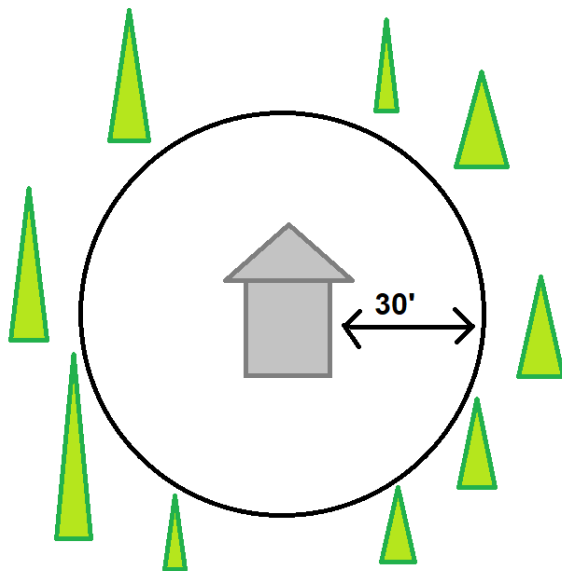


Board of Forestry and Fire Protection
STAFF REPORT:
Defining “Crop of Trees” Related to Timberland Conversion
Management Committee
June 8, 2021

Approach #1: Amend “crop of trees” definition in 14 CCR § 895.1, tie to PRC §4291 defensible space standards:

Example Regulations: **§ 895.1 Definitions**

Crop of Trees, within the meaning of PRC § 4526, means any number of trees which can be harvested commercially. “Crop of Trees,” within the meaning of PRC § 4526, does not include trees located within the defensible space zone designated for more intense fuel reduction requirements within 30-feet of a building or structure pursuant to PRC §4291, if the building or structure was erected pursuant to a conversion under PRC § 4621 or conversion exemption under PRC § 4584(g), and the building or structure continues to serve a nontimber use.



Results:

- Land surrounding a structure would no longer constitute timberland.
- Tree removal activities for any purpose would no longer constitute Timber Operations within this area.

Challenges:

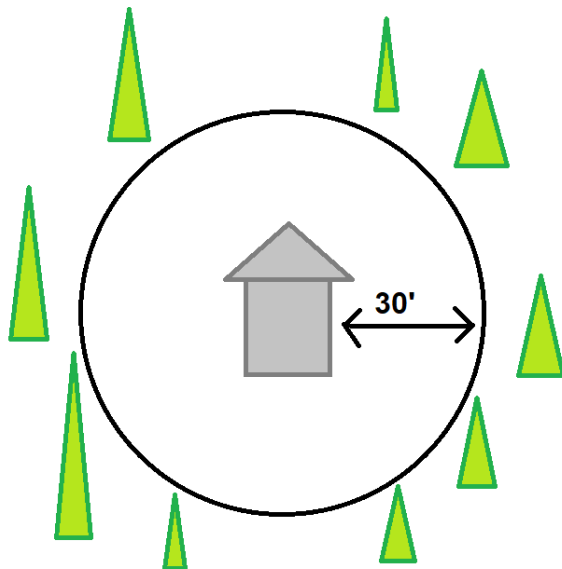
- Potential for serial elimination of Timberland within continual expansion of structures
- Potential conflict with PRC § 4584(i) and (m).
- Potential general authority issues in defining terms which have a substantive impact on statute.
- Would require additional revision to existing 1038(c)

Approach #2: Amend regulatory “timberland” definition within conversion article. Tie standard to PRC § 4291 defensible space standards.

Example Regulations: **14 CCR § 1100(m)**

(m) (1) "Timberland" means Timberland as defined in PRC § 4526, for land outside a Timberland production zone; provided, however, that the defensible space zone designated for more intense fuel reductions requirements within 30-feet of a building or structure constructed pursuant to a less than 3-acre conversion exemption and subject to PRC §4291 is unavailable for growing a crop of trees for purposes of PRC § 4526 for the duration of the nontimber use.

(2) Timberland means Timberland as defined in Gov. C. § 51104(f), for land within a Timberland production zone. "Reference: § 4526, Public Resources Code; § 51104(f), Government Code.)



Results:

- Land surrounding a structure would no longer constitute timberland.
- Tree removal activities for any purpose would no longer constitute Timber Operations within this area.
- Avoids serial conversion

Challenges:

- Potential conflict with PRC § 4584(j) and (m).
- Potential general authority issues in defining terms which have a substantive impact on statute.
- Enforcement and tracking issues

Approach #3: Amend regulatory “timberland” definition within conversion article. Tie standard to the mapped footprint area designated for <3-acre conversion.

Example Regulations: **14 CCR § 1100(m)**

(m) (1) "Timberland" means Timberland as defined in PRC § 4526, for land outside a Timberland production zone; provided, however, that the completion of a less than three-acre conversion renders the footprint of the conversion area unavailable for growing a crop of trees for purposes of PRC § 4526 for the duration of the nontimber use.

