## Management Committee (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.

### Completed or Substantially Complete in 2022

#### Cutover Land, and Meadows and Wet Areas

**Objective:** The term “Cutover Land” had no basis in statue or regulation and its continued use in the rules was unclear. Additionally, due to various amendments the Board maintained separate but identical definitions for “Meadows and Wet Areas” for the Northern and Southern Forest Districts, with no definition for the Coast Forest District, resulting in a lack of clarity for Alternative Prescriptions in that district for the restoration of Meadows and Wet Areas. These terms were made consistent across all forest districts and use of the term “Cutover Land” was eliminated from the rules.

**Status:** This rule package has been approved by OAL and will become effective January 1, 2023.

#### Forest Resiliency Amendments

**Objective**:

Group selection harvesting regulations limited the portion of a THP area which may be harvested through the creation of group openings in a pattern which encourages, at a minimum, 5 distinct age classes, which is unlikely to achieve the level of resilience that is provided by historic forest conditions. The existing regulations contain rigid prescriptive requirements for stocking conditions which do not provide adequate flexibility for forest resiliency to address the changing climate.

The amendments were developed, in part, help to address specific forest health and ecological goals identified by the Board and clarify how those goals may achieve suitable resource conservation. These goals include:

• Increased carbon sequestration

• Reduction in fire risk and fuels loading

• Increased resilience to forest pests

• Increased resilience to drought / increased water yield

• Appropriate stocking for resilient forests in a changing climate

• Avoidance of large-scale disturbances which promote homogeneity in forests

• Promote retention of feature favorable to wildlife

The purpose of the proposed action is to provide a modification to the Group Selection Method, allowing for more openings and therefore encourage shade intolerant species regeneration and allow for the generation of fewer, more resilient age-classes, clarify retention standards, and provide more flexibility in the management of uneven aged forests through the elimination or simplification of prescriptive standards which may not be suitable for the establishment of resilient forests.

**Status**: This rule package has been submitted to OAL and is currently under OAL review. Should it be approved, it will become effective January 1, 2023.

### PRIORITY 1 FOR 2022:

#### Issues Pertaining to Conversion of Timberland:

Regulatory amendments to 14 CCR § 1100(g)(2) - Definition of Timberland Conversion - Existing Board regulations are currently inconsistent with PRC § 4621 as it applies to conversion of timberland. Current Board regulations address proposed conversions in the 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. CAL FIRE 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.

Additionally, timberland conversion on non-TPZ land in 14 CCR § 1101(g)(1) is identified as transforming timberland to a non-timber use where “(A) Future timber harvests will be prevented or infeasible because of land occupancy and activities thereon”, among other conditions. However, on TPZ lands, timberland conversion is identified as “…the immediate rezoning of TPZ lands,” but conversion exemptions pursuant to 14 CCR § 1104.1 are excepted from this requirement of immediate rezoning. This presents a potential issue with the regulations where the filing of a conversion exemption on TPZ land simply becomes a de jure conversion even when there is no “conversion” of the land, as defined by plain English or other Board regulations or statute.

Regulatory amendments to 14 CCR § 895.1 – “Crop of Trees, Available for, and Capable of…” – Several Parties have made the request to address the definition of “crop of trees” to aid in identification of timberland. The Committee has received briefings from Board staff and CAL FIRE on potential options to address this issue.

Currently, an individual who obtains a less than 3-acre conversion exemption pursuant to 14 CCR § 1104.1(a) is prohibited from future conversion on that property, even within the same footprint of the initial conversion, presenting a potential hardship for those who may have been unable to fully effectuate a conversion. Allowing future conversion exemptions to occur within the footprint of a previously accepted exemption may provide relief for these individuals without providing for “additional”, or serialized, conversion of timberland acres.

**Status:** The Board scheduled a workshop in January 2022 to address this issue and continues to evaluate potential solutions.

#### Jackson Demonstration State Forest Management Plan Review

**Objective:** The Department and other stakeholders, have requested that the Board participate in discussions surrounding the Management of JDSF to ensure that the forest remains a functional and valuable public resource into the future.

**Status**: Board staff and Board members have participated in Jackson Advisory Group meetings and intend to continue to work with the JAG on the development of future management issues.

