fuel Hazard Reduction Projects.
4. Review of 14 CCR §1090.7(e) – NTMP Notice of Timber Operations Content (Committee and full Board – **Possible Board Action Item**)
5. New and Unfinished Business:
 - a. SYP Renewal Update
 - b. November Agenda Items and Review of 2010 Committee Priorities

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Management Committee Priorities for 2010

PRIORITY 1:

Evaluation/Monitoring of Forest Practice Rules:

1. **Sustained Yield Plan (SYP) Review:** *Rules for SYP extension adopted. Comprehensive review of SYP and implementation of extension, 2010. Objective: Complete by end of 2010*
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. Review Guidelines, February 2010. Objective: Complete by mid 2010*
3. **(D09 #12)Modified THP for fuel reduction:** *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. Phase 7. Stakeholder input. Discussion of monitoring, photo points. Objective: Complete by end of 2010*

Demonstration State Forests Management:

4. **Jackson (Liaison to JAG):** *Harvesting began in 2009. Nearing end of interim period; will need to consider revisions to management by end of 2010.*
5. **Soquel:** *Updated Management Plan under development. Objective: Management Plan Update and CEQA coverage to be completed by Spring of 2011..*

PRIORITY 2:

6. **(D09 #15)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.)*
7. **(D09 #14)14 CCR § 1090.7(e)**, NTOs shall contain identification 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)*
8. **(D09 #4)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)]. Consider implications for assuring AB 32 targets.*

PRIORITY 3:

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

9. *Categories need to be expanded to include climate change and effect on fire threat from the proposed harvest. (To Policy Committee)*
10. *Maps need to show all the past, currently proposed, and likely future THPs layered into one map. (Phase III of ASP review)*
11. *Biological assessment areas and proportional mitigations, expansion of consideration of non-conifer resource. (Phase III of ASP review)*
12. *Is mitigation required proportional to the impacts? E.g., small harvest operations required to utilize the same mitigations as industrial operations. (Phase III of ASP review)*
13. *Consider adding adjacent watersheds for evaluating past, present and future projects..(Phase III of ASP review)*
14. *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/>.(Phase III of ASP review)*
15. *CEQA case law states that where the environmental baseline demonstrates existing significant impacts, this heightens, rather than reduces, the scrutiny that must be applied in the resulting cumulative impact assessment. The Board of Forestry, Cal Fire, DFG, Water Boards, and the scientific community should begin to address CWEs by developing detailed guidance documents on the subject. (to Policy Committee discussion regarding WQ policy issues)*