

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.

January 22, 2019

COMPLETED OR SUBSTANTIALLY COMPLETED IN 2018:**1. Small Landowner Harvest Options:**

Objective: *Find effective methods to facilitate small landowner harvest. Such approaches include 1) An NTMP approach for landowners of 320 acres or less that cannot utilize a regular NTMP and 2) Woodlot owners of less than 40 acres seeking minimal harvesting.*

Status: *The Management Committee has intermittently discussed the development of small land owner harvest options over the course of several years. Senate Bill 901 (Dodd, 2018) has mandated the adoption of a small landowner exemption within 14 CCR § 1038. A few specifics of the exemption were required by the legislature in statute, but substantial discretion was given to the Board to adopt measures that they deemed appropriate for this exemption. The Board has been holding public workshops to engage stakeholders, elicit suggestions from individuals of varied backgrounds, and ensure widespread use of this exemption by small timberland owners within the state. It is anticipated that the rule package including the addition of the small land owner Exemption to CCR § 1038 will be approved within the 2019 rulemaking year.*

2. Mountain Home Demonstration State Forest (MHDSF) Management Plan:

Objective: *Continue to review the management of Mountain Home Demonstration State Forest pursuant to Board Policy 0351.10.*

Status: *Revisions to the Management Plan and Initial Study began in 2017. In the summer of 2017, Board staff toured the state forest and were made aware of significant work that had been done on the forest that would result in the need for a substantial update to the Management Plan. MHDSF staff attended a Committee meeting in late 2017 and presented their initial assessment of the required workload for the Management Plan update. During this meeting, it became clear that the update would require substantial work, and the current MHDSF staff did not have sufficient time or resources to complete the update by the expected deadline. Due to these extenuating circumstances, the Committee voted to extend the deadline until 2020, and the Board approved this decision. Full revisions are expected to be submitted to the Committee by the Manager in 2020. The Board expects full review and certification pursuant to CEQA by the first quarter of 2020.*

3. Boggs Mountain Demonstration State Forest (BMDSF) Management Plan:

Objective: Continue to review the management of Boggs Mountain Demonstration State Forest pursuant to Board Policy 0351.10.

Status: A revised Management Plan and Initial Study was presented to the Board in 2018. Due to the devastating Valley Fire in 2015, which burned approximately 90% of the forest, substantial changes were required to accurately reflect the post-fire conditions of the forest. Therefore, the deadline for submission of final drafts was delayed. Substantial work was completed by BMDSF staff, Board staff, and CAL FIRE Headquarters staff to re-work the plan. The Management Plan and Initial Study was presented to the Committee in early 2018, and was unanimously approved by the full Board for certification pursuant to CEQA.

4. Board Policy Review (Completed in Part):

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.

Status: The Board revised two (2) existing policies – the Board's Nursery policy and the State Forest policy – and engaged stakeholders to comment on revisions.

The Board's nursery policy update was mainly centered on the reemergence of the CAL FIRE LA Moran Reforestation Center as a fully functional nursery and reforestation center. The revitalization of the center will help provide native conifer seeds to augment other private vendors throughout the state. The CAL FIRE Stewardship Division Chief, in consultation with the Board, decided to add revisions that included ensuring seed production from a wide variety of climates so that the seed bank can serve the entire state, particularly as the climate continues to change. New revisions also included stipulations to ensure that the existence of a CAL FIRE seed bank does not infringe on other existing nurseries' and seed banks' capabilities to produce seeds or seedlings. Rather, the Board's policy envisions the CAL FIRE seed bank acting as a backup to existing facilities, with utmost importance placed on growing seedlings for small non-industrial landowners. The policy also requires the Department to report to the Board every 10-years on the state of the nursery.

The State Forest policy required much more substantial work; Board staff, CAL FIRE staff, and the State Forest Managers committed significant time to revitalizing the State Forest policy. The revisions focused heavily on updating archaic language and establishing more specific behavior standards and expectations for visitors using the forest for recreational purposes. Specifically, camping traffic across all of the State Forests has significantly increased, expanding staff time expenditure on recreational duties, leaving less time for State Forest management activities. The State Forest

policy has been updated to reflect these changes and was subsequently approved by the Board.

Additionally, the lack of ability to enforce camping fees due to insufficient regulations was raised as a serious issue. These updates could not be encumbered within Board policy alone, as establishing a fee-based minimum for campsites would require a full rulemaking effort, subject to approval by the Office of Administrative Law (OAL). These regulations have been submitted to OAL and are on track to be in effect by the summer 2019 camping season.