#### LaTour Demonstration State Forest Management Plan Review

**Objective:** The Board reviews management plans for both existing and new Demonstration State Forests.

**Status:** The Committee visited the LaTour Demonstration State Forest in September 2022 and will review this management plan when it becomes available.

#### Review of Required Post-Harvest Stocking Standards (14 § CCR 913; 14 CCR § 1071),

**Objective:** Pursuant to Assembly Bills (AB) 2082 (2014) and 417 (2015), Affecting Public Resource Code (PRC) 4561: Objective: The request has been made to investigate the current stocking standards as they relate to various regeneration methods and forest health, including fuel hazard reduction, within certain forest types.

In addition, several questions have been raised regarding the suitability of the existing forest practice rules addressing current empirical understanding of various elements, including the relationship between forest spatial arrangement, or temporal variables and various aspects of forest health and other ecological systems. Regarding Variable Retention: (1) Should the Variable Retention regulation specify a minimum re-entry period for designated retention areas?; (2) Should the current regulation require a minimum stand age necessary for harvest to occur in order to demonstrate maximum sustained production (MSP) as is required for even-age silviculture under 14 CCR § 913.11(c)?; and (3) Are the minimum stocking requirements of CCR § 913.4 (d)(3)(H) relative to

aggregate versus dispersed retention clear enough for consistent application and enforcement? Additionally, it has been reported that CAL FIRE does not allow use of the Transition silviculture method in timber stands which were most previously harvested utilizing the Selection method. This ‘policy’ is not consistent with 14 CCR § 913.2(b) or (b) (2).

**Status:** Recent legislative mandates (AB 2082, 2014 and AB 417, 2015) were chaptered by the Brown Administration and grant the Board the authority to review required minimum stocking standards pursuant to PRC § 4561. The FPC discussed this topic periodically throughout 2018, but due to a large workload this issue was moved to the Committee for further action. The Stocking and Silvicultural Amendments were adopted by the Board in September of 2019, which took effect on January 1, 2020. Since that time, an “uneven-aged working group” has been formed to address this issue related to those basal area stocking requirements within the rules. The group met periodically through 2020 and 2021and is anticipated to continue its efforts into 2022.

#### Utility ROW Operations

**Objective:** Existing regulations related to the exemptions from portions of the Forest Practice Act for construction and maintenance of rights-of-way within 14 CCR § 1104.1(b) and (c) lack significant clarity related to the submission of notices, general application, mapping, and other requirements.

**Status:** The Committee began a regulatory effort to address this issue in June of 2020, but rulemaking efforts are delayed per a request from CNRA and the Governor’s Office to review Statewide utility related policies.

### PRIORITY 2 FOR 2022:

#### Maximum Sustained Production (MSP) 14 CCR § 913.11(a) [933.11(a), 953.11(a)]:

Objective:

Review performance of existing MSP rules since Board adoption. The Committee may consider the following actions for MSP review:

Consider forming a technical working group to consider changes to existing MSP rules to provide more concrete standards for the MSP demonstration per 14 CCR § 913.11(a) [933.11(a), 953.11(a)].

Consider implications for carbon forest health, including resiliency and changing climatic conditions.

**Status:** The Committee is currently reviewing these rules to see if impacts from forest fire and fire protection should be included. The Committee reviewed the MSP rules in February of 2011 and found no further action necessary. CAL FIRE has resubmitted the issue in 2015, and industry stakeholders expressed concern over the effective period of the SYP in 2017. The Board may address this issue in 2022.

#### Board Policy Review:

**Objective:** The Board currently has many policies in place, some dating back decades. The Board aspires to review and contemporize all policies and make them available to the public via the Board’s website. Board policies cover a myriad of topics; committee assignment will be based upon the subject matter of the individual policy under review. Particular focus will be paid by the Management Committee in 2022 to the Board’s Policy 0356, Vegetation Management Program.

**Status:** It is anticipated that the Committee will be presented with, and may vote to approve and refer to the full Board, an updated version of Policy 0356 that reflects modern environmental priorities, updated understandings of ecology and management, and recent and current fire prevention programs.

