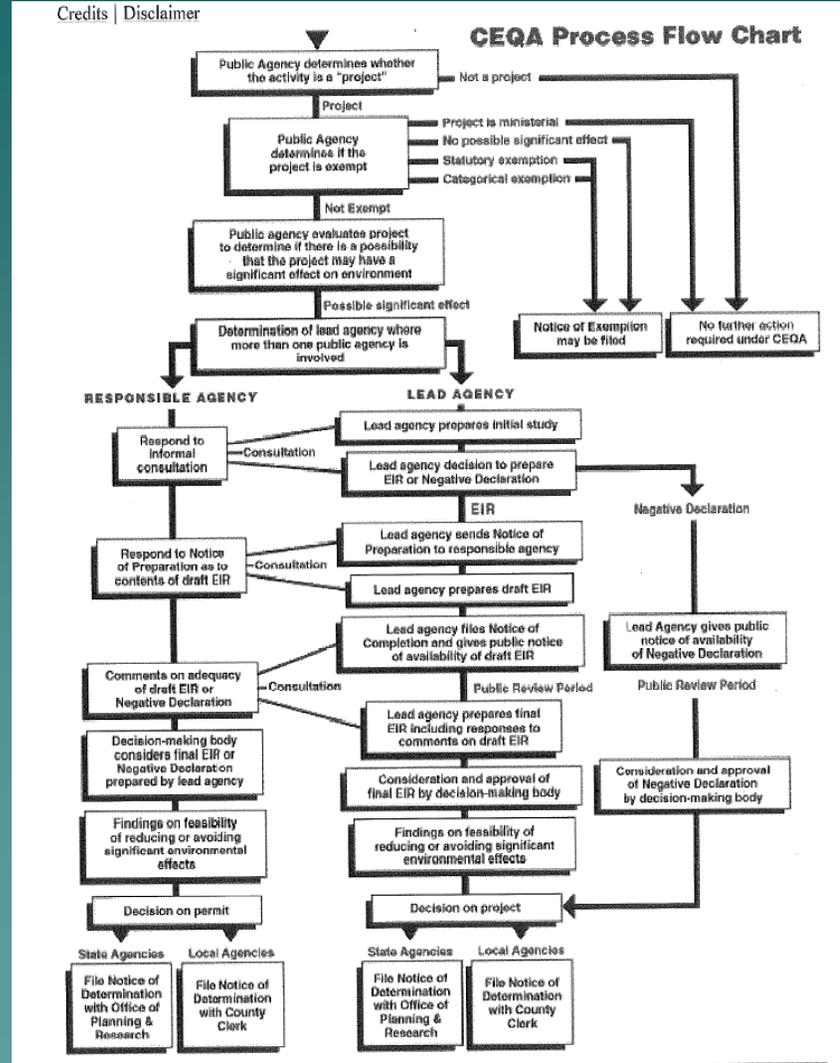
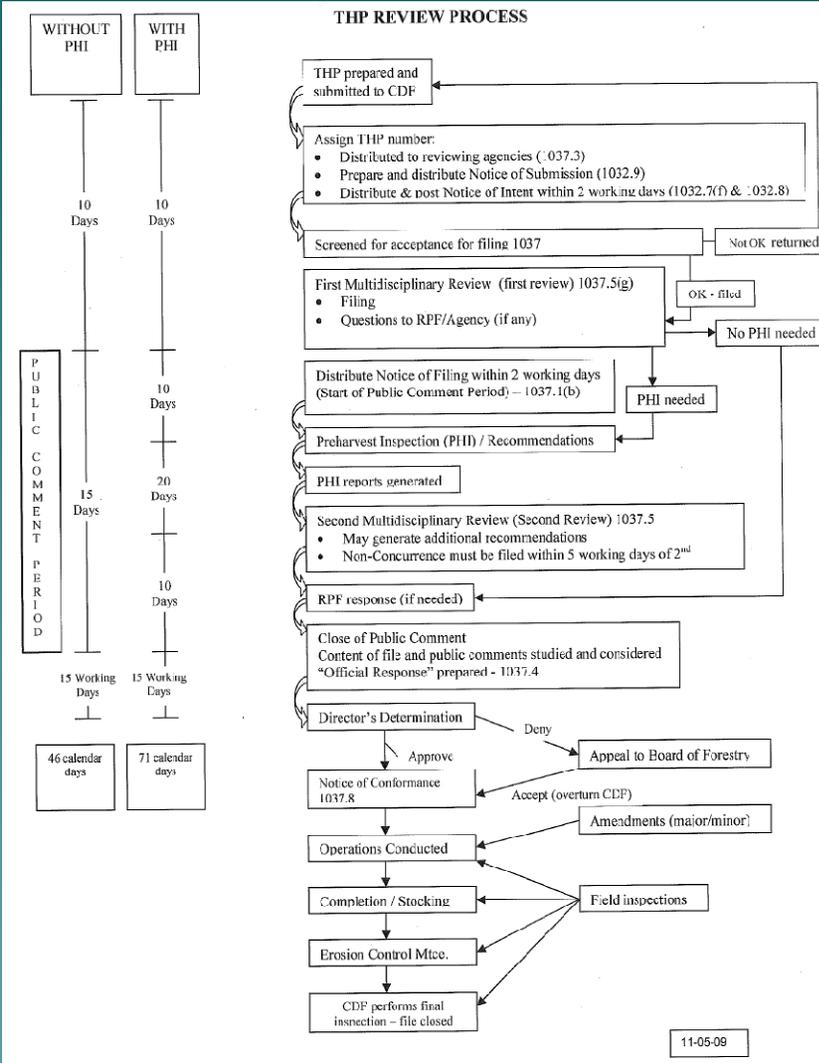


