## **Forest Practice Committee (FPC)**

The mission of the FPC is to evaluate and promote an effective regulatory system to assure the continuous growth and harvesting of commercial forests and to protect soil, air, fish and wildlife, and water resources.

### **COMPLETED OR SUBSTANTIALLY COMPLETED IN 2023:**

**Northern Spotted Owl Take Avoidance Pathways and Habitat Definition Updates**

**Objectives:** Several of the habitat definitions in 14 CCR § 895.1 related to Northern Spotted Owl were derived from the USFWS 1992 “Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls” and are not present in the 2012 “Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls”. In addition, some mechanisms for take avoidance as described in 14 CCR §§ 919.9 and 939.9 are no longer in effect. The definitions and take avoidance pathways are updated to reflect current regulatory requirements from the Department and listing agencies.

**Status**: This regulation will become effective January 1st, 2024.

**Tractor Operations and Cable Yarding Amendments**

**Objective:** Prior to amendment of this rule section, it was common in the Coast Forest District for RPF’s to propose exceptions pursuant to this former rule section, particularly to allow for tractor yarding in areas of poor deflection and hard to reach corners in cable corridors. As a result of the amendments to this section and 14 CCR § 914.2(f)(5), the RPF may now again propose exceptions to 14 CCR § 914.2(f)(5), which allows Tractor Operations on slopes greater than 50% in Cable Yarding areas.

**Status**: This regulation will become effective January 1st, 2024.

**Ford Definition Amendment**

**Objective:** Although the term “ford” was defined as part of the Road Rules 2013 package, the definition is ambiguous which has led to confusion in the field. The updated definitions now defines subsets of ford including areas where the road grade dips through the native watercourse channel and where it may include flowing water across a constructed dip in the road grade, which is designed to act as the watercourse channel.

**Status:** This regulation will become effective January 1st, 2024.

### **PRIORITY 1 for 2024:**

#### **“Approved Watercourse crossings” as used in Anadromous Salmonid Protection Rules Exemption and Emergency Notices (14 CCR § 916.9(s)(4) and 14 CCR § 916.9(t)(4)).**

**Objective**: Emergency Notices of Timber Operations may involve the construction or reconstruction of roads and watercourse crossings. The language in these sections for the Forest Practice Rules requires the approval of watercourse crossings by a process outside of the Emergency Notice authorization. It is unclear how a watercourse crossing is approved, and which agency provides approval under exemption and emergency notice ministerial permits.

The State and Regional Water Boards suggest 14 CCR §§ 916.9(s)(4) and 14 CCR 916.9(t)(4) state explicitly what constitutes an “approved Watercourse crossing” and from where the approval is derived. The BOF may consider modifying the Forest Practice Rules to address regulatory coverage for road and watercourse crossing construction or reconstruction activities that are not currently authorized under an Emergency Notice.

**Status**: The Committee has begun deliberation on this item.

#### **Treatment of Vegetation and Fuels in the WLPZ**

**Objective:** The committee may consider examination of watercourse protections and potential new rules that allow for vegetative fuel reduction, creation of mosaic vegetation patterning, scarification of soil with machinery and creation of fuel discontinuity to better protect watercourse related resources during fire events.

**Status**: The Committee has begun deliberation on this item.

#### **Geospatial Completion Reporting Requirements**

**Objective:** Evaluate the value of required improved geospatial reporting for timber harvesting activities to allow state agencies and research institutions an opportunity for improved assessment of ecological performance measures.

The Board may consider adopting regulatory standards for digital mapping submission requirements in timber harvesting documents, including geospatial data, LiDAR, or other remote sensing systems.

**Status**: The Committee has not begun deliberation on this item.

#### **Review of Harvest Permitting Processes**

**Objective:** Some existing harvest permitting processes are rarely used, including the Modified THP, the Working Forest Management Plan, and the Small Timberland Owner Exemption. The Committee may choose to examine potential barriers to the use of these permitting processes and consider if regulatory changes can address use issues with minimal adverse effects.

**Status:** The Committee has not begun deliberation on this item.

#### **Amendments to 1034(r)**

**Objectives:** The reference to 1032.7(f) in 14 CCR § 1034(r): is obsolete since it refers to the past requirement that the RPF distributes and publishes a copy of the NOI.

