

BOARD OF FORESTRY AND FIRE PROTECTION

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Charter of the Effectiveness Monitoring Committee (EMC)

Necessity

The Effectiveness Monitoring Committee (EMC), formed in 2014, was established to provide the Board of Forestry and Fire Protection (Board) and the California Natural Resource Agency (CNRA) with a science-based committee whose charter is to better understand if the specific requirements of the California Forest Practice Rules (CA FPRs) and other laws and regulations related to forest resources are effective in achieving resource objectives ([EMC Website](#)). Effectiveness monitoring is a key component of adaptive management and is an important part of developing a quantitative understanding of how management practices may impact resources, particularly as new regulations are developed. With dedicated funding from the Timber Fund ([AB 1492](#)), the EMC solicits robust scientific research that addresses specific forest practice rules and geographies to assess the effectiveness of regulations, regularly encouraging new and diverse studies covering a broad range of biophysical categories. Results may then be used to inform decision makers on options to incentivize or improve upon management to meet resource goals and objectives.

In response to the chaptering of AB 1492, the EMC and a statewide monitoring and assessment effort being led by CNRA were developed to assess the effectiveness of the CA FPRs and to evaluate “ecological performance measures” in California’s forests at the watershed scale, respectively ([CNRA Statewide Monitoring and Assessment Website](#)). The EMC may engage in collaboration with the statewide monitoring effort where research findings originating from either the EMC or the statewide forest ecosystem monitoring led by CNRA may mutually inform and direct further research on specific CA FPRs and other relevant regulations, all in support of adaptive management of the State’s natural resources (Figures 1 and 2).

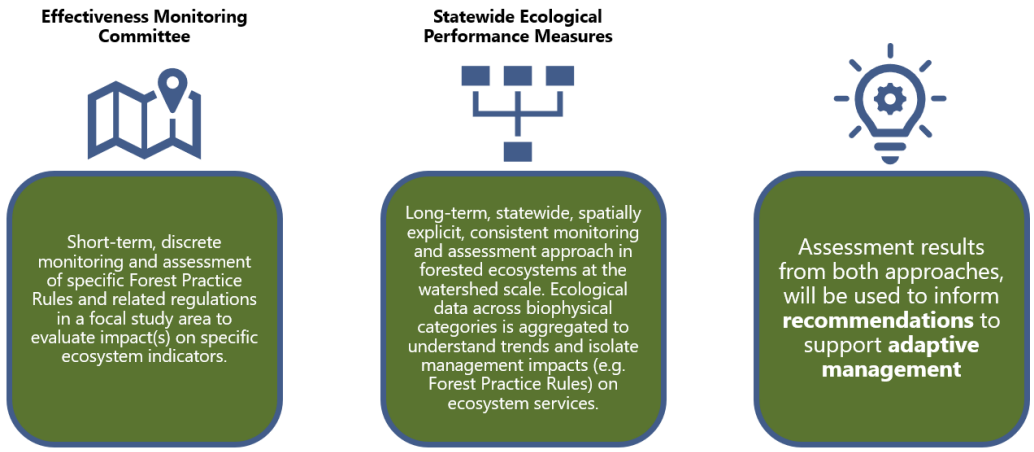


Figure 1. Comparison between EMC (Board of Forestry) and EPM (CNRA) monitoring and assessment efforts under AB 1492.

Commented [GB1]: Should this graphic stay in the Charter or be moved to the Strategic Plan?

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Purpose, Goals, and Objectives

The EMC acts as a technical advisory committee to, and receives oversight from, the Board to develop and implement an effectiveness monitoring program that can provide an active feedback loop to policymakers, managers, agencies, and the public. The EMC provides input to the Board to ensure a scientific-based monitoring effort is used to comply with the reporting requirements of AB 1492 and evaluates the effectiveness of the CA FPRs and other forestry-related laws and regulations related to water quality, aquatic habitat, and wildlife habitats. The EMC then takes this analysis and presents findings in a formal adaptive management format to inform the Board in its future policy development.

Goals:

Establish a collaborative, transparent, and science-based monitoring effort and process-based understanding of the effectiveness of the CA FPRs and other forestry-related laws and regulations on maintaining or enhancing water quality, aquatic habitat, and wildlife habitats. The EMC will:

- a) Provide a framework and support to comply with the reporting requirements of AB 1492;
- b) Support an adaptive management process by providing feedback to the Board regarding CA FPR effectiveness;
- c) Facilitate and recommend monitoring practices to evaluate how well current practices restore and maintain riparian, aquatic, and terrestrial habitat on private and state forestlands for state and federally listed species and species of concern (aquatic and terrestrial);
- d) Ensure that the process is consistent with the goals of the Clean Water Act for water quality on private and state forestlands;
- e) Ensure that the process is consistent with the goals of the Federal and State Endangered Species Acts on private and state forestlands;
- f) Ensure that appropriate scientific methods and statistical evaluation, when necessary, are used to evaluate effectiveness of CA FPRs and other forestry-related laws and regulations;
- g) Encourage dissemination of information through general public and scientific outlets;
- h) Support the Board in adjusting its regulations for protection of aquatic and terrestrial resources based on the most current and best available scientific knowledge and technical information; and
- i) Promote the use of the Demonstration State Forests for effectiveness monitoring of CA FPRs, water quality laws and Fish and Game codes, and other forestry-related laws and regulations.

