

# Forest Management Regulation in California

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# History of Regulation in California

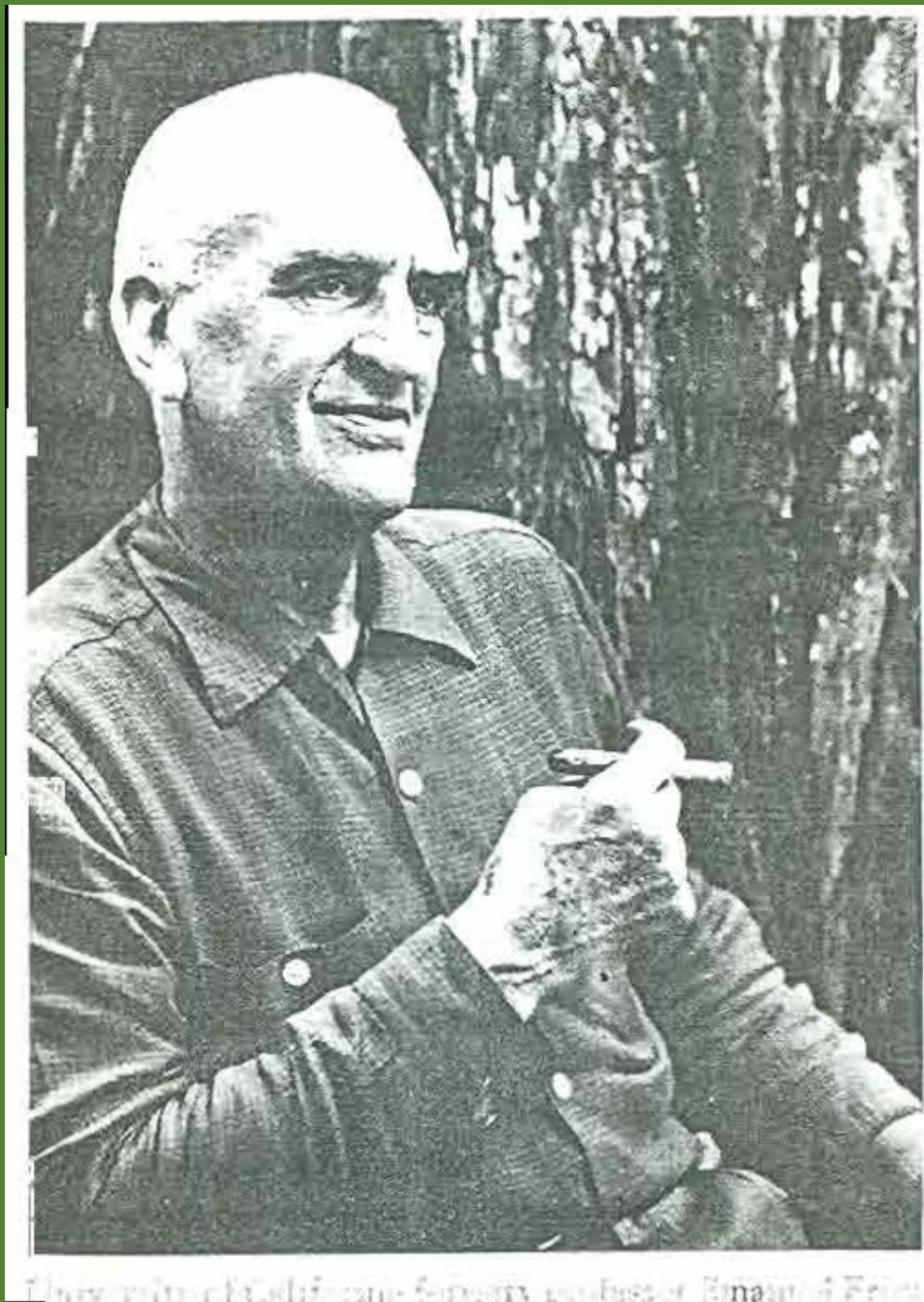
1943- First Forest Practice Act

Prior to that point, most of the focus had been on fire

878 sawmills, 800 timber operators

“Eight foresters were assigned to headquarters and in the field in policing private forest practices, in state forest management, and in regulating brushland range improvement burning. These were the first in the division to be employed exclusively for technical forestry work. Prior to that time, C. R. Clar, Fred Dunow, John Callaghan, future State Foresters Francis H. Raymond and Lewis A. Moran held the title of forest technician but had worked primarily in fire protection, engineering, special studies , and administration.” Arvola

