## **Forest Practice Committee (FPC)**

The mission of the FPC is to evaluate and promote an effective regulatory system to assure the continuous growth and harvesting of commercial forests and to protect soil, air, fish and wildlife, and water resources.

### **COMPLETED OR SUBSTANTIALLY COMPLETED IN 2023:**

**Northern Spotted Owl Take Avoidance Pathways and Habitat Definition Updates**

**Objectives:** Several of the habitat definitions in 14 CCR § 895.1 related to Northern Spotted Owl were derived from the USFWS 1992 “Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls” and are not present in the 2012 “Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls”. In addition, some mechanisms for take avoidance as described in 14 CCR §§ 919.9 and 939.9 are no longer in effect. The definitions and take avoidance pathways are updated to reflect current regulatory requirements from the Department and listing agencies.

**Status**: This regulation will become effective January 1st, 2024.

**Tractor Operations and Cable Yarding Amendments**

**Objective:** Prior to amendment of this rule section, it was common in the Coast Forest District for RPF’s to propose exceptions pursuant to this former rule section, particularly to allow for tractor yarding in areas of poor deflection and hard to reach corners in cable corridors. As a result of the amendments to this section and 14 CCR § 914.2(f)(5), the RPF may now again propose exceptions to 14 CCR § 914.2(f)(5), which allows Tractor Operations on slopes greater than 50% in Cable Yarding areas.

**Status**: This regulation has been submitted to OAL and, if approved, will become effective January 1st, 2024.

**Ford Definition Amendment**

**Objective:** Although the term “ford” was defined as part of the Road Rules 2013 package, the definition is ambiguous which has led to confusion in the field. The updated definitions now defines subsets of ford including areas where the road grade dips through the native watercourse channel and where it may include flowing water across a constructed dip in the road grade, which is designed to act as the watercourse channel.

**Status:** This regulation has been submitted to OAL and, if approved, will become effective January 1st, 2024.

### **Priority 1 for 2024:**

**“Approved Watercourse crossings” as used in Anadromous Salmonid Protection Rules Exemption and Emergency Notices (14 CCR § 916.9(s)(4) and 14 CCR § 916.9(t)(4)).**

**Objective**: Emergency Notices of Timber Operations may involve the construction or reconstruction of roads and watercourse crossings. The language in these sections for the Forest Practice Rules requires the approval of watercourse crossings by a process outside of the Emergency Notice authorization. It is unclear how a watercourse crossing is approved, and which agency provides approval under exemption and emergency notice ministerial permits.

The State and Regional Water Boards suggest 14 CCR §§ 916.9(s)(4) and 14 CCR 916.9(t)(4) state explicitly what constitutes an “approved Watercourse crossing” and from where the approval is derived. The BOF may consider modifying the Forest Practice Rules to address regulatory coverage for road and watercourse crossing construction or reconstruction activities that are not currently authorized under an Emergency Notice.

**Status**: The Committee has begun deliberation on this item

### **PRIORITY 2 FOR 2023:**

**Geospatial Completion Reporting Requirements for Exemption and Emergencies**

**Objective:** Evaluate the value of required improved geospatial reporting for all timber harvesting activities to allow state agencies and research institutions an opportunity for improved assessment of ecological performance measures.

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

**Emergency Notice Expiration Term**

**Objective**: The existing rules allow a one year emergency. With high number of emergencies and the shortages of available logging capacity it is very difficult to schedule or even find logging capacity. The Committee may evaluate the current regulatory effective period of an emergency notice for efficacy and suitability of modern Emergency Notice timber operations.

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

**14 CCR § 1034, Contents of Plan:**

**Objectives:** The Board may consider amending 14 CCR § 1034 when it adopts or amends any rule that adds elements that are considered a required portion of a harvesting plan. This ensures a central location where the RPF can find essential information that must be included in a harvesting document. The Board may want to consider a rule package that consolidates all required plan contents under 14 CCR §§ 1034, 1051, 1090.5, and 1092.09.

The reference to 1032.7(f) in 14 CCR § 1034(r): is obsolete since it refers to the past requirement that the RPF distributes and publishes a copy of the NOI.

14 CCR § 1034(x)(7): On a plan map, show the location of all crossings of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations. The Board may consider revising 1034 to make Class III watercourse crossings a required mapping feature within a Plan. Language in 14 CCR §§ 1034(x)(7) and 916.4 [936.4,956.4] may be evaluated and potentially reconciled for consistency.

