

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, 2020

COMPLETED OR SUBSTANTIALLY COMPLETED IN 2019:

1. 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 forest manager in 2020. The Board expects full review and certification pursuant to CEQA by the first quarter of 2020.*

2. Permanent Post-Fire Recovery Exemption:

Objective: *Develop and approve rulemaking language for a permanent post-fire recovery exemption. Each year the Board considers emergency regulations for post-fire recovery; these regulations would allow for faster recovery in communities where fire has impacted forested land.*

Status: *In September, 2019 the Board adopted a Permanent Post-Fire Recovery Exemption which took effect on January 1, 2020. The adoption of this exemption was intended to aid in protecting structures and public safety in the aftermath of a wildfire. It allowed dead or dying trees to be harvested or removed, when within 300 feet of a structure, without a need to satisfy completions report and stocking report requirements and plan preparation and submission requirements of the FPA. To qualify, the activities must be consistent with a current state of emergency or an emergency declared by a gubernatorial executive order, or an RPF must certify that trees are dead or dying as a result of a wildfire that took place within the previous three years.*

3. State Forest Regulations Update

Objective: *Modernize language surrounding the management of state forests, and increase revenue to help offset the costs of increased recreation and overnight camping.*

Status: *The Office of Administrative Law approved the Board's State Forest Regulations Update in April of 2019, and they took effect on July 1, 2019. PRC 4652 allows CAL FIRE to collect user fees for overnight camping and reserved group activities in Demonstration State Forests. Despite this, existing regulation did not provide for the collection of such fees, which have become increasingly necessary to maintain high-quality facilities for public use and protect environmental quality in areas surrounding recreational facilities in state forests. This regulatory package explicitly allowed CAL FIRE to collect fees for the above-mentioned activities and created a schedule for such fees. It also clarified existing and, sometimes, outdated regulatory language regarding state forests.*

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 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.

5. 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 landowner 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.*

6. 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 was moved to the Management 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. Stocking standards for replanting following harvest or disturbance have been in place for several decades. Over that time, seedling survival has improved dramatically, and stressors facing forests, such as diseases, drought, insects, and fire, have increased in frequency and severity. The amendments lowered the required stocking of seedlings on a district by district basis in order to address various forest health and ecological goals as identified by the Board, as well as aligned the requirements of specific silvicultural prescriptions with those goals.*

8. Review of Categorical Exemption Regulations (14 CCR § 1153)

Status: *The Board adopted amendments to the list of potentially categorically exempt Board activities in November 2019. These amendments were approved by the Office of Administrative Law in January and will become effective April 1, 2020.*

9. Southern Subdistrict and Marin Co Stocking Amendments

Objective: *Stocking standards within the Southern Subdistrict of the Coast Forest District, and further requirements within the County of Marin, of the Forest Practice Rules have been deemed to no longer represent the current state of forest management and climate. Specifically, seedling survival has improved, and the threat of drought and fire associated with climate change has increased, and the existing standards tend to result in overstocked forests with greater competition for resources, especially water. The objective of these stocking amendments is to lower point count requirements to make forests more resilient to drought, disease, and fire, to reduce costs associated*

with forest management, and to improve tree survival and carbon sequestration over the long term.

Status: *An Initial Statement of Reasons (ISOR) and draft rule text have been submitted to OAL. A public hearing will be held in January of 2020. It is anticipated that the Board will adopt this rulemaking in the first quarter of 2020, for a projected January 1, 2021 effectiveness date.*

PRIORITY 1 FOR 2020:

1. Limited Timber Operators License & Timber Operator Education:

Objective: *CAL FIRE has indicated that education for Limited Timber Operators is not equal to the education and insurance requirements for Full Licensed Timber Operators. However, the current regulations do not clearly identify the tasks that a Limited Timber Operator may not complete. This may result in unintended impacts to the landscape. CAL FIRE requests that the Board clarify the regulatory language to identify which tasks may be performed, pursuant to the necessary education and insurance for each type of license.*

Status: *The Committee began consideration of this issue in September, 2019.*

2. Basal Area Stocking Standards

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 Management Committee had requested a review of the issue by the William Main group, in conjunction with other review of the point-count stocking standards, which were amended in 2019. The item continues to be discussed within the Committee, though no reportable progress has yet been made.*

3. 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.*

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- *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 2020.*

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.*

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 Board may begin to address this issue in 2020.*

PRIORITY 2 FOR 2020:

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. The Board may address this issue in 2020.*

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

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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 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 PTEIR's use. No action has resulted from the recommendations.

PRIORITY 3 FOR 2020:

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 2019.

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 2019.

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

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(conservation easements and agreements known also as LCCPs) for North Fork Mokelumne River, Pit River, and Tunnel Reservoir. The Stewardship Council continued to develop the final LCCPs for the remaining projects during 2019.

The Department of General Services and Pacific Gas & Electric (PG&E) have developed the final form and content for each of the transaction documents, which will be utilized to construct documents for each of the transactions going forward. The California Natural Resources Agency has also participated in these discussions and is working to bring along associated transactions with State Parks. CAL FIRE and PG&E signed the Property Acquisition Agreement for the North Fork Mokelumne property in 2019 and received subsequent approval from the California Public Utilities Commission on October 7, 2019 to proceed with closing the transaction. It is expected to go to the Public Works Board in December of 2019 for final State approval allowing for the close of escrow.

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). As currently written, CAL FIRE has successfully negotiated identical or very similar terms with each of the conservation easement holders to reduce the number of unique restrictions on any property. CAL FIRE has been on site to document baseline conditions and discuss the intended management with each of the conservation easement holders.

It is expected that the Pitt River, Tunnel Reservoir, Lake Spaulding, and Bear River planning units will close in late 2020. The Committee looks forward to reviewing any management plans which are developed for any future land acquisition.

4. 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.*