

Management Committee (Committee)

The mission of the Management Committee is to evaluate and promote long-term, landscape level planning approaches to support natural resource management on California's non-federal forest and rangelands.

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COMPLETED OR SUBSTANTIALLY COMPLETED IN 2020:

1. Southern Subdistrict and Marin Co Stocking Amendments

Objective: *Stocking standards within the Southern Subdistrict of the Coast Forest District, and further requirements within the County of Marin, of the Forest Practice Rules have been deemed to no longer represent the current state of forest management and climate. Specifically, seedling survival has improved, and the threat of drought and fire associated with climate change has increased, and the existing standards tend to result in overstocked forests with greater competition for resources, especially water. The objective of these stocking amendments is to lower point count requirements to make forests more resilient to drought, disease, and fire, to reduce costs associated with forest management, and to improve tree survival and carbon sequestration over the long term.*

Status: *The Board adopted permanent regulations titled "Southern Subdistrict and Marin Co. Stocking Amendments, 2020" on January 22, 2020 which addressed certain forest health and ecological goals to provide for increased forest resilience and suitable resource conservation within the Southern Subdistrict of the Coast Forest District by adjusting point count standards within the Subdistrict to a level that reduces competition between trees for the essential resources of sunlight, water and nutrients needed for photosynthesis and requisite for forest resilience to natural stressors. The amendments additionally made point-count stocking standard requirements consistent throughout the coast forest district, eliminated provisions related to the even-aged management of eucalyptus, and generally improved the clarity of the regulations. The regulations were submitted to OAL on April 20, 2020, approved on June 4, 2020, and become effective January 1, 2021.*

2. Limited Timber Operators License & Timber Operator Education:

Objective: *CAL FIRE has indicated that education for Limited Timber Operators is not equal to the education and insurance requirements for Full Licensed Timber Operators. However, the current regulations do not clearly identify the tasks that a Limited Timber Operator may not complete. This may result in unintended impacts to the landscape. CAL FIRE requests that the Board clarify the regulatory language to identify which tasks may be performed, pursuant to the necessary education and insurance for each type of license.*

Status: The Board adopted permanent regulations titled “LTO Education and Limited LTO Amendments” on July 15, 2020 which were intended to improve the clarity and consistency of the existing regulations surrounding timber operator licenses, including making educational requirements of applicants consistent across all types of timber operator licenses. The amendments also limited the activities permitted under a limited timber operator license to avoid excessive risk, given the lack of insurance obligations. Finally, the amendments clearly implement existing conditional requirements within PRC § 4572. The regulations were submitted to OAL on July 24, 2020, approved on September 3, 2020, and will become effective January 1, 2021.

3. Mountain Home Demonstration State Forest (MHDSF) Management Plan:

Objective: Continue to review the management of Mountain Home Demonstration State Forest pursuant to Board Policy 0351.10.

Status: Revisions to the Management Plan and Initial Study began in 2017. In the summer of 2017, Board staff toured the state forest and were made aware of significant work that had been done on the forest that would result in the need for a substantial update to the Management Plan. MHDSF staff attended a Committee meeting in late 2017 and presented their initial assessment of the required workload for the Management Plan update. During this meeting, it became clear that the update would require substantial work, and the current MHDSF staff did not have sufficient time or resources to complete the update by the expected deadline. Due to these extenuating circumstances, the Committee voted to extend the deadline until 2020, and the Board approved this decision. The Committee considered revisions to the management plan through April and May and ultimately approved the management plan in June of 2020.

4. Camping Fees at Demonstration State Forests

Objective: CAL FIRE approached the Board requesting amendments to the regulatory camping fees of the Demonstration State Forests, specifically a modest increase in fees and a simplification of the fee structure.

Status: The Board adopted permanent regulations titled “Camping Fee Amendments, 2020” on August 19, 2020. The rules were submitted to OAL on October 16, 2020, and are likely to become effective January 1, 2021.