(2) Timberland means Timberland as defined in Gov. C. § 51104(f), for land within a Timberland production zone. “Reference: § 4526, Public Resources Code; § 51104(f), Government Code.)



Results:

- A converted area could remain “converted” consistent with commonly understood meaning.
- Tree removal activities for any purpose would no longer constitute Timber Operations within this area.
- Avoids serial conversion

Challenges:

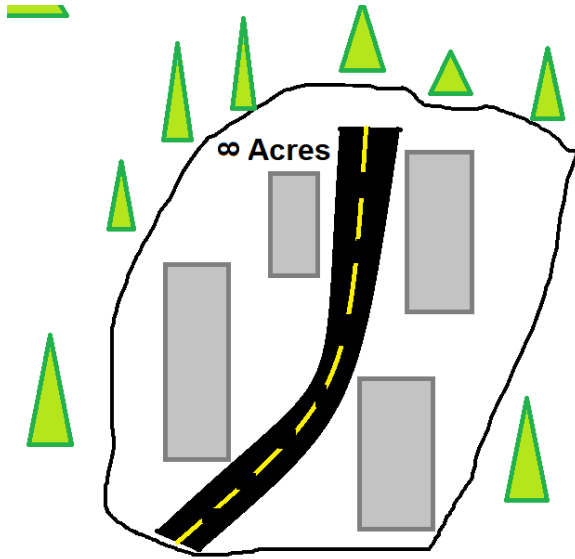
- Potential general authority issues in defining terms which have a substantive impact on statute.
- Enforcement, mapping and tracking issues

Approach #4: Amend regulatory “timberland” definition within conversion article. Tie standard to the mapped footprint area designated for conversion.

Example Regulations: **14 CCR § 1100(m)**

(m) (1) "Timberland" means Timberland as defined in PRC § 4526, for land outside a Timberland production zone; provided, however, that the completion of a conversion renders the footprint of the conversion area unavailable for growing a crop of trees for purposes of PRC § 4526 for the duration of the nontimber use.

(2) Timberland means Timberland as defined in Gov. C. § 51104(f), for land within a Timberland production zone. “Reference: § 4526, Public Resources Code; § 51104(f), Government Code.)



Results:

- A converted area could remain “converted” consistent with commonly understood meaning.
- Tree removal activities for any purpose would no longer constitute Timber Operations within this area.

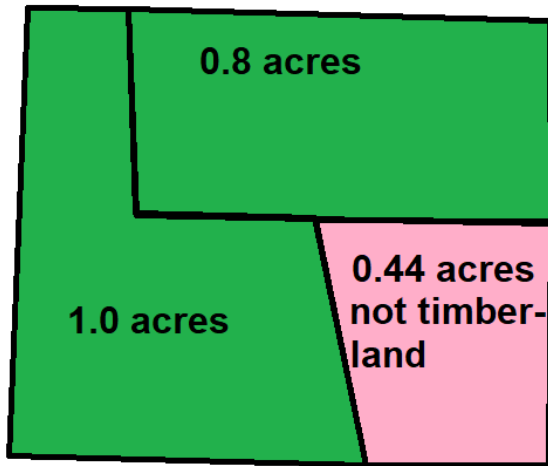
Challenges:

- Potential general authority issues in defining terms which have a substantive impact on statute.
- Large scale, permanent conversion not consistent with current Board policies.
- Enforcement, mapping and tracking issues

Approach #5: Amend regulatory “crop of trees” definition. Tie standard to geospatial characteristics.

Example Regulations: **14 CCR § 895.1)**

Crop of Trees, within the meaning of PRC § 4526, means any number of trees which can be harvested commercially. “Crop of Trees,” within the meaning of PRC § 4526, does not include trees on parcels of less than 0.5 acres which are not contiguous with other parcels under the same ownership.



Results:

- Creates prescriptive understandable timberland designation.
- Tree removal activities for any purpose would no longer constitute Timber Operations within this area.

Challenges:

- Significant issues of authority and delegation thereof.
- Enforcement and tracking issues
- Must be consistent with the purposes of the act

Approach #6: Amend regulatory “crop of trees” definition. Tie standard to other biometric characteristics.

Example Regulations: 14 CCR § 895.1

Crop of Trees, within the meaning of PRC § 4526, means any number of trees which can be harvested commercially. “Crop of Trees,” within the meaning of PRC § 4526, does not include trees which are less than 12 inches dbh/groups of less than 1 MBF/average age of less than 30 years old.



Results:

- Creates potentially prescriptive, objective timberland designation.
- Potential to associate merchantability with timberland

Challenges:

- Potential general authority issues.
- Enforcement, mapping and tracking issues
- Must be consistent with the purposes of the act.
- Categorical definitions are generally difficult to articulate

