

Board of Forestry and Fire Protection

Report to the April 2020 Joint Committee

Commercial Species Discussion

Related to 14 CCR § 895.1

April 7, 2020

Regulatory Workshop

On February 19, 2020, Board of Forestry and Fire Protection (Board) staff hosted a regulatory workshop in Sacramento, CA, to discuss issues related to the list of commercial species, by forest district, which is identified within 14 CCR § 895.1. Participants in the workshop included Board staff, various Agency representatives from CAL FIRE, California Department of Fish and Wildlife, the Central Valley Regional Water Quality Control Board, and representatives from the regulated public, including industrial representatives, consultants, other organizations, and individuals. The following problem statement was developed as a result of that discussion:

Current commercial species definitions do not provide for the appropriate management of forested landscapes under the Forest Practice Rules.

The following are summarizations of the issues related to specific commercial species:

Black Oak

Many elements of the Forest Practice Rules promote the retention of Black Oak for various purposes (including 14 CCR §§ 913.4[933.4](f), 913.4[933.4, 953.4](d)(3)(J), 913.8(b)(6), 916.9[936.9, 956.9], 945.3(c), and Technical Rule Addendum #2), however the consideration of Maximum Sustained Production of High Quality Timber Products (MSP) pursuant to 14 CCR §§ 913.11[933.11, 953.33](c)(1) only permits the use of group A species in achieving the minimum stocking and basal area standards of the Rules. Stakeholders have indicated a desire to receive some form of “credit” in achieving MSP for the retention of these species. Though this issue is related to the definition of commercial species as that definition provides the basis for exclusion, the problem is unrelated to how that definition impacts the management of forested landscapes, as identified above.

Staff Recommendation

- This issue may be addressed more fully and appropriately within the consideration of MSP as a whole, in conjunction with other issues which have been identified as a Priority 1 issue for the Management Committee in the 2019 Board of Forestry and Fire Protection Annual Report.

Giant Sequoia

Over the past several decades landowners have been planting giant sequoia within mixed conifer forests for various purposes, including forest health, biodiversity, and climate change. Similar to the issue facing Black Oaks, landowners in the Northern

Forest District are not permitted to use these giant sequoias to count towards stocking as it pertains to the achievement of MSP. Additionally, other stakeholders have expressed some concern over the utilization of giant sequoia pursuant to the California Air Resources Board's Compliance Offset Protocol under its current designation as a Group B species, however no specific information or problem has been identified.

Staff Recommendation

- This issue may be addressed more fully and appropriately within the consideration of MSP as a whole, in conjunction with other issues which have been identified as a Priority 1 issue for the Management Committee in the 2019 Board of Forestry and Fire Protection Annual Report.
- Request clear identification of regulatory problem related to the Compliance Offset Protocol from any stakeholder interested in revision of the Rules.

Eucalyptus & Monterey Pine

The issues surrounding the commercial species designation of both of these species appear to be related exclusively to the management or harvesting of these species within the Coastal Zone for the purposes of reducing the threat of wildfire or habitat restoration. Currently, lands which are stocked with these species and are absent of any Group A species do not constitute timberland and are not subject to the Forest Practice Act and harvesting or management of these forests may constitute development pursuant to the Coastal Act per PRC § 30106, though such harvesting may address the goals and objectives of the Forest Practice Act (notwithstanding the current commercial species designation).

Staff Recommendation

- The obligation of the Board within PRC § 4526 is to determine all commercial species on a district basis. The establishment and modification of forest districts is also solely the responsibility of the Board, per PRC § 4531. Given this understanding, it would be appropriate for the Board to establish some form of special district related to this geographically specific area in order to address this geographically specific problem.
- Additional evaluation of how the management, harvesting, and stocking of these species within any designated district is necessary in order to ensure that the true problem is addressed appropriately and that resources are protected.
- Special silvicultural prescriptions may be appropriate for this specific management issues.