

The first of these is the 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.

A second topic for consideration is 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.

The third topic 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.

A fourth topic for the Board's consideration is the observed practice of Exemption filing overlapping active Timber Harvesting Plans, Program Timber Harvesting Plans, and Notices of Timber Operations for Nonindustrial Timber Management Plans. This practice creates confusion as to what enforceable standard applies where. It also presents challenges to accurate record keeping of harvest activity on a given harvest area in which different Rule standards may apply. The Department would appreciate clarification as to whether Exemption use overlapping active Plans was the Board's intention, and if so, how the Department should apply divergent Rule standards. For example, should the most restrictive Rule standard be made to apply where Rule divergence exists?

CONCLUSION

The Department appreciates this opportunity to provide the Board with a summary of rulemaking actions implemented beginning in 2023. The Board's consideration of the six (6) Rule review items brought forward by the Department in this report is likewise appreciated. As always, the Department looks forward to collaborating with the Board on natural resource-related policy and Rule matters as we progress into a new year.