5. Issues Pertaining to Conversion of Timberland (Completed in Part):

Objectives:

- *Prevention of acceptance of Less than 3-Acre Conversions Exemptions after illegal conversion activities - CAL FIRE believes that disallowing use of 14 CCR §1104.1 for those who have already converted timberland meets the legislative intent of only one minor conversion on each contiguous ownership. Current Board regulations do not disallow submittal of an exemption after illegal conversion activities.*
- *Slash Treatment on Less than 3-Acre Conversions - Under 14 CCR §1104.1(a)(2)(D), a landowner may assume the responsibility for slash treatment, even if they generally do not have the ability or experience to treat the slash. It is recommended that the LTO maintain responsibility for slash treatment, as is the case for all Plans and Exemptions to assure that the slash associated with the conversion is appropriately treated in a timely fashion.*
- *Notification to Native Americans and Adjacent Landowners for Less than 3 Acre Conversions - The required notification to Native American and adjacent landowners of a Less Than 3-Acre Conversion does not require a map of the project area. CAL FIRE suggests considering amending 14 CCR §1104.1(a)(3) to require a map for purposes of clarity.*
- *Notification to CAL FIRE of the commencement of Timber Operations - Other exemptions under 14 CCR §1038 require notification to CAL FIRE within 15 days of operations commencing. The notification allows CAL FIRE inspectors to target the appropriate timing to conduct inspections of timber operations. CAL FIRE suggests that this required notification be applied to Less Than 3-Acre Conversions as well.*

Status: The Board completed, and successfully submitted two (2) rulemaking efforts to OAL regarding the issue of conversions:

1. **Exemption Amendments, 2018:** This action aims to clarify the fuel treatment standards of 1038 (j), extend the sunset date for the Drought Mortality Amendments an additional 3 years, and implement standardized notification

procedures. These changes will allow for clearer and more consistent application and enforcement of exemption notices and operations. Additionally, the extension of the Drought Mortality Amendment will enhance public safety by helping landowners address fuel conditions which have been exacerbated by drought and tree mortality. This extension may also provide economic benefit to landowners within California by providing a regulatory mechanism for harvesting dead and dying trees. Finally, standardization of the notification process will improve the efficiency of CAL FIRE inspections and enforcement of exemption operations.

2. **Timberland Conversion Amendments, 2018:** The proposed action disallows the use of the Less than 3-Acre Conversion Exemption where prior conversion has occurred on a contiguous ownership, eliminates the ability of the LTO to transfer responsibility of slash and woody debris cleanup to the landowner, requires the inclusion of a map as part of notification to adjacent landowners and Native Americans, improves the notification procedure for the commencement of timber operations, and improves other issues of clarity and consistency as they exist. These changes help maintain clear and consistent application and enforcement of the Less than 3-Acre Conversion Exemption and may benefit environmental quality by reducing the acreage of timberland that is converted and improving slash treatment and timing. Finally, the improvement of notification processes will benefit the efficiency of CAL FIRE inspections and enforcement of exemption operations.

Both rule packages have been approved by OAL, and have been chaptered as regulation by the Secretary of State. These regulations became effective on January 1, 2019.

6. Non-Industrial Timber Management Plan (NTMP) Review:

Objective: Ongoing review of the regulatory standards associated with the NTMP, including CAL FIRE's Draft NTMP Growth and Yield Guidelines document posted on CAL FIRE's website. This guidance document is currently in use by CAL FIRE Plan review personnel. Additionally, the following issues associated with a Notice of Timber Operations may be addressed:

- Consider requiring the inclusion of the number of acres proposed for harvest along with the required legal description on a submitted NOP. (Department of Tax and Fee Administration (formerly BOE) request).
- Consider requiring the mapped location of each ownership if multiple ownerships are being harvested under the same NOP. This applies to all Plans and Exemptions. (Department of Tax and Fee Administration (formerly BOE) request).

Status: The Board is currently working on changes to the NTMP rules and regulations in response to SB 901 (Dodd, 2018). These changes enable smaller, non-industrial

timberland owners to manage their timberlands, achieve greater forest health, and reduce fire danger. Changes include clarifying that multiple land owners can participate in an NTMP, capping the maximum acreage of an NTMP at 2,500 acres, and the addition of mapping standards to maintain consistency with the Working Forest Management Plan. The Board is in the process of drafting an Initial Statement of Reasons and modified rule text. The Board aims to approve these drafts during the first half of 2019 and move through the OAL approval process for an effective date of January 1, 2020.

PRIORITY 1 FOR 2019:

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

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 has been moved to the Committee for further action. The University of California, Berkeley Center for Forestry houses the William Main Seminar Series in Forestry and Natural Resources, led by Dr. Bob Ewing; the William Main Seminar Series is currently undertaking a study that may inform the Board on this issue. The Committee may address this issue further in 2019, pending updates on the stocking standards study.

