

Board of Forestry and Fire Protection

February 19, 2020 Regulations Workshop – Commercial Species

Additional Background Information

Definition of Timberland (PRC § 4526)

“Timberland” means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

Purpose and Necessity of 2013 rulemaking to move Monterey Pine from “Group A” to “Group B” and remove Eucalyptus from the list of Commercial Species (Excerpt from Rulemaking File 337, Board of Forestry and Fire Protection, 2013)

Section 895.1 Definitions - "Commercial Species"

This existing rule section is proposed for amendment to move Monterey pine (*Pinus radiata*) from "Group A" of the "Commercial Species" lists for the Coast and Southern Forest Districts to "Group B" of the respective District lists. The rule section is also proposed for amendment to remove altogether, Eucalyptus (*Eucalyptus* sp.) from "Group B" of the "Commercial Species" lists for the Coast and Southern Forest Districts.

In addition, the scientific names for incense cedar and tanoak have been revised to reflect their most current taxonomy.

NECESSITY

There is currently no significant commercial value for either eucalyptus or Monterey pine to offset the expense of its management or outright removal for hazardous fuels reduction or native and indigenous species restoration. Yet, in certain parts of the state, most notably the East San Francisco Bay area, significant amounts of both species occur. Because both eucalyptus and Monterey pine are identified in the State Forest Practice Rules as companion commercial species in the Coast and Southern Forest Districts, the state requires a California Environmental Quality Act (CEQA)-equivalent commercial harvest permit. This requirement persists even when a project proponent already has other CEQA authorizations in the form of Environmental Impact Reports and/or Negative Declaration documents. Entities wishing to manage eucalyptus or Monterey pine at a landscape level for reduction of hazardous fuels conditions or native species restoration are therefore faced with duplicative permitting costs and requirements. These duplicative and redundant requirements make it that much more expensive to manage species for which there is no commercial value.

This regulation would remove eucalyptus from the Forest Practice Rules' commercial species lists for the Coast and Southern Forest Districts. This effectively removes any Forest Practice Rule impediment to management of the species through other CEQA authorization documents. The regulation would likewise move Monterey pine to the Group B species lists for the two Districts. This latter action would still allow Monterey pine to be harvested as a commercial conifer species for use in wood product manufacturing pursuant to the Forest Practice Rules. But, it would also allow tree removals for other purposes such as native species restoration under other existing CEQA authorities without triggering the necessity for additional Forest Practice Rule permitting.

Definition of Development (California Coastal Act, PRC § 30106)

“Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.