Forest Practice Rules and Regulations

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Landowners are to Foresters
as
Patients are to Doctors

The best patient is an informed one, even if they are annoying to the doctor

Topics

- Context of regulations in California
- Plan and permit types
- Application (or not) of CEQA
- Permitting process and responsibilities of landowners

California: Notorious for being “command and control” with natural resource management

The level of oversight increases with:

Desired profit level

Desired profit timing

Government handouts

1974

- Creation of modern *Forest Practice Rules*
- Identified soil and water as “public trust resource”
- Identified Professional Foresters (RPF’s) as the gate keepers
- Evolved into a collaborative process among foresters, landowners, and regulators

Command and Control

Proponents say:

- Has protected public resource values
- Emphasizes investment in planning
- Don’t go far enough

Opponents say:

- It has been taken to an extreme
- Landowners have no flexibility in meeting objectives that have a public benefit
- Create costs prevent good work
- The alternative, BMP’s are better

Plan and permit types

- We have to take the red pill…

- Understanding permits requires knowing legal definitions of:

Timberland

Commercial species

Timber operations

Timberland:

- Private land which is available for, and capable of, growing a crop of trees of a commercial species to produce lumber and other forest products.

Commercial species in Coast Forest District

Group A:

- coast redwood, incense cedar, Douglas-fir, Port Orford cedar, grand fir, red fir, western hemlock, white fir, western redcedar, Jeffrey pine, bishop pine, ponderosa pine, Sitka spruce, sugar pine, western white pine

Group B:

- tanoak, golden chinkapin, red alder, pepperwood, white alder, Oregon white oak, California black oak, Pacific madrone, Monterey pine

e.g. a gray area… Russell Research Station

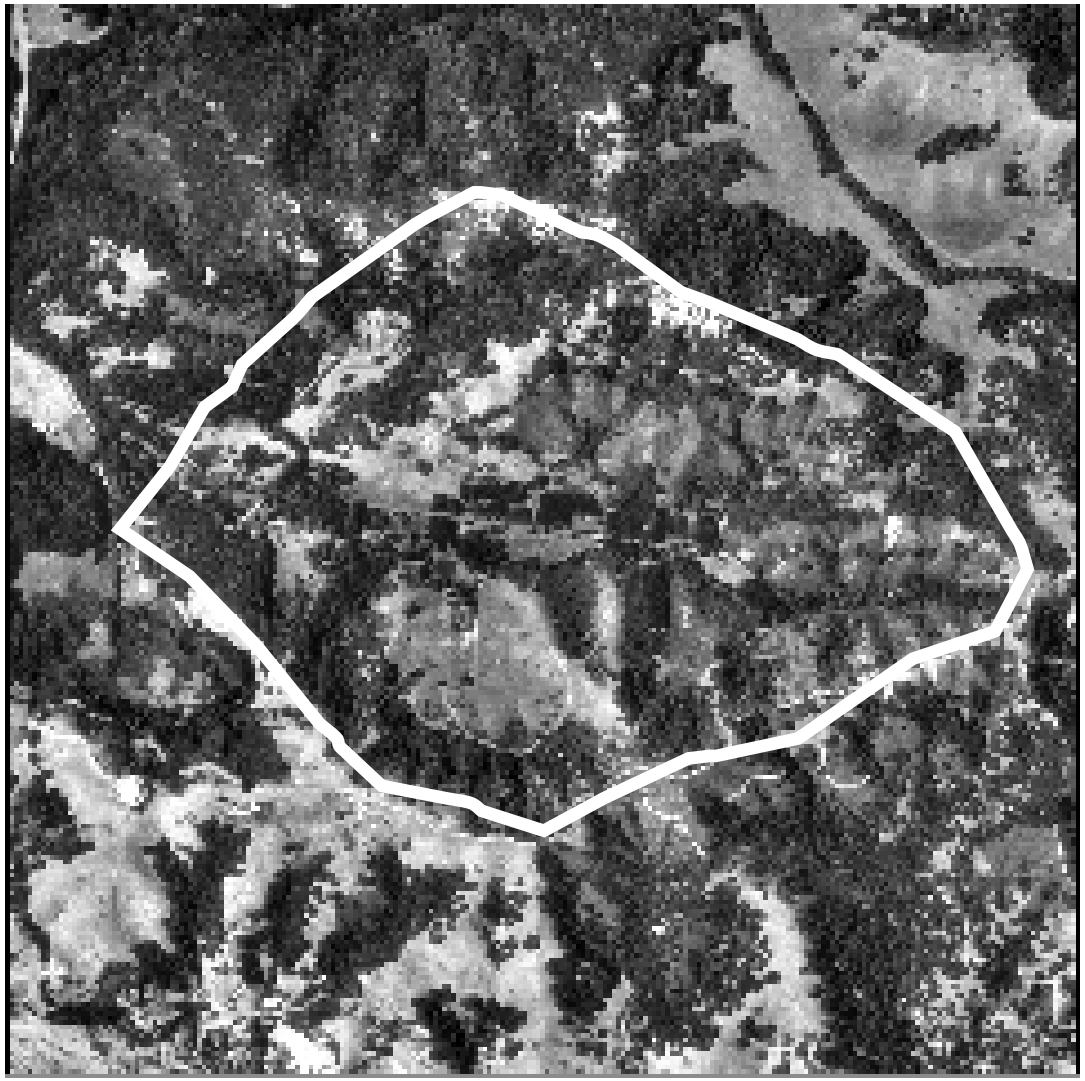
Timberlands?