2. Program Timberland Environmental Impact Report (PTEIR) for Carbon Sequestration and Fuel Reduction Program:

Objective: AB 862, chaptered by the Brown Administration in 2014, directs the Board of Forestry and Fire Protection to develop regulations, guidelines or publications to facilitate a grant program that allots funding for the development of PTEIRs that promote carbon sequestration and fuel hazard reduction on state or private lands. The grant program is to be administered by CAL FIRE.

Status: The PTEIR was briefly discussed at the beginning of the year, and was reported out to the full Board in February. After Board discussion, it was agreed that it would be prudent for Chair Gilles and Vice-Chair Andre to draft a letter to the State of California Assembly Committee on Natural Resources to recommend possible legislative actions that could address issues that have been plaguing the PTEIRs use. No action has resulted from the recommendations.

3. Issues Pertaining to Conversion of Timberland:

Objectives:

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

Status: *The Board anticipates that bullet points one and two will require significant effort because they both require regulatory amendments and input from a variety of agencies and stakeholders. The Board may begin to address these issues in 2019.*

4. 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 stocks and fluctuations.*
- *Review the constraints of the effective period of a Sustained Yield Plan (SYP) (PRC § 4551.3) against current Board regulations.*

Status: *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 Professional Forester’s Examining Committee (PFEC) has started to examine this issue, and is expected to release recommendations to the Board in 2019.*

PRIORITY 2 FOR 2019:

1. Research Plan (PRC § 4789.6):

Objective: *The Board, assisted by the Director, shall biennially determine state needs for forest management research and recommend the conduct of needed projects to the Governor and the Legislature.*

Status: *Previously, during review of Demonstration State Forest Management Plans the Committee has requested improvements in the documentation and distribution of forest management, wildlife, fisheries, botanical and watershed research conducted on each forest or by CAL FIRE. The Committee intends to continue to work with each State Forest and CAL FIRE to better document and catalog results of these research efforts and seek improvements in the distribution of research reports through either CAL FIRE or the Board's website(s). The Committee also intends to review a draft Research Plan in the near future. Work continued on this topic in 2018, with no reportable actions available.*

PRIORITY 3 FOR 2019:

1. 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 2018.*

2. Development of Pilot Programs for SERM Option (v) Projects:

Objective: *CAL FIRE has formed a Technical Advisory Committee (VTAC) to develop and provide advice on pilot programs to implement option (v) projects under the Anadromous Salmonid Protection Rules (ASP).*

Status: *No reportable actions were made on this topic in 2018.*

3. Pacific Forest and Watershed Lands Stewardship Council:

Objective: *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 Stewardship Council Board has recommended fee title transfer of lands within the North Fork Mokelumne River, Pit River, Tunnel Reservoir, Battle Creek, Cow Creek, Lake Spaulding, and Bear River planning units to CAL FIRE. With the Stewardship Council Board recommendation for transfer of lands to CAL FIRE at Bear River in November 2018, fee title recommendations have been completed. In 2018, the Stewardship Council Board approved final Land Conservation and Conveyance Plans (conservation easements and agreements known also as LCCPs) for North Fork Mokelumne River, Pit River, and Tunnel Reservoir. Additionally, the Stewardship Council is expected to review final LCCPs for several additional projects during 2019.*

The Department of General Services (Department) and PG&E have developed the final form and content of each of the transaction documents, which will be utilized to construct documents for each of the transactions going forward. It is anticipated that final Department documents will be brought back to the Management Committee for discussion in 2019.

Conservation easement holders for each of the properties have been recommended by the Stewardship Council Board and include: Shasta Land Trust (Pit River, Tunnel Reservoir, Cow Creek), Western Shasta Resource Conservation District (Battle Creek), Mother Lode Land Trust (North Fork Mokelumne River), Placer Land Trust (Lake Spaulding), and Bear, Yuba, and Placer Land Trusts (Bear River).

CAL FIRE is beginning to develop management plans for each forest including whether each forest will be permanently, seasonally, or unstaffed, and what the purpose of each forest will be (e.g. recreation, timber management, research, etc.). CAL FIRE is also considering staffing needs related to the new lands.

4. Progeny Sites:

Objective: *Progeny sites are usually planted over 3-10 year periods to establish various age classes and seed sources. Some of the land may sit fallow for several years and may not meet a 5-year stocking requirement between plantings. The goal is to investigate offering an exemption from stocking standards of up to 40-acres if the property owner designates that area for a progeny plantation.*

Status: *No reportable actions were made on this issue in 2018.*

5. 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.*

Status: *Continuously ongoing.*