



# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069  
(831) 454-2200 • FAX: (831) 454-3262 TDD/TTY - Call 711

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October 1, 2024

California Board of Forestry & Fire Protection  
Executive Officer Edith Hannigan  
PO Box 944246  
Sacramento, CA 944249-2460

### **RE: Santa Cruz County Special Rules**

Dear Executive Officer Edith Hannigan,

The County of Santa Cruz has always taken great pride in the progressive and innovative practices implemented by the foresters managing the area's timberlands. Through the Santa Cruz County Rules (CCR 926) the County has retained a powerful voice in how the regions forests are managed. The County finds that it is appropriate to revise several of these rules to allow for better management of our ecosystems moving forward into the future, and requests that California Board of Forestry & Fire Protection revise the Forest Practice Rules.

The forests of the Southern Subdistrict of the Coast District were created and maintained through fire. Since late 1800s, occurrences of fire in the Santa Cruz Mountains have become increasingly scarce. During the 1970s and 1980s stocking standards were designed to increase the stocking levels of California timberland. Today the forests of the Santa Cruz Mountains are densely stocked with conifer and hardwood species. Forest fuels and extreme temperatures have increased while more development has encroached into the wildland interface. There are many areas of the Santa Cruz Mountains that were once grasslands and are now dominated by trees due to a change in historic management activities such as grazing or prescribed burns. Disturbance adapted plant and animal species have been adversely impacted as most of the early successional forest stands have disappeared from the region.

One of the most effective ways to manage timber in California is through a Timber Harvest Plan or Non-Industrial Timber Management Plan. Within the Southern Sub-district of the

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RE: SANTA CRUZ COUNTY SPECIAL RULES

October 1, 2024

Coast District silvicultural practices are dictated by Forest Practice Rule 913.8, which limits the options available to manage forests. Under 913.8, there is currently no allowance to remove timber to restore grasslands or oak woodland. There are Special Prescriptions under Forest Practice Rule 913.4 that would allow for meadow restoration, the establishment of fuel breaks, and the restoration of black oak ecosystems.

Access to these management tools is imperative for ecological restoration and creating more fire-resilient landscapes allowing for contemporary adaptation to climatic shifts and improving system complexity. These small changes would also help break fuel continuity and provide an opportunity for fire suppression activity to be more successful in the event of wildfires.

In addition to the Special Prescriptions, there are updates (attached) to Santa Cruz County special rules that will improve the flexibility and clarity of the rule language. The County of Santa Cruz requests that the California Board of Forestry & Fire Protection revise the California Forest Practice Rules to reflect the following proposed revisions.

Thank you for your assistance with this matter.

Sincerely,



JUSTIN CUMMINGS, Chair  
Santa Cruz County Board of Supervisors

JC: cs

Enclosure

## Attachment A

The County of Santa Cruz recommends that the following California Forest Practice Rules be revised:

### Plan Notification and Publication

#### **Existing Rule:**

##### **924.1 Plan Submittal and Notice of Intent [Coast, SSD]**

- (a) The plan submitter shall prepare and submit to the Director, with the plan, a Notice of Intent to Harvest Timber as described in 14 CCR 1032.7(d).
- (b) The plan submitters shall furnish to the Department at the time of submission of the plan the names and addresses of any property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a plan has been submitted, and the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road. *The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company.*
  - (1) The plan submitter shall submit business size envelopes stamped with first class postage properly addressed to the property owners identified in (b). These will be used by the Department for mailing the Notice of Filing.
- (c) The plan submitter shall mail copies of the Notice of Intent to all names in (b) prior to plan submission. At the time of plan submission, the plan submitter shall certify in writing that this procedure has been followed.
- (d) For plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:
  - (1) All property owners not previously noticed under subsection (b) who, because of the plan amendment, would be required to receive the notice provided for in subsection (b).
  - (2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.