# Emanuel Fritz



They will be left in the hands of Emanuel Fritz

Governor Warren  
signing Act into law



## Rules focused on reforestation initially

### Article 3. Trees for Seed Sources

913. **Cutting Practices.** For restocking logged timberlands, every timber operator shall conduct timber operations according to the following standards:

913.1. **Tree and Group Selection Cutting.** Leave uncut and undamaged at least an average per acre of four (4) seed trees twenty-four (24) inches or more d.b.h., or eight (8) seed trees eighteen (18) inches or more d.b.h., or a combination thereof, on any area that is cut, provided, however that no point within said cut areas shall be more than two hundred fifty (250) feet, as measured on the surface of the ground from a seed tree located within said cut area. Combinations of numbers and sizes of seed trees as required in this section shall be determined as follows: Each seed tree twenty-four (24) inches or more d.b.h. shall be equivalent to two (2) seed trees which are less than twenty-four (24) inches, but eighteen (18) inches or more d.b.h. For the purpose of this section, cut area will be that area upon which cutting has taken place, the exterior boundary of which shall be determined by a line connecting the center of the stumps of trees cut along the outer edge of the cut timber.

913.2. **Duration of Seed Source.** Seed trees may be cut or removed, provided logged areas have a well distributed young growth stand which before and after removal of seed trees meets one or a combination of the minimum stocking requirements.

913.3. **Block Cutting.** Timber may be cut in blocks provided all the following conditions are met:

(a) The width of the cut block does not exceed one thousand (1,000) feet, measured along the surface of the ground.

(b) No point within the cut block is more than five hundred (500) feet, measured along the surface of the ground, from an adjacent seed source owned or controlled by the timber operator.

Evolution of rules driven by several factors  
including:

1955 Flood

1964 Flood

1963 Tallest tree discovered

1955 Flood

Eel River





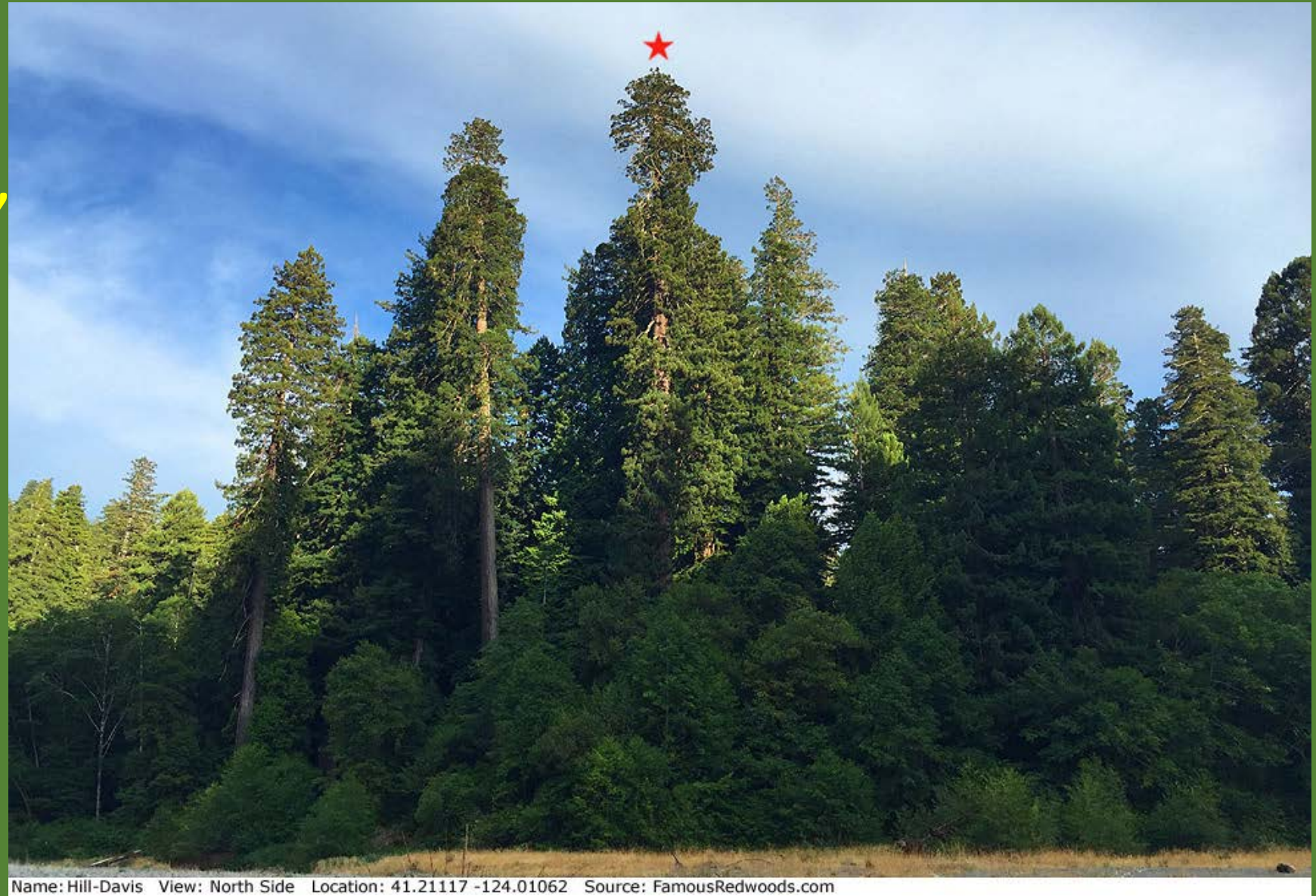
1964 Flood

Bridge at north

end of Rio Dell



Former Tallest Tree,  
Redwood Creek



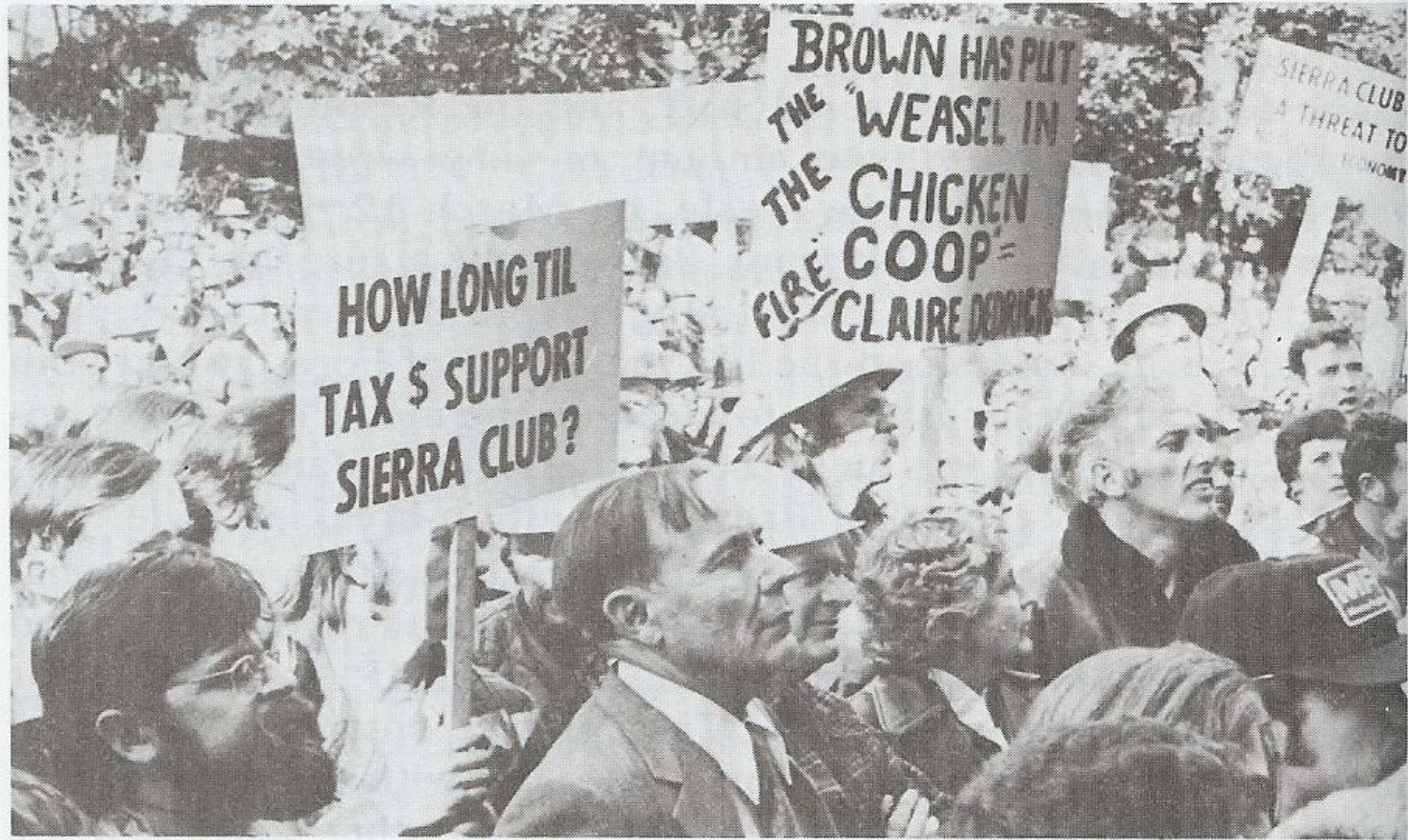
Name: Hill-Davis View: North Side Location: 41.21117 -124.01062 Source: FamousRedwoods.com