Objectives:

- a) Involve representatives of key stakeholders that have demonstrated previous

Commented [GB2]: Should funding be slowed or stopped for any reason, is this clear enough about the EMC's other duties and responsibilities that are not related to funding new projects?

collaboration in resource monitoring or scientific studies;

- b) Develop an overall monitoring strategic plan or “road map” including:**
 - 1.** Catalog and review past and ongoing monitoring project results, encourage continuation of valuable projects/monitoring programs, help guide development of new approaches, and ensure that duplication is limited. The review should state in a hierarchical format the level of existing information for specific watershed and wildlife issues of concern.
 - 2.** Seek, accept and consider questions from stakeholders and the interested public (key areas of concern) about the effectiveness of specific aquatic or terrestrial-related forest practice rules (i.e., ecological performance).
 - 3.** EMC members, in conjunction with the Board, should identify critical monitoring questions that address various EMC goals and objectives.
- c) Develop guidance for appropriate scientific methods and statistical analyses to be used to evaluate the effectiveness of CA FPRs.**
 - 1.** Increase understanding of the linkage between forest practices and the resource(s) of concern.
 - 2.** Provide guidance for the acceptable level of scientific uncertainty across the broad spectrum of monitoring efforts from small-scale short-term monitoring to long-term replicated studies.
- d) Collaboratively develop methods to prioritize monitoring questions, and based on these methods, help select the highest priority projects to monitor.**
- e) Foster a collaborative scientific atmosphere to build partnerships and relationships. This may help defer or share the costs of monitoring and help build mutual trust and understanding of scientific results.**
- f) Promote collaborative fact-finding and understanding of scientific results at local, regional, and state levels.**
- g) Spread awareness of results to stakeholders, decision-makers, and the public through:**
 - 1.** Field tours.
 - 2.** Internet availability.
 - 3.** Workshops and conferences.
 - 4.** Scientific journals.
 - 5.** Other user-friendly formats.

Membership and Committee Structure

Appointment, Representation, and Compensation

The Board shall appoint EMC members and agency representatives¹ that: (1) have scientific and natural resource professional backgrounds, (2) have demonstrated previous collaboration in resource monitoring or scientific studies, and (3) are willing to serve on the EMC. EMC members may participate in formal votes and agencies may provide no more than one individual to act as a Committee member. Additional persons may serve as agency representatives which function as technical consultants and may not vote. Members should be capable of working collaboratively and developing work products in a timely manner. Members shall be appointed by the Board, with appointees having expertise in hydrology, geology, fluvial geomorphology, aquatic ecology, fisheries, forestry, wildlife management, and/or resource monitoring and sampling. In addition, members shall also have a working knowledge of the CA FPRs and forest management operations on private and state forestlands.

A statement of qualifications shall be required to verify education and field/rule application experience. Members shall be appointed from academia, professional consulting firms, state and federal agencies, private and state forestland owners, and the public. Members should be applied scientists or natural resource professionals with demonstrated previous collaboration in resource monitoring that can also represent a stakeholder group.

There is no compensation for service on this advisory committee, but members shall be reimbursed for their expenses in attending meetings to the extent that the law allows.

Duration

The EMC shall be a permanent Advisory Committee of the Board. The duration for original appointment to this committee was either two, three, or four years (i.e., mixed appointments). After the original term all appointments convert to four year terms.

Co-Chairs

The Board shall appoint Co-Chairs for four year terms. A Co-Chair will be a member of the Board of Forestry and Fire Protection and CNRA executive organization (including its departments). Alternately, one co-chair may be from either Board of Forestry and Fire Protection OR CNRA executive organization and the other will be selected from the EMC membership.

¹ Agency representatives include: Natural Resources Agency, Department of Fish and Wildlife, California Geological Survey, California Department of Forestry and Fire Protection, State and Regional Water Quality Control Boards, National Marine Fisheries Service, USDA Forest Service PSW Research Station, and US Fish and Wildlife Service. Review Team agencies will assign a lead representative and a back-up representative. The Secretary for Natural Resources will be consulted regarding agency representation.

Commented [GB3]: Additional text describing the duties of the co-chairs is needed.