PRIORITY 1 FOR 2021:

1. Issues Pertaining to Conversion of Timberland:

- Regulatory amendments to 14 CCR § 1100(g)(2) - Definition of Timberland Conversion - Existing Board regulations are currently inconsistent with PRC § 4621 as it applies to conversion of timberland. Current Board regulations address proposed conversions in the Timber Production Zone (TPZ) where an immediate

re-zone out of TPZ has been approved. State law does not recognize zoning as a controlling factor in the conversion of timberland. CAL FIRE has requested that the Board bring the current definition of conversion into conformance with State law to recognize all timberland conversions regardless of zoning status.

- Additionally, timberland conversion on non-TPZ land in 14 CCR § 1101(g)(1) is identified as transforming timberland to a non-timber use where “(A) Future timber harvests will be prevented or infeasible because of land occupancy and activities thereon”, among other conditions. However, on TPZ lands, timberland conversion is identified as “...the immediate rezoning of TPZ lands,” but conversion exemptions pursuant to 14 CCR § 1104.1 are excepted from this requirement of immediate rezoning. This presents a potential issue with the regulations where the filing of a conversion exemption on TPZ land simply becomes a de jure conversion even when there is no “conversion” of the land, as defined by plain English or other Board regulations or statute.
- Regulatory amendments to 14 CCR § 895.1 – “Crop of Trees, Available for, and Capable of...” – CAL FIRE has made the request to address the definition of “crop of trees” to aid CAL FIRE in identification of timberland. The Committee has received briefings from Board staff and CAL FIRE on potential options to address this issue.
- Currently, an individual who obtains a <3 acre conversion exemption pursuant to 14 CCR § 1104.1(a) is prohibited from future conversion on that property, even within the same footprint of the initial conversion, presenting a potential hardship for those who may have been unable to fully effectuate a conversion. Allowing future conversion exemptions to occur within the footprint of a previously accepted exemption may provide relief for these individuals without providing for “additional”, or serialized, conversion of timberland acres.

Commented [HE1]: Cal Fire #5

Commented [HE2]: MGMT Committee Chair

Status: The Board began evaluating conversion exemptions within 14 CCR § 1104.1 in September 2020 and will continue to work through these issues into 2021.

2. Utility ROW Operations

Objective: Existing regulations related to the exemptions from portions of the Forest Practice Act for construction and maintenance of right-of-way’s within 14 CCR § 1104.1(b) and (c) lack significant clarity related to the submission of notices, general application, mapping, and other requirements.

Status: The Committee began a regulatory effort to address this issue in June of 2020 and continues to work diligently to complete the work. It is anticipated that a rule text will be noticed in the first quarter of 2021.

3. Research Plan (PRC § 4789.6):

Objective: The Board, assisted by the Director, shall biennially determine state needs for forest management research and recommend the conduct of needed projects to the Governor and the Legislature.

Additionally, the Forest Management Task Force's "California's Wildfire and Forest Resilience Action Plan" identifies that, in coordination with the Science Advisory Panel of the Task Force and other leading scientists, the Board and CAL FIRE's Forest and Resource Assessment Program (FRAP) will develop and issue an applied research plan by June 2021.

Commented [HE3]: From the Forest Management Task Force's "California's Wildfire and Forest Resilience Action Plan"

Status: Previously, during review of Demonstration State Forest Management Plans the Committee has requested improvements in the documentation and distribution of forest management, wildlife, fisheries, botanical and watershed research conducted on each forest or by CAL FIRE. The Committee intends to continue to work with each State Forest and CAL FIRE to better document and catalog results of these research efforts and seek improvements in the distribution of research reports through either CAL FIRE or the Board's website(s). The Committee also intends to review a draft Research Plan in the near future. The Board will address this issue in 2021.

4. Maximum Sustained Production (MSP) 14 CCR § 913.11(a) [933.11(a), 953.11(a)]:

Objective: Review performance of existing MSP rules since Board adoption. The Committee may consider the following actions for MSP review:

- Consider forming a technical working group to consider changes to existing MSP rules to provide more concrete standards for the MSP demonstration per 14 CCR § 913.11(a) [933.11(a), 953.11(a)].
- Consider implications for carbon stocks and fluctuations or other components of forest health, including resiliency.