- 1969 Bayside Timber Company receives permit from San Mateo County Planning Commission
- Board of Supervisors overrode Commission decision
- Bayside sues and wins in Superior Court (state law preempts county)
- Appeals court overturns the Forest Practice Act

No rules?

1973 Z'berg-Nejedly passed, but:

Judge Arthur B. Broaddus in NRDC v. Arcata National ruled that the Z'berg-Nejedly Forest Practice act of 1973 was subject to the California Environmental Quality Act



Loggers demonstration, Sacramento, March 3, 1975 Del Norte Triplicate photo



**Governor Brown (with hand raised) paying surprise visit to Forestry Board meeting, March 12, 1975. Others in view, left to right, member Raymond K. Nelson, recording secretary Mary Nenno, Chairman Nakae, and members M. E. Salsbury and Phillip Berry.**

# Administrative Procedure Act 1979

The APA, along with subsequent amendments, created six tests that each regulation must meet, including:

1. Proof of necessity
2. Clarity
3. Consistency with other rules and regulations
4. Authority under the law to adopt the regulation
5. References to pertinent legal authority, including court decisions
6. Non-duplication with laws and other regulations

## Initial Staff and Committee Work

1. Define the need for a rule.
2. Committee and Staff will review or direct the review of pertinent literature and scientific information.
3. Summarize and synthesize information.
4. Develop the factual record.
5. Develop guidance for rule development
6. Develop Draft Rule Language