Probably

Planted with Monterey pine

Redwood grows “naturally” but was originally planted

>20% canopy cover in trees



Timber operations

The cutting and/or removal of timber or other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the incidental work, including, but not limited to, construction and maintenance of roads… [blah, blah blah]

Key phrase… for commercial purposes: wood products offered for sale, barter, exchange, or trade; OR

Cutting and/or removal of trees during conversion of timberlands to other purposes (commercial development, vineyards, etc.)

Forest practice regulations and CEQA apply to

- Commercial operations, i.e…
- Timber operations (making $ or converting to make $)

Non-commercial operations

Oh, the things I've done without a permit:

- Split rails for fencing
- Firewood for use and bartering
- Chipping for research, chipping for fire hazard reduction
- Posts for fencing
- Felling and Sawmilling for construction
- Sawmilling for giving away lumber
- Thinning and leaving

Oh, even more things I've done:

- Thinning and chipping
- Trail construction for hiking, biking, and one-wheeling
- Road maintenance
- Pruning
- Cone collecting
- Cutting down small trees
- Cutting down big trees (for fire and safety)
- Girdled trees for research and habitat
- Prescribed broadcast burn
- Pile burn

By the power of Grayskull

Oh, the things I've done with permits because I needed them:

- Timber/biomass harvest via THP- the "functional equivalent" of EIR
- Timber harvest- via exemption from CEQA

Why I ❤

- $ to support restoration projects
- $ to support non-timber operations
- $ to disabuse past practices
- Heavy thins and canopy gaps to restore forest structure
- May be necessary to support landowner prescribed burns

Small landowner example

Objective: reduce fire severity of next fire

- Pile and burn
  - No CEQA
- Prescribed fire
  - No CEQA
- Reduce canopy cover to do prescribed burn
  - Will need CEQA
  - Probably with an exemption
  - Waiting for the right time

Types of plans and permits to comply with CEQA

Timber Harvest Plan (THP)

- For a commercial harvest of timber
- Intent is for industrial landowners
- Allows even-aged management
- Allows large tree removal (high-grading)
- Requires a RPF to develop it
- All timber operations require an LTO
- Lasts 5 years, with the potential for a 2 year extension