The Board received a comment in response to its 2019 Annual Call for Regulatory Review that expresses concern over a lack of proper proof of ownership on Timber Harvest Plans or other harvesting permits. Parcel numbers or other proofs of ownership are not generally required but may assist in long-term tracking of ownerships, as well as inspection and enforcement.

The Board may consider adopting regulatory standards for digital mapping submission requirements in timber harvesting documents, including geospatial data, LiDAR, or other remote sensing systems.

**Status**: No reportable action in 2023.

**Treatment of Vegetation and Fuels in the WLPZ**

**Objective:** The committee may consider examination of watercourse protections and potential new rules that allow for vegetative fuel reduction, creation of mosaic vegetation patterning, scarification of soil with machinery and creation of fuel discontinuity to better protect watercourse related resources during fire events.

**Status**: The Committee has begun deliberation on this item.

### **PRIORITY 3 FOR 2023:**

**Review of Regulations pertaining to Archaeological Training, Identification and Protection of Sites (14 CCR § 929 et seq.)**

**Objective**: CAL FIRE indicates that existing Board regulations are not clear in terms of when a 5-year refresher training course for identification and protection of archaeological resources must be completed. It is recommended to review the existing rules to determine if further regulatory clarity or protection of these resources could be achieved.

Additionally, CAL FIRE has archaeological or historical sites along appurtenant roads that are not specifically associated with the commercial harvesting of forest products, but are associated with operations such as road construction, re-construction or maintenance. Considering these findings, CAL FIRE has requested a review of the definitions of Site Survey Area and Logging Area, balanced against the definition of timber operations in PRC § 4527, to address the issue of potential impacts to archaeological resources located along appurtenant roads where commercial harvesting is not occurring.

The Committee may contemplate updating Board policy to consider Native American cultural values as a value of the Forest Practice Rules in addition to other values already listed in PRC § 4639 (recreation, watershed, wildlife, etc.)

**Status:** No reportable actions were made on this topic in 2023.

**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 of this ongoing policy review will be based upon the subject matter of the individual policy under review.

**Status:** No reportable actions were made on this topic in 2023.

**Review Assessment and Mapping Standards for Spawning and Rearing Habitat for Anadromous Salmonids (14 CCR § 916):**

**Objectives:** Review the necessity and utility of assessing and mapping standards of 14 CCR § 916.4 for spawning and rearing habitat for anadromous salmonids. Review and consider revision of watershed restoration standards in 14 CCR § 916.4.

**Status**: CDFW and the Department may present on the application and use of the existing rules.

**Site Preparation Addendum 14 CCR § 915.4 [935.4, 955.4] [All Districts]**

**Objective**: At least one CAL FIRE Unit has identified the concern that certain Site Preparation Addendums drafted by RPFs are not consistent with the definition of “Site Preparation” in 14 CCR § 895.1. This has caused some timberland owners and RPFs to believe that silviculture objectives may be achieved by Timber Operations after the harvest document has expired. It is difficult for a CAL FIRE Forest Practice Inspector to enforce the Forest Practice Rules on an expired harvest document. Completion reporting requirements should be evaluated and potential regulatory solutions considered.

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

### **TOPICS THAT MERIT ADDITIONAL CONSIDERATION BASED ON THE 2023 CALL FOR REGULATORY REVIEW**

**Treatment of Slash to Reduce Fire Hazard [All Districts]**

**Objective**: At least one CAL FIRE Unit has identified the timing and extent of Slash treatment as contributing to additional hazardous fuel conditions. In one documented instance on the Dixie Fire this year, multiple Slash piles created by Timber Operations that had been awaiting chipping for multiple years adjacent to a public road were ignited and became part of the fire. Regulations related to hazard reduction should be evaluated for efficacy.

In the 2023 Call For Regulatory Review, CAL FIRE requested additional consideration of this issue.