# The Processes CEQA & Forest Practice Act (FPA) Both Complex



## A Little Process History

- ◆ CEQA established in 1970
- ◆ Z-Berg-Nejedly FPA - 1973
- ◆ A Functional Equivalent Process Provided in 1975
- ◆ Initial Forest Practice Rules (FPRs) adopted 1975 FPA
- ◆ Timber Harvesting Plan (THP) Functional Equivalent Process developed in 1976
- ◆ FPA Regulatory Functional Equivalent Process developed 1979
- ◆ FPR's continually modified on annual basis since initiation
- ◆ FPR's added Cumulative Effects Analysis – 1989
- ◆ FPR added Maximum Sustained Production & LTSY – 1991
- ◆ Programmatic/ Watershed level analysis documents – 1991 (Russ address non-forest practice programmatic approach)

# Functional Equivalency v. CEQA

## ◆ Similarities:

- Lead and responsible agency roles
- Multidisciplinary review
- Consultation
- Public noticing
- Alternatives analysis
- Mitigation of significant effects
- Individual & Cumulative Effects Analysis
- Exempted activities
- Monitoring for compliance

## ◆ Differences:

- Prescribed timelines
- No EIR or Neg Dec
- Linkage between analysis and permit – the THP
- Greater public role
  - ◆ Public Notice higher
  - ◆ 2<sup>nd</sup> review
  - ◆ Public Comment spans 2<sup>nd</sup> review & document revision
  - ◆ Public Access to Admin. Record
- Responsible agencies have appeal rights
- Increased complexity and specificity
- Monitoring for compliance and effectiveness.
- Post project monitoring (erosion, mitigation, & stocking)

## Besides Review How is Sustainability Addressed?

- ◆ Standards Established in Rule for Project Level
  - Silviculture:
    - ◆ Bill reviewed earlier
  - Harvesting/Erosion
    - ◆ Felling to avoid excess ground disturbance from yarding
    - ◆ Minimize tractor soil disturbance (slope, %disturbance, etc.)
    - ◆ Water breaks & other erosion control devices required
    - ◆ Watercourse crossing standards
  - Site Preparation
    - ◆ Plan required
    - ◆ Retention of Large Woody Debris
    - ◆ Minimize impacts on Water and Wildlife Habitat
  - Watercourse and Lake Protection
    - ◆ Protection zones established with disturbance limits and tree retention standards
    - ◆ Equipment Exclusion
    - ◆ Required protection of Beneficial uses

## Sustainability Cont'd

- Hazard Reduction –
  - ◆ Logging Slash in high risk area to be lopped, removed or burned
  - ◆ Limitation of use of prescribed fire (not w/I WLPZ, etc.)
  - ◆ Treatments required to reduce Insect & Disease risk
  - ◆ Residual tree and Regeneration protection required
- Fire Protection –
  - ◆ Protection resource inventory
  - ◆ Roads passable
  - ◆ Smoking, and Warming fire restrictions
  - ◆ Welding and Blasting Limitation
  - ◆ Inspections
- Wildlife Protection –
  - ◆ Snag Retention required (except for health and safety)
  - ◆ Nest site protection (sensitive species)
  - ◆ Non-listed species protection
  - ◆ Northern Spotted Owl and Marbled Murrelet (listed species protection)
  - ◆ Habitat requirements (oak retention, meadow restoration, aspen retention,
  - ◆ Late Succession stand protection

## Sustainability (cont'd)

- Roads and Landings
  - ◆ Slope Restrictions
  - ◆ Unstable/slide area restrictions
  - ◆ Planning criteria
  - ◆ Construction standards (fill and steep slopes, drainage, discharge, etc.)
- Watercourse Crossings
  - ◆ No effect on beneficial uses of water
  - ◆ Fish passage
  - ◆ Water break protection
  - ◆ Removal requirements
  - ◆ Soil stabilization
  - ◆ Specific standards for Anadromous fisheries streams
- Cultural Resource
  - ◆ Site survey and recordation
  - ◆ THP site specific mitigation development
  - ◆ Native American Participation

## Sustainability (cont'd)

- Other
  - ◆ Special County Rules
    - Higher silvicultural standards
    - Erosion and road construction bond requirements
    - Local Scenic Highway
  - ◆ Monitoring – (mitigation and stocking compliance and mitigation effectiveness – MSG established 1989)
  - ◆ Compliance with other applicable laws required
    - Wild and Scenic Rivers
    - Scenic Highways
    - Water Quality
    - ESA (state and federal)
    - SMARA
    - Air Quality