## 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.

### Completed or Substantially Complete in 2023

#### Maximum Sustained Production Amendments:

**Objective**: Reviewed performance of existing MSP rules since Board adoption. After considering implications for carbon forest health, including resiliency and changing climatic conditions, the Board expanded the current intent to address the mitigation of fire risk and to allow for management for fire protection.

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

#### Coastal Commission Special Treatment Areas Silviculture Amendments

**Objectives:** Forest Practice Rules for Coastal Commission Special Treatment Areas had not been updated at the same rate as the Forest Practice Rules for the rest of the state, resulting in several circumstances that limited opportunities for forest landowners to manage timberlands and respond to changing climate conditions. This included: treatment of slash with no allowances for pile burning or broadcast burning, stocking requirements requiring point-count of 450 countable trees per acre on Site I and II lands and 300 countable trees per acre on Site III, IV, and V lands, and no allowances for fuel breaks or variable retention stands.

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

#### Issues with Municipalities Regulating Timber Harvest of Group A/B species

**Objective:** The Board is the governing body that is responsible for creating rules that guide the timber harvest process of commercial timber species on lands deemed timberland in this State. Board staff contacted the city municipality with a report of alternative processes that exist in addition to the permitting process and rules governed by the Board and CAL FIRE.

**Status:** The Committee will address further issues in this area as they arise.

#### “Wet Areas, Meadows, and Restoration Activities”

Objective:

The term “Meadows and Wet Areas” is used in the Rules to describe both areas that do not support trees and areas that require additional consideration of ecological impacts. “Wet Meadows and other Wet Areas” is used only for consideration of ecological impacts. Otherwise, the two terms have almost identical definitions.

The definitions conflate two very different types of areas: meadows and wet areas. While there may be some overlap, they are two distinct and very different ecological systems and are not equivalent. The definitions also lack temporal consistency. What may be “moist on the surface” during most of a year with historically average precipitation may not be moist on the surface during a year with significantly less precipitation. This lack of consistency creates a problem for enforcement and an atmosphere of regulatory uncertainty.

The definitions of “meadows” and “Wet Areas” have been separated since these are two distinct ecological systems. The definition of “Wet Areas” has been revised to address temporal consistency, include duration of such saturation, and specify that the area’s vegetation should be dominated by hydrophytes or lack vegetation.

**Status:** The Board has approved a Rule Text and ISOR for public noticing.

### PRIORITY 1 FOR 2023:

#### Review of State Forest Management Plans

**Objective:** The Board has historically reviewed management plans for both existing and new Demonstration State Forests.

#### LaTour Demonstration State Forest Management Plan Review

**Status:** The Committee and Board plan to review the management plan when it is provided to them.

#### Jackson Demonstration State Forest Management Plan Review

Status:

The Committee and Board plan to review the management plan when it is provided to them.

#### Pacific Forest and Watershed Lands Stewardship Council

**Status:** The Committee and Board plan to review any management plans which are provided to them for these new land acquisitions.

#### Utility ROW Operations

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

As part of the 2023 Call for Regulatory Review, PG&E submitted a letter related to Utility ROW operations, and whether those ROWs meet the definition of “Timberland”.

**Status:** The Committee may consider this item in 2024.

#### 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…” – Several Parties have made the request to address the definition of “crop of trees” to aid 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 less than 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. In 2023, the Governor signed AB 1526, which authorizes the Board to adopt regulations to waive the one-time limitation for conversions of less than three acres of timberland for another use, pursuant to a finding of undue hardship on the applicant.

**Status:** The Committee may consider this issue again in 2024.

#### Review of Required Post-Harvest Stocking Standards (14 § CCR 913; 14 CCR § 1071)

**Objective:** Pursuant to Assembly Bills (AB) 2082 (2014) and 417 (2015), Affecting Public Resource Code (PRC) 4561:  The board may investigate the current stocking standards as they relate to various regeneration methods and forest health, including fuel hazard reduction, within certain forest types.  In addition, several questions have been raised regarding the suitability of the existing forest practice rules addressing current empirical understanding of various elements, including the relationship between forest spatial arrangement, or temporal variables and various aspects of forest health and other ecological systems.

The legislation above granted the Board the authority to review required minimum stocking standards pursuant to PRC § 4561. 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. These deliberations resulted in a three-phased approach. Phase one concluded with the Board’s adoption of “Forest Resiliency Amendments, 2022”, which provided for greater spatial arrangement in unevenaged silviculture.