Commented [HE4]: Richard Gienger #2 & 3

Status: The Committee reviewed the MSP rules in February of 2011 and found no further action necessary. CAL FIRE has resubmitted the issue in 2015, and industry stakeholders expressed concern over the effective period of the SYP in 2017. The Board may begin to address this issue in 2021.

PRIORITY 2 FOR 2020:

1. Review of Required Post-Harvest Stocking Standards (14 § CCR 913; 14 CCR § 1071), Pursuant to Assembly Bills (AB) 2082 (2014) and 417 (2015), Affecting Public Resource Code (PRC) 4561:

Objective: The request has been made to investigate the current stocking standards as they relate to various regeneration methods and forest health, including fuel hazard reduction, within certain forest types.

Status: Recent legislative mandates (AB 2082, 2014 and AB 417, 2015) were chaptered by the Brown Administration and grant the Board the authority to review required minimum stocking standards pursuant to PRC § 4561. The FPC discussed this topic periodically throughout 2018, but due to a large workload this issue was moved to the Committee for further action. The Stocking and Silvicultural Amendments were adopted by the Board in September of 2019, which took effect on January 1, 2020. Since that time, an “uneven-aged working group” has been formed to address this issue related to those basal area stocking requirements within the rules. The group met periodically through 2020 and is anticipated to continue its efforts into 2021.

2. Board Policy Review:

Objective: The Board currently has many policies in place, some dating back decades. The Board aspires to review and contemporize all policies and make them available to the public via the Board’s website. Board policies cover a myriad of topics; committee assignment will be based upon the subject matter of the individual policy under review. Particular focus will be paid by the Management Committee in 2020 to the Board’s Policy 0356, Vegetation Management Program.

Status: It is anticipated that the Committee will be presented with, and may vote to approve and refer to the full Board, an updated version of Policy 0356 that reflects modern environmental priorities, updated understandings of ecology and management, and recent and current fire prevention programs.

3. Review Commercial Species Group B Designation for Monterey Pine, Eucalyptus, and Other Species

Objective: The Board had an opportunity during its meeting in San Luis Obispo in the summer of 2019 to visit various fuel hazard reduction projects in the Coastal Zone. Among these projects was a Monterey pine thinning implemented by the CAL FIRE San Luis Obispo Administrative Unit to create a shaded fuel break in proximity to the community of Cambria. Permitting of the fuel break was achieved through completion of a Mitigated Negative Declaration and Minor Use Permit approved by the Coastal Commission because Monterey pine is no longer a Group A Commercial Species and therefore cannot be managed by itself under permitting authority of the Forest Practice Act and Rules.

It is understood that prior to its placement on the Group B Commercial Species list for each of the Forest Districts, Monterey pine was seldom harvested for commercial purpose in California. However, it is in fact a dominant commercial species

internationally and does have a history of commercialization in the state. It is a particularly important tree species in the context of fuel hazard reduction on the central coast of California and certainly factors into the protection of coastal communities.

Limited opportunities exist for communities attempting to reduce heavy fuel loading in Monterey pine forests within the Coastal Zone because it is on the Group B species list in an area without Group A species. A possible minor fix for this management problem would be to place Monterey pine back on the Group A Commercial Species list for all or a portion of the Forest Districts in the state.

CAL FIRE has requested the above change. Various stakeholders have also requested that the designation of other Group B species, including but not limited to eucalyptus and giant sequoia, be reevaluated.

Status: *The Committee began work on this issue in early 2020, but the item was dropped due to logistical considerations associated with the ongoing COVID-19 situation. The Committee may take this item up again in 2021.*

4. “Cutover Land”, “Meadows and Wet Areas” and “Wet Meadows and Other Wet Areas”

Commented [HE5]: CAL FIRE #2

Objective: *The term “Cutover Land” has no basis in statute or regulation and its continued use in the rules is unclear. Additionally, due to various amendments the Board maintains separate but identical definitions for “Meadows and Wet Areas” for the Northern and Southern Forest Districts, as well as a separate definition for “Wet Meadows and Other Wet Areas”, which is reliant upon the unclear “Cutover Land”. These terms should be made consistent across forest districts and use of the term “Cutover Land” eliminated from the rules.*