#### **Proposed Change:**

Remove from 924.1(b): "latest equalized assessment roll of the county or a list provided by a title insurance company."  
Add: "ownership data obtained from the County Assessor's Office. The Director shall verify ownership information using the County Assessor's data. The Plan Submitter may submit ownership data from alternative sources, subject to the approval of the Director."

#### **Rule as Revised:**

- (b) The plan submitters shall furnish to the Department at the time of submission of the plan the names and addresses of any property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a plan has been submitted, and the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road. ~~The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company~~ **ownership data obtained from the County Assessor's Office. The Director shall verify ownership information using the County Assessor's data. The Plan Submitter may submit ownership data from alternative sources, subject to the approval of the Director.**

#### **Justification:**

The current language creates multiple methods to comply with the rule. These methods can often produce different results based upon the timing of updates to the databases. The proposed rule revision sets one standard for all projects to meet, relying on data from the County Assessor's Office. The proposed change does allow for alternative ownership data sources if they are approved by the CalFire Director.

- (f) The plan submitter shall include with the mailed Notice of Intent sent to the persons identified above, other than members of the Board of Supervisors, local school district or publicly-owned water district or community water systems, any available printed general informational material that has been jointly approved by the County of Santa Cruz and the Department, describing the review process and the rights of adjacent landowners and other neighbors under applicable Rules, ordinances or statutes.
- (g) The RPF shall simultaneously file with the Department any notice of deviation given to the plan submitter or landowner required under Public Resources Code section 4583.2.
- (h) In the event the Director shall approve a timber harvest plan which provides in whole or in part for helicopter Yarding and where such harvest operations are not commenced within the same harvest season in which the plan is approved, the plan submitter shall, not less than 14 days prior to the estimated commencement of helicopter operations and not more than 28 days prior to the estimated commencement of such operations:
  - (1) Mail a notice to all persons previously notified of the Notice of Intent of the original application or any amendment under (b) above, providing notice of the fact that the helicopter Yarding was approved, containing a map showing the location of the harvest areas, Landing area, and service area approved in the Plan, the hours of operation, the estimated starting date of helicopter Yarding activities, the estimated completion date, and any conditions placed on the helicopter Yarding activity by the Director as part of the approval; and
  - (2) Post a copy of the notice at a minimum of one conspicuous location every half mile on all public roads within a 2 mile radius of the proposed area of operations. The posted notice shall be on colored paper or identified with colored flagging so as to be easily visible to the public.
  - (3) The plan submitter shall further mail the notice to those persons identified in 14 CCR 926.3(c)(1) and (2).
  - (4) Prior to commencement of helicopter operations, the plan submitter shall certify to the Director in writing that these procedures have been followed.

**Proposed Change:**

Replace the words “concurrently with” in 926.3(d) with the words “prior to” submission.

**Rule As Revised:**

- (d) The plan submitter shall have the Notice of Intent published in a newspaper of general circulation in the area, ~~concurrently with~~ **prior to** the submission of the plan to the Director. Proof of publication of notice shall be provided to the Director prior to his/her determination made pursuant to 14 CCR § 1037.4.

**Justification:**

Item 926.3(d): There is currently a lack of clarity on the intent of the word “concurrently” within the timber harvest review process. Since the inception of Santa Cruz County Rule 926.3, the Notice of Intent was deemed sufficient if it was published prior to the project submittal. This allowed time for a response from the public prior to the actual project submittal. Calfire is now interpreting the word concurrent to mean that the Notice must be published on the day of submittal. This does not allow for any response time from the public. Replacing the words “concurrent with” with the words “prior to” should clarify this issue.

The new interpretation is extremely difficult to coordinate with local publications, and in fact reduces the amount of time the public has to receive advance notice of an upcoming project. The proposed rule clarification would restore the functional pre-submission timeline that has been the practice for several decades.

In conversation with Cal Fire, they would be supportive of the clarifications proposed.

in the Southern Subdistrict would allow the THPs to be submitted to restore the region's grasslands and oak woodlands.