#### 14 CCR § 913.6 [933.6, 953.6] Alternative Prescriptions [All Districts]

**Objective**: Use of the Alternative Prescription silviculture in Timber Harvesting Plans (THPs) may be inadvertently resulting in “high-grading” of timber stands. As per 14 CCR § 913.6 [933.6, 953.6], an Alternative Prescription (AP) may be proposed by an RPF if it is determined that it is a more effective way or feasible way of achieving Maximum Sustained Production (MSP) of high-quality timber products. However, recent practices have shown that minimizing logging costs or eliminating a need to plant the post-harvest stand is the driving factor for proposing an Alternative Prescription. This may result in a post-harvest stand that is in direct contradiction of the 14 CCR § 953 objectives. Examples of trees retained within a post-harvest AP stand include trees of poor form, trees previously in a suppressed or intermediate crown position, and trees of poor future growth potential. Evaluation of the AP regulations should be conducted to ensure that the purposes of the Act are achieved.

**Status:** The Committee has not begun deliberation on this item

#### Pacific Forest and Watershed Lands Stewardship Council:

**Objective:** The Board approved CAL FIRE’s effort to acquire lands in the Stewardship Council planning units of “Pit River,” “Battle Creek,” “Cow Creek,” “Burney Gardens,” “Lake Spaulding,” “Bear River,” “North Fork Mokelumne River,” and “Lyons Reservoir” that would be suitable for inclusion in CAL FIRE’s Demonstration State Forest Program. Substantial work is required of CAL FIRE for the acquisition of these lands and the Board must approve management plans for each parcel.

**Status:** The Committee and Board look forward to reviewing any management plans which are developed for any future land acquisition.

### PRIORITY 3 FOR 2022:

#### Site Index for Major Young-Growth Forest Woodland Species in Northern California Discussion of Update to 14 CCR § 1060 Site Classification:

**Objective:** FPC completed initial review of this topic in April-June of 2010 and deferred additional review until completion of the Road Rules. The Committee will continue review of the issue when sufficient Committee time is available.

**Status:** No reportable actions were made on this topic in 2021.

#### Review Commercial Species Group B Designation for Monterey Pine, Eucalyptus, and Other Species

**Objective:** The Board had an opportunity during its meeting in San Luis Obispo in the summer of 2019 to visit various fuel hazard reduction projects in the Coastal Zone.

Among these projects was a Monterey pine thinning implemented by the CAL FIRE San Luis Obispo Administrative Unit to create a shaded fuel break in proximity to the community of Cambria. Permitting of the fuel break was achieved through completion of a Mitigated Negative Declaration and Minor Use Permit approved by the Coastal Commission because Monterey pine is no longer a Group A Commercial Species and therefore cannot be managed by itself under permitting authority of the Forest Practice Act and Rules.

It is understood that prior to its placement on the Group B Commercial Species list for each of the Forest Districts, Monterey pine was seldom harvested for commercial purpose in California. However, it is in fact a dominant commercial species internationally and does have a history of commercialization in the state. It is a particularly important tree species in the context of fuel hazard reduction on the central coast of California and certainly factors into the protection of coastal communities.

Limited opportunities exist for communities attempting to reduce heavy fuel loading in Monterey pine forests within the Coastal Zone because it is on the Group B species list in an area without Group A species. A possible minor fix for this management problem would be to place Monterey pine back on the Group A Commercial Species list for all or a portion of the Forest Districts in the state.

CAL FIRE has requested the above change. Various stakeholders have also requested that the designation of other Group B species, including but not limited to eucalyptus and giant sequoia, be reevaluated.

**Status:** The Committee may take this item up again in 2022.

#### Oak Retention Considerations

Objective:

* Consider clarification of the term “Forested Landscapes” as used within the professional forester’s law.
* Consider the need for hardwood retention guidelines.

**Status**: The Committee has not begun deliberation on this issue.

### RESULTS OF THE 2022 CALL FOR REGUALTORY REVIEW

#### Rules related to Coastal Commission Special Treatment Areas and the Coastal Zone

14 CCR § 917.2, Treatment of Slash to Reduce Fire Hazard [Coast]

The Coastal Commission Special Treatment Areas of the Coast Forest District do not currently allow for pile burning or broadcast burning. There is a significant need for effective fuel reduction techniques to manage fuel loading, particularly under post-fire conditions. 14 CCR § 917.2, Treatment of Slash to Reduce Fire Hazard excludes Coastal Commission Special Treatment Areas (CCSTA).

