

Board of Forestry and Fire Protection

SUPPLEMENTAL STATEMENT OF REASONS

**“Forest Resiliency Amendments, 2022”
Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 4:
Subchapters 4, 5, 6, Article 2
Subchapters 4, 5, 6, Article 3**

The Board of Forestry and Fire Protection (Board) intends this Supplement to the Initial Statement of Reasons (ISOR) to reflect changes that have been made to the 45-Day proposed rule text and Initial Statement of Reasons, which was distributed on July 29, 2022.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GOV § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY’S DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GOV §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)).

Revised “THP” to “Plan” Throughout

The proposed action revises the term “THP” to “Plan” where used throughout the proposed action as the standards within 14 CCR §§ 913.2, 933.2, and 953.2 are applicable to all types of harvesting permits, non-exclusive to a THP and the use of the term THP here predates other harvesting mechanisms which are captured in the term Plan, but which rely on the standards described within this section. The purpose of this amendment is to clarify the revision and it is necessary in order to provide such clarity to both the regulated public and the Department.

Amend §§ 913.2(a)(2)(B)2., 933.2(a)(2)(B)2., 953.2(a)(2)(B)2.

The proposed action amends certain stocking requirements used in the Group Selection silvicultural method to be based upon the relationship between the percentage of the Plan area harvested under the described method in small group clearings and a total harvest cycle of fifty years, rounded to the nearest integer. The existing regulations and proposed amendments are intended to achieve a minimum average stand age of 50 years, but the proposed amendments may inadvertently increase the intended minimum stand age where less than one-third of the plan area is harvested but where the amended minimum age for point count stocking is raised to seventeen years. The proposed action provides a mechanism for the minimum tree age used in point-count stocking to adjust relative to the percentage of the area harvested in small groups in order to achieve a minimum harvest cycle roughly fifty years. The purpose of the amendment is to clarify this relationship and provide flexibility in the harvest sizes for various land management activities. The minimum age of 10 years is described within existing regulations and the use here is intended to preserve the option for use. The purpose of the prescriptive table which describes the relationship between harvested area and minimum tree age with tree ages rounded to the nearest integer for tree age is to provide an enforceable standard for tree age, as reliable methods of fractional tree age measurement are not readily available. These amendments are necessary in order to increase the flexibility of forest management options while preserving the existing standards of management and enforcement, and

they serve to clarify those standards to the Department and the regulated public.

Amend §§ 913.2(a)(2)(B)3., 933.2(a)(2)(B)3., 953.2(a)(2)(B)3.

The proposed action allows a certain number of plots to be offset for stocking, where those plots would fall within a small group clearing, based upon the relationship between the percentage of the Plan area harvested under the described method in small group clearings, rounded to the nearest integer. The existing regulations and proposed amendments are intended to allow an offsetting of stocking plots relative to the percentage of an area harvested in small groups as those areas would not be stocked. The proposed action provides a mechanism for the offset used in stocking sampling to adjust relative to the percentage of the area harvested in small groups in order to account for the increase in area allowed to be harvested as small groups. The purpose of the amendment is to clarify this relationship and provide flexibility in the harvest sizes for various land management activities. The purpose of the prescriptive table which describes the relationship between harvest area and number of allowable offset plots rounded to the nearest integer for plot number is to provide an enforceable standard for tree age, as reliable methods of fractional plots do not exist. These amendments are necessary in order to increase the flexibility of forest management options while preserving the existing standards of management and enforcement, and they serve to clarify those standards to the Department and the regulated public.