**Revision to Special Harvesting Methods 913.8 – Include utilization of existing Special Prescriptions for Fuelbreak/Defensible Space, Aspen, Meadow and Wet Area Restoration, and White and Black Oak Woodland Management.**

**Existing Rule:**

**913.8 Special Harvesting Methods for Southern Subdistrict [Coast]**

(a) Only the following Regeneration Methods and Stocking requirements shall apply in the Southern Subdistrict of the Coast Forest District. Timber Operations shall be conducted in accordance with paragraphs (1), (2), or (3) below. If the provisions of more than one subsection will be used within any individual timber operation or Logging Area, a line separating the areas to be cut under provisions of each shall be shown in the Plan and clearly defined on the ground by paint or other means prior to filing the Plan and so as to be readily identifiable during and after completion of logging.

(1) Leave uncut a well-distributed timber stand after Timber Operations have been completed on the Logging Area that is at least forty (40) percent by number of those trees eighteen (18) inches and more d.b.h. present prior to commencement of current Timber Operations. Leave trees shall be thrifty coniferous trees which were dominant or co-dominant in crown class prior to timber harvesting or which have crowns typical of such dominant or co-dominant trees. They shall be free from significant damage caused by the Timber Operations. No conifer shall be cut which is more than seventy-five (75) feet from the nearest leave tree twelve (12) inches d.b.h. or larger located within the Logging Area. No area may be cut in excess of the leave tree standards of this rule in any ten (10) year period. Upon completion of Timber Operations one of the following Stocking Standards for coniferous trees shall be met:

(A) Basal Area. The average residual basal area, measured in stems one (1) inch or larger in Diameter at least one hundred twenty (120) square feet per acre on Site I lands, and at least one hundred (100) square feet per acre on Site II lands, and seventy-five (75) square feet per acre on Site III lands, and fifty (50) square feet per acre on Sites IV and V lands.

(B) Countable Trees. The area contains a well-distributed stand of trees with an average Countable Tree point count of at least two hundred (200) per acre on Site I and II lands, one hundred twenty-five (125) per acre on Site III lands, or one hundred (100) per acre on Site IV and V lands. The point count to be computed as:

1. Each Countable Tree which is not more than four (4) inches d.b.h. counts one (1) point.
2. Each Countable Tree over four (4) inches and not more than twelve (12) inches d.b.h. counts two (2) points.
3. Each Countable Tree over twelve (12) inches d.b.h. counts as four (4) points.
4. Redwood root crown sprouts over one (1) foot in height will be counted using the average stump diameter one (1) foot above average ground level of the original stump from which the redwood root crown sprouts originate counting one (1) sprout for each one (1) foot of stump diameter to a maximum of six (6) per stump. Any countable redwood root crown sprout over one (1) foot in height but less than four (4) inches d.b.h. shall count as one (1) toward meeting Stocking requirements.

(2) An alternative Regeneration Method may be approved only if all of the following are met:

(A) The Regeneration Method described in subsection (a) above is not silviculturally appropriate or Feasible in the professional judgment of the Director and the RPF who prepared the Plan.

(B) Cutting Methods prescribed under the provisions of this section must maintain a well-distributed tree crown cover of at least fifty (50) percent of the pre-existing tree crown Canopy. At no time shall the crown cover be reduced to a level where the productivity of the land is jeopardized or to a level which would create a threat to soil and/or water resources. Provided the required crown cover can be maintained, the removal of all trees in Small Groups not exceeding one-half (0.5) acre in size may be approved as part of the overall cutting prescription.

(C) The alternative method shall provide overall protection at least equal to that of the standard provided by subsection (a) for watershed, wildlife, soil, and aesthetic resources considering the Silvicultural Method, conditions necessary for regeneration, tree growth rate, annual rainfall, summer temperature and length of dry season, critical problems of erodible soils, Unstable Areas, need for high water quality, increased fire potential, and exposure to more intensive use.