Commented [GB4]: There was not consensus on whether to maintain this 4 year term or revert to the 2 year term

Commented [GB5]: Listening to the meeting audio, it sounds like we left this topic open to further discussion at the next meeting with the following options:

- 1) 1 member from BOF or CNRA, 1 from EMC membership
- 2) 1 member from BOF, 1 member from CNRA
- 3) 1 member from CNRA, 1 from EMC membership
- 4) Both positions open to anyone on the EMC

Commented [SH6R5]: Need to clarify what we mean by CNRA. There is the executive organization for CNRA and the Departments under the CNRA. Current co- chair is part of the executive organization for CNRA, under the Deputy for forest resources. Do we want to say that one of the co chairs is part of the oversight for the forest resources or allow it to be anyone from the executive organization for CNRA. The Board is listed under one of the departments as are most of the agencies, except those that are federal.

The Board shall appoint 2 co chairs for four year terms. One Co- Chair will be a member of the CNRA executive organization and a second will be a member of one of the departments under the direction of the CNRA executive organization (Board of Forestry and Fire Protection, Department of Fish and Wildlife, California Geological Survey, California Department of Forestry and Fire Protection, State and Regional Water Quality Control Boards) The second co- chair may also be selected from these groups or be from a federal agency, or may be selected from any of the public or academic members.

Commented [SH7]: Possible new language – rough but this might be a way to clarify what we mean by CNRA.

Commented [SH8]: Availability of dedicated BOF staff is at the discretion of the BOF executive office.

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Meetings

EMC meetings shall be publicly noticed and will be open to all interested parties, following the Bagley-Keene Open Meeting Act requirements. Meetings are anticipated to occur quarterly in noticed locations, and they will incorporate the use of web-based conferencing where possible. Additional meetings may be scheduled as needed if agreed to by a quorum of the voting membership. The EMC Co-Chairs shall invite public comment at specified times during a meeting. The EMC Co-Chairs and Board/CAL FIRE staff shall be responsible for determining meeting times, format, location, and duration. CAL FIRE and/or the Board shall provide staffing for the EMC. Meeting agendas shall be posted on the Board EMC website. Meeting minutes shall be posted on the Board EMC web site.

EMC members shall be required to follow meeting “ground rules” to foster a collaborative scientific-based approach to achieving the stated goals and objectives of the EMC. These include a commitment to:

- (1) Attempt to reach consensus,
- (2) Attend all scheduled meetings,
- (3) Listen carefully and ask questions to better understand unclear issues,
- (4) Have the EMC receive priority attention, staffing, and time,
- (5) Have all EMC members clearly define the purposes and goals of their organizations, and
- (6) Have all EMC members recognize the legitimacy of the goals and differing perspectives of other EMC member organizations.

EMC Actions

The goal will be to have all actions and recommendations made by consensus. Facilitation may be necessary. If failure to reach consensus occurs, the record (i.e., meeting minutes) shall specify the key differences and the reasons consensus could not be reached.

Implementation of Effectiveness Monitoring

Funding Proposals to Evaluate Forest Practice Rules and Related Regulations

A key EMC activity area related to its goals and objectives is to support research targeted at understanding Forest Practice Rule Effectiveness. Funding to support this research, led by the EMC, may come from a combination of sources, including:

- AB 1492 (the lumber tax bill), requiring an evaluation of ecological performance [Sec. 4629.9 (a)(8)(F)], including monitoring the effectiveness of regulations promoting ecological benefits.
- State and private sources.
- Grants.

Reports and Adaptive Management Process

Members of the EMC or principal investigators conducting monitoring will synthesize the results into final reports for the EMC. The reports shall include descriptions of the purpose and necessity, scientific methods, results and technical analysis, evaluation of implications for resources and forest management operations (including consideration of alternative management approaches), and disclosure of any possible limitations of results and any scientific uncertainty. The reports may inform policy or regulatory recommendations, and the potential further refinement of study methods to address any significant limitations and remaining scientific uncertainty. The EMC shall encourage the publication of results in relevant scientific journals. All final reports will be made available to the public on the internet.

All reports shall discuss the statistical, physical and biological relevance of the monitoring and results. Due to relatively small sample sizes and lack of controls for both dependent and independent variables associated with “specific question” studies, statistically rigorous testing of water-quality, aquatic habitat and wildlife resource questions are often difficult. However, well developed resource monitoring questions can improve scientific monitoring designs to limit spurious results and enhance the range of inference. Both statistical and biological relevance of the monitoring and the resulting acceptable level of scientific uncertainty should be clearly stated in each monitoring proposal and final report.

Development of possible rule language options (i.e., adaptive management)² based on results and findings of EMC reports, if necessary, shall be brought before the Board’s Forest Practice Committee for review and comment prior to submittal to the full Board.

Assistance and Oversight

The EMC Co-Chairs may seek technical advice from, including but not limited to, other state agency or departments, federal agency representatives, and technical experts on developing effectiveness monitoring projects.

The Board’s Executive Officer and/or Board staff will act as the liaison between the Board and the EMC.

² Gregory, R., D. Ohlson, and J. Arvai. 2006. Deconstructing adaptive management: criteria for applications to environmental management. *Ecological Applications* 16(6): 2411-2425.