**Status:** The Committee has not begun deliberation on this item.

### **PRIORITY 2 FOR 2024:**

#### **Acreage Limitations for 1038(d) Dead, Dying, or Diseased Trees Exemption:**

**Objective**: Consider amendment of the Rules for the Section 1038(d) Exemption for harvesting of dead, dying, or diseased trees in response to drought-related stress. In the course of conducting the monitoring sampling of this exemption type, it has been observed that the absence of an acreage limitation allows for property-wide filings that can exceed a Forest Practice Inspector’s ability to validate timber operations are consistent with the requirements of this exemption type. The Department suggests the Board consider Rule amendments to create an acreage limit and/or a reduction in the effective period of the exemption to reduce the potential for overwhelming CAL FIRE’s inspection authority.

**Status:** The Committee has not begun deliberation on this item.

#### **Work Completion Reports in Emergency Notices:**

**Objective**: The Department seeks clarification of Forest Practice Rule requirements for the filing of Work Completion Reports on Notices of Emergency Timber Operations (Emergency Notices). While it has long been the Department’s practice to require Work Completion Reports for Emergency Notices, it is not clear where this authority originates in the Rules. Presuming the Board agrees there is a lack of clarity, two possible remedies could be redefining the Forest Practice Rule definition of “Plan” to include Emergency Notices. As a Work Completion Report is required for a Plan, amending the definition of the term to include Emergency Notices would clarify the requirement also applies to Emergency Notices. A second option could be amending the Rules for Emergency Notices to include a Work Completion Report requirement.

Additionally, the existing rules allow a one year emergency. With high number of emergencies and the shortages of available logging capacity it is very difficult to schedule or even find logging capacity. The Committee may evaluate the current regulatory effective period of an emergency notice for efficacy and suitability of modern Emergency Notice timber operations.

**Status:** The Committee has not begun deliberation on this item.

**14 CCR § 1034, Contents of Plan:**

**Objectives:** The Board may consider amending 14 CCR § 1034 when it adopts or amends any rule that adds elements that are considered a required portion of a harvesting plan. This ensures a central location where the RPF can find essential information that must be included in a harvesting document. The Board may want to consider a rule package that consolidates all required plan contents under 14 CCR §§ 1034, 1051, 1090.5, and 1092.09.

14 CCR § 1034(x)(7): Currently, a Plan map must show the location of all crossings of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations. The Board may consider revising 1034 to make Class III watercourse crossings a required mapping feature within a Plan. Language in 14 CCR §§ 1034(x)(7) and 916.4 [936.4,956.4] may be evaluated and potentially reconciled for consistency.

**Status**: The Committee has not begun deliberation on this item.

#### **Treatment of Slash to Reduce Fire Hazard [All Districts]**

**Objective**: At least one CAL FIRE Unit has identified the timing and extent of Slash treatment as contributing to additional hazardous fuel conditions. In one documented instance on the Dixie Fire this year, multiple Slash piles created by Timber Operations that had been awaiting chipping for multiple years adjacent to a public road were ignited and became part of the fire. Regulations related to hazard reduction should be evaluated for efficacy.

In the 2023 Call For Regulatory Review, CAL FIRE requested additional consideration of this issue.

**Status**: The Committee discussed this item in 2023 and may discuss it again in 2024.

#### **“Operational provisions” as used in Exemptions (14 CCR § 1038) and Emergency Notices (14 CCR §§ 1052(b) and 1052.5(b)), and “applicable provisions” as used in Conversion Exemptions (14 CCR 1104.1) (p2)**

Forest Practice Rules Exemption and Emergency Notice sections state that "Timber Operations … shall comply with all operational provisions of the FPA and District Forest Practice Rules applicable to 'Timber Harvest Plan', 'THP', 'and Plan'…" but neither “Operational provisions” as used in Exemptions and Emergency Notices, nor “applicable provisions” as used in Conversion Exemptions, is defined. The lack of any definition creates problems both for operators who must work without clear direction and for agency staff since the terms, lacking clear definitions, are difficult to enforce.

The State and Regional Water Boards suggest the Board of Forestry should either A) define which provisions are “operational” and “applicable” or B) direct the Department to create a list of “operational” and “applicable” provisions to be distributed to the regulated public and the agencies.