Status: *The Committee may consider this item in 2021.*

5. Program Timberland Environmental Impact Report (PTEIR) for Carbon Sequestration and Fuel Reduction Program:

Objective: *AB 862, chaptered by the Brown Administration in 2014, directs the Board of Forestry and Fire Protection to develop regulations, guidelines or publications to facilitate a grant program that allots funding for the development of PTEIRs that promote carbon sequestration and fuel hazard reduction on state or private lands. The grant program is to be administered by CAL FIRE.*

Status: *The PTEIR was briefly discussed at the beginning of the year, and was reported to the full Board in February. After Board discussion, it was agreed that it would be prudent for Chair Gilles and Vice-Chair Andre to draft a letter to the State of California Assembly Committee on Natural Resources to recommend possible*

legislative actions that could address issues that have been plaguing the PTEIR's use. No action has resulted from the recommendations.

PRIORITY 3 FOR 2021:

1. Site Index for Major Young-Growth Forest Woodland Species in Northern California - Discussion of Update to 14 CCR § 1060 Site Classification:

Objective: FPC completed initial review of this topic in April-June of 2010 and deferred additional review until completion of the Road Rules. The Committee will continue review of the issue when sufficient Committee time is available.

Status: No reportable actions were made on this topic in 2019.

2. Development of Pilot Programs for SERM Option (v) Projects:

Objective: CAL FIRE has formed a Technical Advisory Committee (VTAC) to develop and provide advice on pilot programs to implement option (v) projects under the Anadromous Salmonid Protection Rules (ASP).

Status: No reportable actions were made on this topic in 2019.

3. Pacific Forest and Watershed Lands Stewardship Council:

Objective: The Board approved CAL FIRE's effort to acquire lands in the Stewardship Council planning units of "Pit River," "Battle Creek," "Cow Creek," "Burney Gardens," "Lake Spaulding," "Bear River," "North Fork Mokelumne River," and "Lyons Reservoir" that would be suitable for inclusion in CAL FIRE's Demonstration State Forest Program. Substantial work is required of CAL FIRE for the acquisition of these lands and the Board must approve management plans for each parcel.

Status: The Stewardship Council Board has recommended fee title transfer of lands within the North Fork Mokelumne River, Pit River, Tunnel Reservoir, Battle Creek, Cow Creek, Lake Spaulding, and Bear River planning units to CAL FIRE. With the Stewardship Council Board recommendation for transfer of lands to CAL FIRE at Bear River in November 2018, fee title recommendations have been completed. In 2018, the Stewardship Council Board approved final Land Conservation and Conveyance Plans (conservation easements and agreements known also as LCCPs) for North Fork Mokelumne River, Pit River, and Tunnel Reservoir. The Stewardship Council continued to develop the final LCCPs for the remaining projects during 2019.

The Department of General Services and Pacific Gas & Electric (PG&E) have developed the final form and content for each of the transaction documents, which will be utilized to construct documents for each of the transactions going forward. The California Natural Resources Agency has also participated in these discussions and is

working to bring along associated transactions with State Parks. CAL FIRE and PG&E signed the Property Acquisition Agreement for the North Fork Mokelumne property in 2019 and received subsequent approval from the California Public Utilities Commission on October 7, 2019 to proceed with closing the transaction. It went to the Public Works Board in December of 2019 and received final State approval allowing for the close of escrow.

Conservation easement holders for each of the properties have been recommended by the Stewardship Council Board and include: Shasta Land Trust (Pit River, Tunnel Reservoir, Cow Creek), Western Shasta Resource Conservation District (Battle Creek), Mother Lode Land Trust (North Fork Mokelumne River), Placer Land Trust (Lake Spaulding), and Bear, Yuba, and Placer Land Trusts (Bear River). As currently written, CAL FIRE has successfully negotiated identical or very similar terms with each of the conservation easement holders to reduce the number of unique restrictions on any property. CAL FIRE has been on site to document baseline conditions and discuss the intended management with each of the conservation easement holders.

It is expected that the Pitt River, Tunnel Reservoir, Lake Spaulding, and Bear River planning units will close in late 2020. The Committee looks forward to reviewing any management plans which are developed for any future land acquisition.

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