14 CCR § 921.4, Stocking Requirements [Coast, Southern, STA] requires a point-count of 450 countable trees per acre on Site I and II lands and 300 countable trees per acre on Site III, IV, and V lands. This may lead to dense stands with high fire hazard, which are overstocked compared to historic conditions. Consider modifying stocking targets in the Coastal Commission Special Treatment Areas in the Coast Forest District to achieve the objective of maintaining a resilient stand that can resist predicted climatic stress.

Exemptions do not apply in the Coastal Zone, limiting non-commercial work. Instead, this work is implemented through a Coastal Development Permit or Public Works Plan. Proposed changes to permitting such that forest landowners have more tools improve the condition of their forests to be more resilient to droughts and wildfire.

#### “Meadows and Wet Areas” and “Wet Meadows and other Wet Areas”

The terms “Meadows and Wet Areas” and “Wet Meadows and other Wet Areas have separate but almost identical definitions. Both of these definitions are problematic in several ways:

1. The definitions conflate two very different types of areas: meadows and wet areas. While there may be some overlap (some meadows may contain wet areas and some wet areas may be within or include portions of meadows), they are two distinct and very different ecological systems and are not equivalent;
2. The definitions lack temporal consistency. What may be “moist on the surface” during most of a year with historically average precipitation may not be moist on the surface during a year with significantly less precipitation. A timber harvesting plan developed during an abnormally dry year may not recognize, and therefore, would not provide protection for, an area that may become “moist on the surface” during the operational life of the plan. This lack of consistency creates a problem for enforcement and an atmosphere of regulatory uncertainty;
3. The definitions recognize only those areas “which are moist on the surface throughout most of the year,” but not areas that may have continuous or recurrent saturation in the upper substrate;
4. Having one definition for all other state programs and a separate definition unique to the Forest Practice Rules is by its nature inconsistent and counter to the goal of providing clarity. Additionally, separate definitions create regulatory uncertainty for the regulated public. Executive Order W-59-93, signed by Governor Pete Wilson on August 23, 1993 and still in effect today, declares that it is the policy of the State of California that all State programs and policies that affect the wetlands of California should be coordinated.

The State and Regional Water Boards suggest the definitions of “Meadows” and “Wet Areas” should be separated since these are two distinct ecological systems. In other words, there should be separate definitions for “Meadows” and “Wet Areas.”

The definition of “Meadows” should include similar components of the original definition, specifically that the meadows support grasses and forbs as their principal vegetative cover.

The definition of “Wet Areas” should be revised to: A) Address temporal consistency by including a phrase such as, “under hydrologic conditions that are consistent with the long term precipitation record,” B) Include continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both, C) Include duration of such saturation, and D) Allow the area’s vegetation to be dominated by hydrophytes or to lack vegetation.

#### Issues with Municipalities Regulating Timber Harvest of Group A/B species

While the Board is the governing body that is responsible for creating rules that guide the timber harvest process of commercial timber species on lands deemed timberland in this State, municipalities within the state, both county and city, have alternative processes. These processes exist in addition to the permitting process and rules governed by the BOFAFP and CAL FIRE. Some municipalities will not allow any timber harvest, even with a CAL FIRE permit, on lands in their jurisdiction. Others do not recognize a CAL Fire permit as allowing harvest and are requiring RPFs to have a secondary permit approved by local planning departments or commissions. These permits often require fees and an inventory of each tree designated for harvest that is to be submitted to the planning departments for approval and review. The work is often not required to be done by a RPF. These requirements are being required on timberlands outside of the 150’ structure protection zone and are being required on emergency timber permits for post fire/insect infestations, fuel hazard reductions, structure protections and less than 3-acre conversions. Often these non-forestry entities restrict timber removal and thus are not allowing the professional foresters community to conduct fuel reduction within communities and thus not allowing the much-needed work to reduce fuel loading to reduce catastrophic wildfire without their approval.