Phase two will focus on recovery from large fires in the Southern Subdistrict. Much of the subdistrict was historically managed with unevenaged management, but after the 2020 fires, there are now large tracts of even-aged stands. The Uneven-Aged Working Group is seeking strategies to allow a return to uneven-aged management in those areas. Phase three will follow that effort with a review of the general approach to unevenaged silviculture in areas affected by large scale fire, including measures to increase forest heterogeneity .

**Status:** The Uneven-aged Working Group met periodically through 2020-2023 and is anticipated to continue its efforts into 2024.

### PRIORITY 2 FOR 2023:

#### 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.

**Status:** The Committee and Board look forward to reviewing policies as they arise.

#### Oak Retention Considerations:

**Objective**: Undergo review and assessment of forest practice rules related to the management of oak and other hardwood species including potential amendments to §913.4(f) to include tanoak. Consider updates to the Board of Forestry and Fire Protection and Fish and Game Commission’s Joint Policy on Hardwoods, last reviewed in 2006. Review of existing hardwood retention guidelines for efficacy and utility in providing protections.

**Status**: The Committee has 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:** This issue has not yet been considered by the Board.

### PRIORITY 3 FOR 2023:

#### 14 CCR § 913.6 [933.6, 953.6] Alternative Prescriptions

**Objective**: Use of the Alternative Prescription silviculture in Timber Harvesting Plans (THPs) may be inadvertently resulting in “high-grading” of timber stands. As per 14 CCR § 913.6 [933.6, 953.6], an Alternative Prescription (AP) may be proposed by an RPF if it is determined that it is a more effective way or feasible way of achieving Maximum Sustained Production (MSP) of high-quality timber products. However, recent practices have shown that minimizing logging costs or eliminating a need to plant the post-harvest stand is the driving factor for proposing an Alternative Prescription. This may result in a post-harvest stand that is in direct contradiction of the 14 CCR § 953 objectives. Examples of trees retained within a post-harvest AP stand include trees of poor form, trees previously in a suppressed or intermediate crown position, and trees of poor future growth potential. Evaluation of the AP regulations should be conducted to ensure that the purposes of the Act are achieved.

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

#### E-Bikes in Demonstration State Forests:

**Objective**: The frequency of fires involving E-bikes and other E-Vehicles (due to the lithium batteries or lithium type batteries used on these bikes) is rising throughout the country. The lithium batteries on these bikes are as large as 52 volts, much larger than a standard 3-4 volt lithium battery in a flashlight or a phone. Once ignited, these batteries are difficult to extinguish. Water (e.g. from a water bottle) will typically not extinguish fires from small lithium batteries such as a phone, let alone a 52 volt battery. This can pose a serious fire hazard to state lands.

A possible solution is to allow ADA/Wheelchair accessible vehicles only within demonstration state forests (or remote areas where fire engines cannot be accessed), thereby limiting the number of lithium battery operated vehicle (i.e. reduce the probability of a fire by reducing the number).

Allowing E-bikes and other E-vehicles on trails could create an immediate physical hazard to all other users on trails, as well as create a serious fire risk to our dry and arid urban wildland interface areas. While the use of E-Bikes and other E-Vehicles is very necessary in urban areas and on roads as part of the climate change initiative and overall reduction in greenhouse gas emission, the use of these vehicles in remote areas may counteract the goals set by California by increasing the already large forest fire risk.

**Status:** This issue has not yet been considered by the Board.

#### Definition of “Minor Deviation” and “Substantial Deviation”

**Objective**: Dennis Bebensee submitted a letter regarding the definition of “minor deviation” vs. “substantial deviation”. The act of adding acreage to a THP or NTMP is presumed to constitute a substantial deviation. The letter identifies one instance where such an amendment was determined to be a substantial deviation, even in the absence of additional landowners, new biological concerns, new watercourses, new roads, or new archeological sites. This added significant time and expense for the landowner to change to the Plan.

**Status:** This issue has not yet been considered by the Board.

#### 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:** This issue has not yet been considered by the Board.

### TOPICS RAISED BY THE 2023 CALL FOR REGULATORY REVIEW:

 **Evaluation of MSP Requirements under the Rules**

**Objective**: The committee may evaluate regulations for Maximum Sustained Production standards as described in §913.11(a) to ensure that they are clear as to the requirements for sustained yield plans.

**Status:** This issue has not yet been considered by the Board.