## California Forest Practice Rules 913.4 Special Prescriptions

- (c) **Fuelbreak/Defensible Space.** Where some trees and other vegetation and fuels are removed to create or maintain a shaded fuel break or defensible space in an area to reduce the potential for wildfires and the damage they might cause. Minimum stocking standards within the timber operating area shall be met immediately after harvest and shall be those found in 14 CCR 912.7 [932.7, 952.7]. The RPF shall describe in the plan specific vegetation and fuels treatment, including timing, to reduce fuels to meet the objectives of the Community Fuelbreak area or other objectives identified by the RPF with the written concurrence of a public fire agency and determined by the Director to be consistent with the purposes of the Act.
- (e) **Aspen, meadow and wet area restoration.** All trees within aspen stands (defined as a location with the presence of living aspen (*Populus tremuloides*), meadows and wet areas may be harvested or otherwise treated in order to restore, retain, or enhance these areas for ecological or range values. A primary goal of aspen restoration Projects is the successful regeneration of aspen and recruitment into larger size classes. Projects using this prescription shall be designed to balance the protection and regeneration of aspen stands, meadows, and wet area habitats in California's forest ecosystems with the other goals of forest management as specified in 14 CCR § 897 and meet the following requirements:
- (1) The RPF shall state in the plan each project type(s) that is being proposed (aspen, meadow, and/or wet area restoration).
  - (2) Each project type shall be shown on the plan map, consistent with 14 CCR § 1034(x), and at a scale that shows the locations of planned operations.
  - (3) The RPF shall describe the extent of the area proposed for harvesting or treatment and the types of harvesting or treatments.
  - (4) The RPF shall describe the condition of aspen stands, meadows and wet areas in the project area.
    - (A) For aspen stands, the condition description shall include, but is not limited to, the determination of whether the aspen stands are upland aspen stands mixed with conifer or Riparian/wet meadow aspen stands; spatial extent, species composition, and stand structure (including overstory/understory coverage) of the project area; and the relationship of the project area to other known aspen stands in the planning watershed or biological assessment area.
    - (B) For meadows and wet areas, the condition description shall include spatial extent, species composition, and stand structure (including overstory/understory coverage) of the project area; relevant Watercourse condition factors stated in Board Technical Rule Addendum #2; and other factors indicative of meadow or wet area geomorphic and hydrological functions.
  - (5) The RPF shall state the project goals and the measures of success for the proposed aspen, meadow, or wet area restoration project. For purposes of this subsection, measures of success means criteria related to a physical condition that can be measured using conventional forestry equipment or readily available technology to indicate the level of accomplishment of the project goals.
    - (A) Aspen, meadow or wet area project goals and measures of success shall be based on the condition assessment required in 14 CCR §§ 913.4, 933.4, and 953.4, subsection (e)(4), and identification of problematic aspen, meadow or wet area conditions and their agents/causes. Information shall include a description of factors that may be putting aspen stands, meadow, or wet areas at risk, and presence of any unique physical conditions. Projects shall be designed to contribute to rectifying factors that are limiting restoration, to the extent feasible.
  - (6) For Projects of twenty (20) acres or less in size, the RPF has the option to not include the requirements of 14 CCR §§ 913.4, 933.4, and 953.4, subsections (e)(4) and (5) if the RPF consults with CDFW prior to plan submittal and, if wet areas are proposed, the RPF shall also consult with the appropriate RWQCB in those locations where the applicable basin plan identifies wet areas as a beneficial use. The results of the consultation(s) shall be included in the plan,
  - (7) The Department shall review post-harvest field conditions of the portions of plans using the aspen, meadow and wet area restoration silvicultural prescription and prepare a monitoring report every five (5) years for the Board. The monitoring report shall summarize information on use of the prescription including:
    - (i) The level of achievement of the measures of success as stated in the plan per 14 CCR §§ 913.4, 933.4, and 953.4, subsection (e)(5);