

Memorandum

To: Region Chiefs
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From: 
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Subject: Revision of CDF policy regarding the applicability of intermediate treatments for NTMPs that demonstrate MSP by Option C [(14 CCR 913.11-, 933.11-, 953.11-(c)].

On February 1, 2002, CDF defined policy as it relates to the use of intermediate treatments in a NTMP that proposes the demonstration of MSP under an Option C. This memorandum defines modification to this policy after receiving rule interpretation from the Board of Forestry and Fire Protection's Interim Committee during the June 2002 meeting.

Summary of February Policy Memorandum

The Forest Practice Rules (FPR) provide two standards for a NTMP to demonstrate MSP. CDF's February memorandum defining policy was the result of interpreting code section that distinguishes an Option B from an Option C for demonstrating MSP. CDF's interpretation was that since the legislature mandated uneven-aged management for NTMPs, an Option C MSP standard is achieved by complying with code section CCR 913.11(c)(2) which is as follows:

For unevenaged management, complying with the seed tree retention standards pursuant to 913.1 (c)(1)(A),...

Thus, compliance under the Option C MSP standard is achieved when the prescription retains at least eight 18-inch DBH, or four 24-inch DBH, or combination thereof, in seed trees from the onset of any prescription implementation. Alternatively, if a proposed NTMP included a silviculture prescription of an intermediate treatment that could not meet the seed tree retention standards of 913.11(c)(1)(A), the submitter was then restricted to demonstrating MSP for the NTMP under an Option B standard. By this, CDF concluded that a NTMP had to demonstrate MSP entirely by only one standard, either Option B or C, as the NTMP could not be partitioned into two MSP standards.

The original policy directive was the result of CDF having concerns that previously approved plans had continued to invoke intermediate treatments that appeared to be absent of a

commitment to transition to uneven-aged management and the establishment in new age classes. Additionally, CDF had observed an increase in submitted plans proposing to commence with an intermediate treatment without defining a definite schedule in converting to uneven-aged management.

Policy Revision

CDF subsequently presented this policy to the Board's Interim Committee during the June 2002 meeting. As a result of discussions with the Interim Committee, CDF has revised the policy to reflect the following:

NTMPs submitted under an Option C demonstration of MSP can propose intermediate treatments and meet MSP under 913.11 [933.11 & 953.11] (c)(3) which specifies the following:

For intermediate treatments and special prescriptions, complying with the stocking requirements of the individual treatment or prescription.

However, when the silviculture prescription cannot meet the seed tree retention standards [913.1 (c)(1)(A)], the submitter must comply with provisions detailed below to establish a convincing case to the Director that the objective of uneven-aged management is attainable within the specified timeline.

For a stand proposed for harvest that cannot comply with the seed tree retention standards [913.1 (c)(1)(A)], the NTMP must include a growth and yield analysis sufficiently detailed by pre- and post-harvest stand measures to allow assessment of the trajectory in stand development, to that point in time that the stand can be managed to comply with the seed tree retention standards. To establish a convincing case the following must be provided with the submittal of the NTMP:

- 1) For each stand type¹, a stand table of the existing condition in per-acre basis;
- 2) For each stand type, pre- and post-harvest stand tables for each growth and harvest period to that point in time that the stand can be managed to comply with the seed tree retention standards;
- 3) For each stand type, beginning gross and net inventory in Scribner board feet (per acre basis), along with existing basal area, and the projected pre- and post-harvest basal area for each period demonstrated in item #2 above.
- 4) Any stand that conceivably receive "staged harvesting"² shall provide discussion of the techniques that the RPF will utilize to ensure that each staged harvest does not over-harvest inventory that is required to ensure that the subsequent growth culminates in the stand characteristics projected at the end of the cutting cycle; Otherwise CDF will interpret that the stand will be entered only once in each cutting cycle.

¹ A *stand type* as it relates to silviculture is defined as "a contiguous group of trees sufficiently uniform in age-class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit." The Dictionary of Forestry, 1998. Society of American Foresters.

² Many plans present a reasonable argument that due to market fluctuation, harvesting may be staged in that any particular acre may be entered several times over the cutting cycle. For example, a stand managed on a 10-year cutting cycle may have its first entry in year three to harvest pine, then a return in year five for Douglas-fir, and completing the period by harvesting cedar in year eight.

Data Presentation

For each stand type identified in items 1 and 2 above, data format shall consist of a single stand table for each stand type. This table shall encompass each Group A species by 2-inch diameter class in per-acre basis, and without coalescing species into groups. Group B species may be lumped under one column if there is no reason to appraise a certain specie representation separately.

Acceptable Models for Demonstration

Acceptable models for demonstrating this requirement are CACTOS, CRYPTOS, FVS, or stand table projection.

Re-evaluations

At the end of each cutting cycle until the point in time that the stand can be managed to comply with the seed tree retention standards, the RPF shall conduct a cruise to ascertain actual conditions with that projected, and provide a report of the analysis to CDF. The cruise shall follow conventional forestry standards and cruise plots shall be sufficiently monumented on the ground so that CDF can have the opportunity to retrace the layout in evaluating the adequacy of the cruise. Negative departures of 20% or more in actual seed trees from that projected will trigger an evaluation by CDF as to the commitment of the submitter to comply with the intent of the NTMP program.

Effective Date of Policy Revision and Allowance for Variances

This policy shall become effective immediately. However, for plans currently in review or submitted by January 1, 2003, a variance may be requested by the submitter if the detailed data cannot feasibly be obtained for those periods (i.e. cutting cycles) necessary to demonstrate when compliance with the seed tree standards will be met. In no circumstance will a variance be granted for projection of stand development in the first period. Any variance that is granted will be conditioned on the submitter providing the remaining information prior to the start of any harvests activity in the subsequent period.

Conclusion

NTMPs submitted under an Option C demonstration of MSP can propose intermediate treatments and meet MSP under 913.11 [933.11 & 953.11] (c)(3), which specifies "*For intermediate treatments and special prescriptions, complying with the stocking requirements of the individual treatment or prescription,*" provided that the submitter conducts an advanced quantitative analysis having data resolution levels and timelines as discussed above.