**Status**: The Committee discussed this item in 2023 and may discuss it again in 2024.

**“Operational provisions” as used in Exemptions (14 CCR § 1038) and Emergency Notices (14 CCR §§ 1052(b) and 1052.5(b)), and “applicable provisions” as used in Conversion Exemptions (14 CCR 1104.1)**

Forest Practice Rules Exemption and Emergency Notice sections state that "Timber Operations … shall comply with all operational provisions of the FPA and District Forest Practice Rules applicable to 'Timber Harvest Plan', 'THP', 'and Plan'…" but neither “Operational provisions” as used in Exemptions and Emergency Notices, nor “applicable provisions” as used in Conversion Exemptions, is defined. The lack of any definition creates problems both for operators who must work without clear direction and for agency staff since the terms, lacking clear definitions, are difficult to enforce.

The State and Regional Water Boards suggest the Board of Forestry should either A) define which provisions are “operational” and “applicable” or B) direct the Department to create a list of “operational” and “applicable” provisions to be distributed to the regulated public and the agencies.

In the 2023 Call For Regulatory Review, CAL FIRE requested additional consideration of this issue.

**Status:** The Committee has not yet reviewed this item.

### **TOPICS RAISED BY THE 2023 CALL FOR REGULATORY REVIEW:**

#### **Work Completion Reports in Emergency Notices:**

**Objective**: The Department seeks clarification of Forest Practice Rule requirements for the filing of Work Completion Reports on Notices of Emergency Timber Operations (Emergency Notices). While it has long been the Department’s practice to require Work Completion Reports for Emergency Notices, it is not clear where this authority originates in the Rules. Presuming the Board agrees there is a lack of clarity, two possible remedies could be redefining the Forest Practice Rule definition of “Plan” to include Emergency Notices. As a Work Completion Report is required for a Plan, amending the definition of the term to include Emergency Notices would clarify the requirement also applies to Emergency Notices. A second option could be amending the Rules for Emergency Notices to include a Work Completion Report requirement.

**Status:** This issue has not yet been considered by the Board.

#### **Acreage Limitations for 1038(d) Dead, Dying, or Diseased Trees Exemption:**

**Objective**: Consider the possible amendment of the Rules for the Section 1038(d) Exemption for harvesting of dead, dying, or diseased trees in response to drought-related stress. In the course of conducting the monitoring sampling of this exemption type, it has been observed that the absence of an acreage limitation allows for property-wide filings that can exceed a Forest Practice Inspector’s ability to validate timber operations are consistent with the requirements of this exemption type. The Department suggests the Board consider Rule amendments to create an acreage limit and/or a reduction in the effective period of the exemption to reduce the potential for overwhelming CAL FIRE’s inspection authority.

**Status:** This issue has not yet been considered by the Board.

#### **Changes to Mapping Standards for Notices of Exemption and Emergency:**

**Objective**: The Department suggests the Board consider for prioritization is an adjustment to the mapping standards for Notices of Exemption and Emergency. Specifically, CAL FIRE suggests the public road mapping requirement of Section 1038.2(g) be applied to all Exemption types. This change would ensure a Licensed Timber Operator (LTO) could identify the locations of required fuel hazard reduction treatments and ensure compliance inspections occur in those locations. Similarly, CAL FIRE suggests mapping standards for Emergency Notices be amended to include mapping of appurtenant roads and public roads within ¼ mile of the Harvest Area. Such a requirement would likewise benefit both the LTO and the CAL FIRE Inspector.

**Status:** This issue has not yet been considered by the Board.

#### **Botanical Resource Considerations in the Forest Practice Rules**

**Objective:** CNPS is concerned the lack of standards specific to botanical resources has led to inconsistent measures to protect special status plant populations. The Forest Practice Rules do not require botanical surveys or the discussion of special status species with the potential to occur prior to approving a timber harvest plan (THP). Monitoring of the response of these populations to timber harvest has not occurred or has not been applied to management decisions. Surveys for biological resources are often deferred until after project approval, despite the fact that it is legally required that survey data be submitted early enough so that reviewing agencies and the public have an opportunity to evaluate and consider the data. The lack of baseline information makes it impossible to design measures to avoid, minimize, or mitigate the impacts of timber harvesting.

**Status:** The Committee considered this topic from 2019-2022.

#### **Review of Harvest Permitting Processes**

**Objective:** Some existing harvest permitting processes are rarely used, including the Modified THP, the Working Forest Management Plan, and the Small Timberland Owner Exemption. The Committee may choose to examine potential barriers to the use of these permitting processes and consider if regulatory changes can address use issues with minimal adverse effects.

**Status:** This issue has not yet been considered by the Board.