# Staff and Committee work

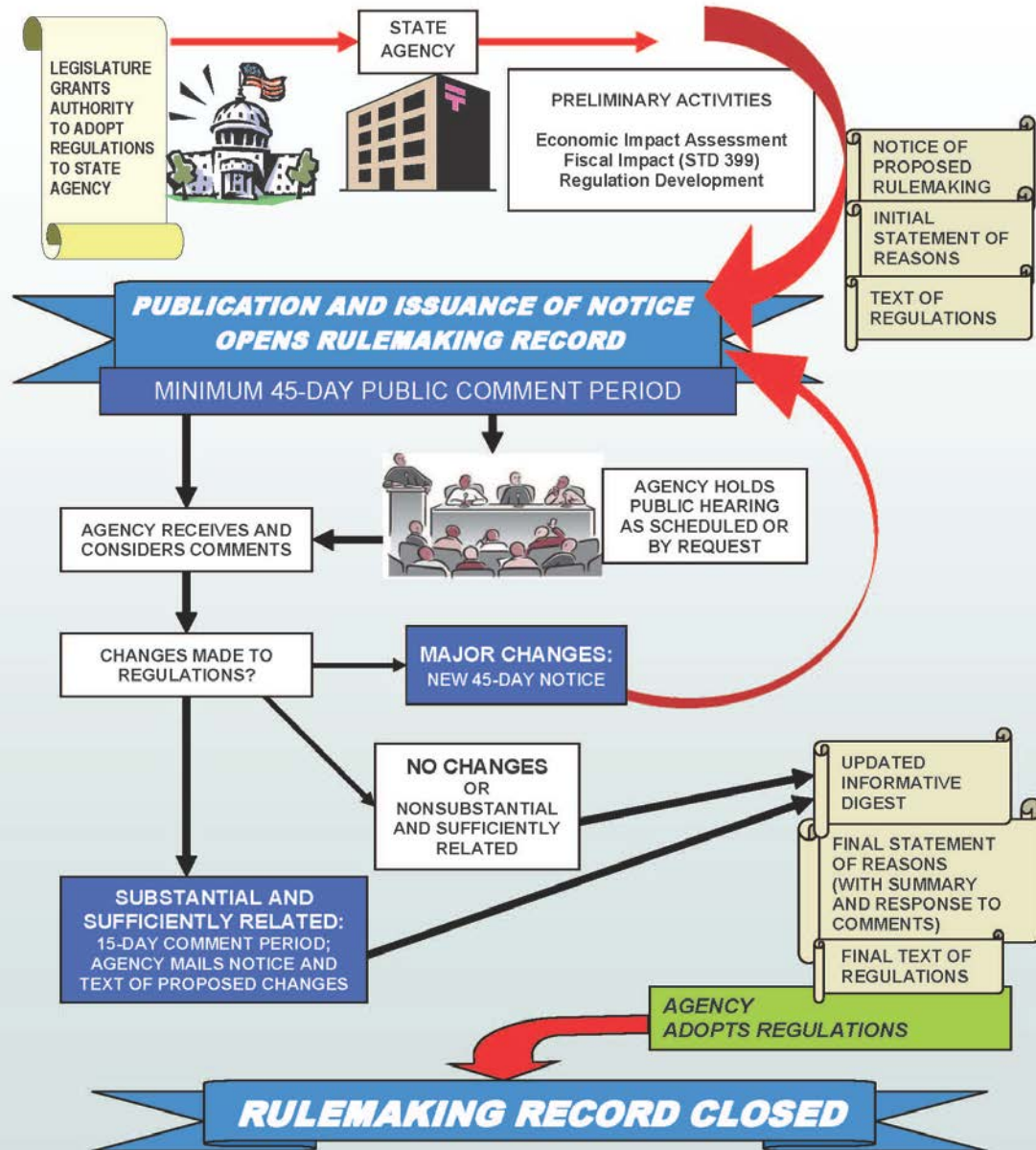


# Move to public process and hearings



Process involves 45 day notice, hearings, and establishing the record

# REGULAR RULEMAKING







## Significant Rules of the past decade:

- Road Rules, 2013
- Class II-L Identification and Protection
- Lumber Products Assessment, 2013
- Emergency Notice for Sudden Oak Death, 2011 [Regular]
- Recirculation and Review by Director, 2011 (Joy Rd)
- Aspen, Meadow, and Wet Area Restoration, 2011

## Significant Rules part 2:

- Operations on Saturated Soils and Stable Operating Surfaces, 2010
- Anadromous Salmonid Protection Rules, 2009
- Northern Spotted Owl Take Avoidance, 2009
- Road Management Plan , 2007
- Variable Retention 2003

## Outlook for 2016 in Regulation:

- Issues related to drought mortality
- Alignment of rules with USFWS criteria
- RPF/LTO responsibility
- Emergency Harvest (Boles Fire)
- Timberland Conversion
- Experimental Populations



# Major Forest Management Priorities

- Oak Woodlands
- Stocking Levels
- Working Forest Management Plan



## Effectiveness Monitoring Committee

“a collaborative, transparent, and science-based monitoring effort and process-based understanding of the effectiveness of the California Forest Practice Rules (FPRs) and other forestry-related laws and regulations on maintaining or enhancing water quality, aquatic habitat, and wildlife habitats”





The End