In the 2023 Call For Regulatory Review, CAL FIRE requested additional consideration of this issue.

**Status:** The Committee has not begun deliberation on this item.

#### **Changes to Mapping Standards for Notices of Exemption and Emergency:**

**Objective**: The Department suggests the Board consider for prioritization is an adjustment to the mapping standards for Notices of Exemption and Emergency. Specifically, CAL FIRE suggests the public road mapping requirement of Section 1038.2(g) be applied to all Exemption types. This change would ensure a Licensed Timber Operator (LTO) could identify the locations of required fuel hazard reduction treatments and ensure compliance inspections occur in those locations. Similarly, CAL FIRE suggests mapping standards for Emergency Notices be amended to include mapping of appurtenant roads and public roads within ¼ mile of the Harvest Area. Such a requirement would likewise benefit both the LTO and the CAL FIRE Inspector.

**Status:** The Committee has not begun deliberation on this item.

#### **Use of Exemptions within overlapping Plan Areas**

**Objective**: The observed practice of Exemption filing overlapping active Timber Harvesting Plans, Program Timber Harvesting Plans, and Notices of Timber Operations for Nonindustrial Timber Management Plans. This practice creates confusion as to what enforceable standard applies where. It also presents challenges to accurate record keeping of harvest activity on a given harvest area in which different Rule standards may apply. The Department would appreciate clarification as to whether Exemption use overlapping active Plans was the Board’s intention, and if so, how the Department should apply divergent Rule standards. For example, should the most restrictive Rule standard be made to apply where Rule divergence exists?

**Status:** The Committee has not begun deliberation on this item.

#### **Changes to the Forest Fire Prevention Exemption**

**Objective**: Sierra Pacific Industries requests that the Board review the restrictions and requirements that are contained within the Forest Fire Prevention Exemption (1038.3) that have very little to do with forest resiliency and are impeding the efficacy and applicability of the exemption. Fuel reduction and forest thinning are treatments done in the forest that are at best break even and most likely result in net costs. SPI identifies examples within the current exemption where changes need to be made to make them more widely used and thus achieve more acres treated across the landscape.

The Board has no leeway to address many of SPI’s requests because those standards are derived directly from the governing statute. Those standards cannot be altered without a statutory change to PRC 4584(k). The Board has some discretion to modify the requirements for canopy closure as specified in this exemption.

**Status:** The Committee has not begun deliberation on this item.

### **PRIORITY 3 FOR 2024:**

#### **Review of Regulations pertaining to Archaeological Training, Identification and Protection of Sites (14 CCR § 929 et seq.)**

**Objective**: CAL FIRE indicates that existing Board regulations are not clear in terms of when a 5-year refresher training course for identification and protection of archaeological resources must be completed. It is recommended to review the existing rules to determine if further regulatory clarity or protection of these resources could be achieved.

Additionally, CAL FIRE has archaeological or historical sites along appurtenant roads that are not specifically associated with the commercial harvesting of forest products, but are associated with operations such as road construction, re-construction or maintenance. Considering these findings, CAL FIRE has requested a review of the definitions of Site Survey Area and Logging Area, balanced against the definition of timber operations in PRC § 4527, to address the issue of potential impacts to archaeological resources located along appurtenant roads where commercial harvesting is not occurring.

The Committee may contemplate updating Board policy to consider Native American cultural values as a value of the Forest Practice Rules in addition to other values already listed in PRC § 4639 (recreation, watershed, wildlife, etc.)

**Status:** The Committee has not begun deliberation on this item.

#### **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 of this ongoing policy review will be based upon the subject matter of the individual policy under review.

**Status:** No reportable actions were made on this topic in 2023.

#### **Review Assessment and Mapping Standards for Spawning and Rearing Habitat for Anadromous Salmonids (14 CCR § 916):**

**Objectives:** Review the necessity and utility of assessing and mapping standards of 14 CCR § 916.4 for spawning and rearing habitat for anadromous salmonids. Review and consider revision of watershed restoration standards in 14 CCR § 916.4.

CDFW and the Department may present on the application and use of the existing rules when the Committee begins deliberation on this item.

**Status**: The Committee has not begun deliberation on this item.