- Cost to landowner ~ $40,000

Nonindustrial Timber Management Plan (NTMP) and Working Forest Management Plan (WFMP)

- Must own less than 2,500 for NTMP
  - ~ $50,000
- Must own less than 15,000 for WFMP
  - ~ $100,000
- Requires RPF to develop
- Limits silviculture to uneven-aged regeneration methods
- Once approved, harvests are done by notifications
  - I.e. you don’t have to ask for permission to harvest, but you must notify
- Never expires, transfers to new landowner

Modified Timber Harvest Plan

- Own less than 160 acres
- ~$20,000?
- RPF must develop
- No clearcuts or shelterwood removal (i.e. high grading)
- No more than 70% of existing canopy harvested
- Various operational constraints (slope, road construction, etc.)

EXEMPTIONS

There are lots!

~ $7,000 to $20,000

Categorized administratively

- RPF required
- RPF not required

Categorized by intent

- Respond to disasters
- Prevent disasters
- Restoration

Response to disasters

- Dead, dying, and diseased trees (i.e. “salvage”)
  - RPF needed, given discretion on identifying “dying and diseased”
- Dead, dying, and diseased trees
  - No RPF needed if volume harvested is less than 10% of total
- Drought mortality
  - RPF needed
- Post fire recovery
  - No RPF needed
  - Removal of trees within 300’ of legally permitted structure

Prevent disasters

- Structure protection within 150’ of buildings
  - No RPF needed
- Structure protection 150’ to 300’ of buildings
  - RPF needed
  - No limits on tree size to cut, but must be a legit fuel treatment (increase average tree size and reduce surface fuels)
- Forest fire prevention
  - RPF needed
  - Harvest area < 300 acres; cut trees < 30” at stump
  - Leave minimum stocking and increase dbh via harvest
  - Fire hazard must be reduced

Restoration

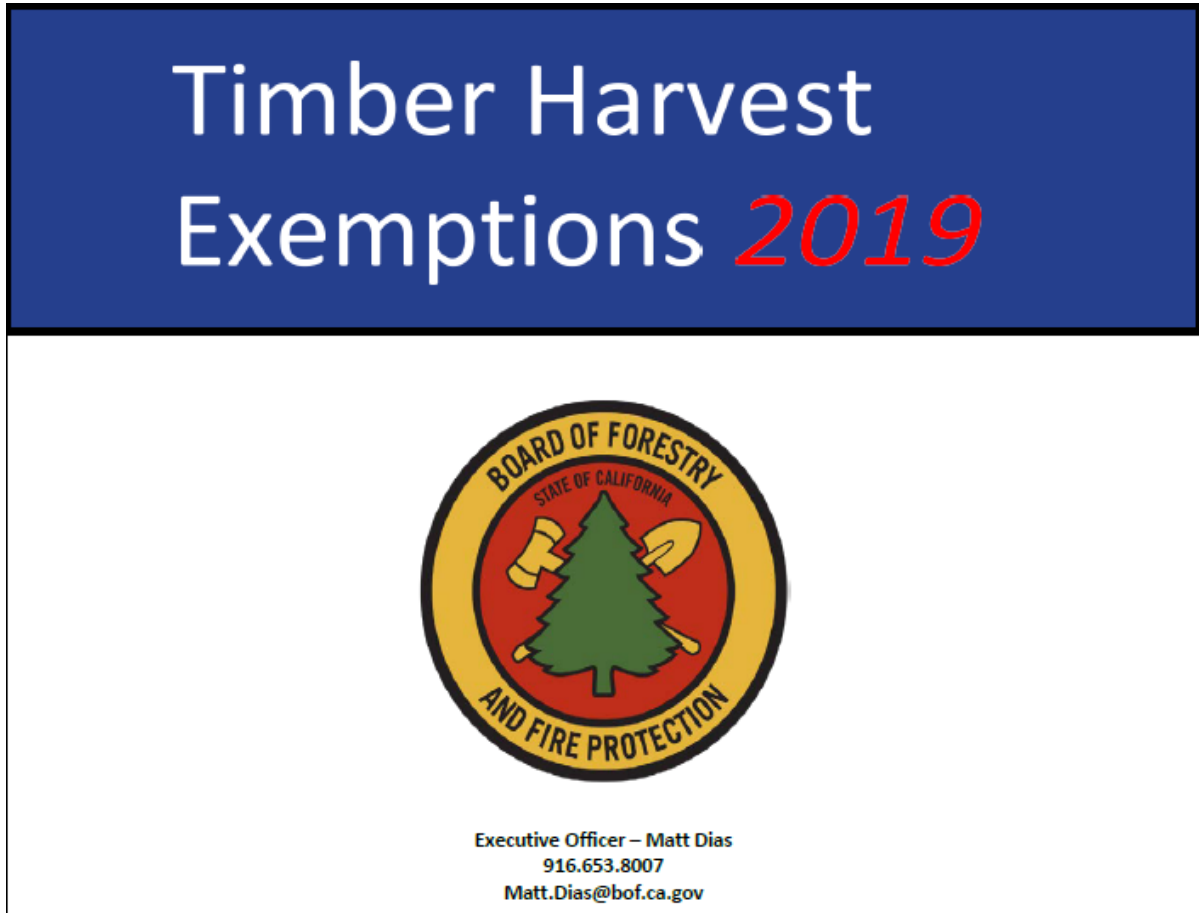
- Oak woodland management
  - RPF needed
  - Intent is to “restore and conserve” oak and associated grasslands
  - i.e. removal of invading conifers <26” diameter at 8” height
  - Need to have > 35ft2/acre of oaks present

Other

- Christmas trees
  - No rpf needed
- Small timberland owner
  - RPF needed
  - < 60 acres in coast district; <100 acres in south/north districts
  - Cut trees <30” diameter at stump
  - Minimum stocking required; average dbh must increase

Exemptions- lots of devils in details

- https://bof.fire.ca.gov/media/8146/timber-harvest-exemptions-2019-ada-8-23-19.pdf



CEQA, in review

- Needed for “timber operations”
- Several options for exemptions that make $ and have public benefit
- Not needed for non-commercial ops on your own dime
- Often needed for government hand-outs
  - Typically, any “ground-disturbing” activity

Review teams (if THP or EIR needed for CEQA)

Forest Timber Operations, CDF is the lead agency

- Lead agency- administers the review and is responsible for making sure there is compliance
- Other agencies form review team to review impacts on:
  - Archaeology (still CDF)
  - Fish and wildlife
  - Water quality
  - Geology
- If exemption, only CDF is involved
  - Via notification

Inspections

With THP's:

- Occurs before approval with team
- Operations may also be inspected
- CDF does final inspection

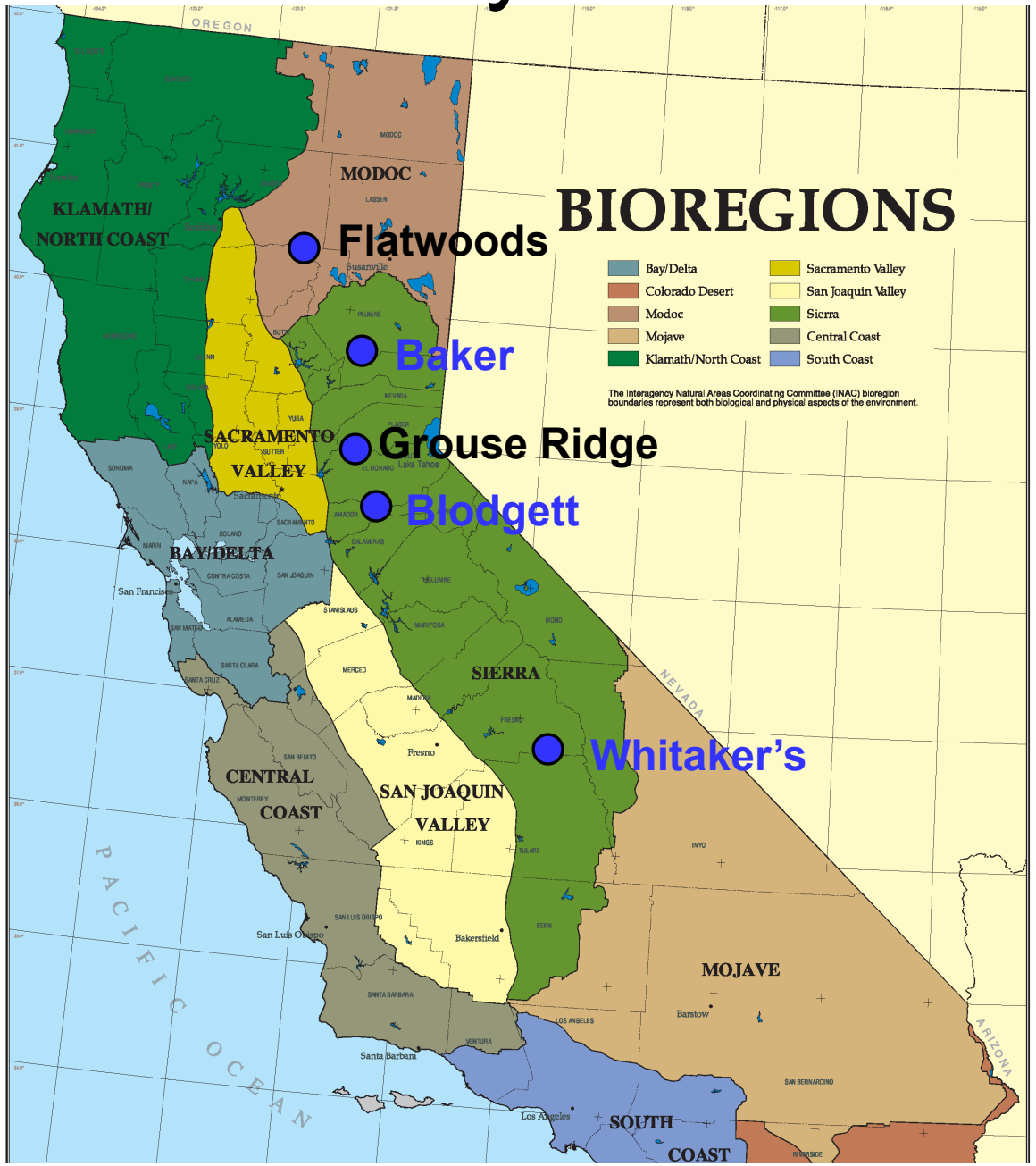
With Exemptions:

- May occur during operations
- May occur after operations

Berkeley Forests

Case study – Baker Forest

- 80 acres
- Mixed conifer forest
- Plumas County
- High grade logged
- High fire hazard



Management Objectives

- Road improvements
- Education
- Recreation
- Restoration
- Fire hazard reduction
- Prescribed fire

All objectives can be enhanced with a Timber Operation

Timber owner ~ 49er owner

Responsibilities:

- Articulate objectives
- Pay taxes

Timberland owner ~ Levi stadium owner

Responsibilities (if different than timber owner):

- Be OK with the plan

Forester ~ Head coach

Responsibilities, IF CEQA needed:

- Write the game plan (write THP or exemption, if needed)
- Ensure game plan is followed (unless transferred to owner)

Timber operator (LTO) ~ Quarterback

Responsibilities:
Follow the playbook (THP)

Follow the rules (Forest practice rules)

Harvest Inspector ~ Referee

Responsibilities

Know the rules
Call foul if rules are broken

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