

Board of Forestry and Fire Protection

Rule Making Process

June 22, 2010

IFWG

THE BOARD OF FORESTRY AND FIRE PROTECTION



2010
COMMITTEE PRIORITIES REPORT

- **Rules and Regulations Adopted Under Act**

- The Board must consult other public agencies, as well as educational institutions, civic and public interest organizations, and private organizations and individuals, when proposing rule changes.
- Public hearings must be held before the Board adopts or revises rules.

- Rule Development Phase (3-12 months before 45 day notice proposal)
- 1. Define need for action.
- a. Problems
- b. Issues
- c. Goals

- 2. Staff and/or the Research and Science Committee will review or direct the review of pertinent literature and scientific information.
 - a. Gray literature.
 - b. Peer-reviewed.
 - c. Regulatory programs, planning documents and other information.
 - d. Develop the standards of significant impacts

- 3. Summarize and synthesize information.
- a. Abstracts
- b. Compare and contrast information sources.
- c. Clarify the problem and develop the scope

- 4. Develop the factual record.
- a. defined areas of strong and weak agreement.
- b. verify the need for a rule
- c. future research needs.
- d. develops a basis for rule structure.
- e. review alternatives to rule (education, BMPs, monitoring)
- f. assess economic and fiscal impact

- 5. Guidance for rule development
- a. Clear problem statement
- b. well-defined science and policy.
- c. standards for determining adequate measures to prevent or reduce impacts or restore resources.

- 6. Develop Draft Rule Language
- a. Clarity
- b. Enforceability
- c. Consistency with existing rules
- d. Regional application

- 7. Hold stakeholder workshops for public and Agency participation in rule development
- a. This step may need to occur earlier in the development process or more than once for complex regulations.

1051.3 Modified THP for
Project Area Fuel Hazard
Reduction

- The purpose of this regulation is to encourage forest landowners to consistently manage vegetation to create fire resilient conditions, and reduce the threat, and potentially deleterious effects of catastrophic fire.

- Catastrophic fire also has significant implications to the rising public concern about climate change. It is estimated that Southern California's wildfires of September 2006, including the Day Fire, resulted in emissions equivalent to approximately 50% of estimated total monthly fossil fuel burning emissions across the entire state (Wiedinmyer and Neff, 2007).

- Fire hazard, the combination of terrain and fuel types and condition, is steadily increasing on timberlands. Recent measurements by the USFS Forest Inventory and Analysis Program (FIA) indicate increasing levels of stocking on private lands over the last three decades. While quantity of fuels is just one measure of fire hazards, another indicative factor is the density and arrangement of fuels.

- Research by the USFS Forest Health monitoring Group suggests that millions of acres of coniferous forest types have stand densities far above stocking levels associated with site capacity. This suggests that stands are very susceptible to significant levels of pest mortality and increased dead fuel loads. When combined with on-going drought, these conditions can lead to catastrophic wildfire effects.

- These fire resilient conditions are to be achieved through the prescribed reduction and spatial rearrangement of surface and ladder fuels as well as thinning to reduce stocking levels and increase vertical and horizontal spacing between standing stems.
- Operations pursuant to this regulation are expected to result in project area conditions that reduce the rate of fire spread, duration and intensity, fuel ignitability, and ignition of tree crowns.

- The threat of catastrophic fire requires landowners to constantly manage vegetation to reduce fuel loads while maintaining growth to meet Maximum Sustained Production (MSP) of high quality timber products pursuant to the Forest Practice Act. The Board's proposed *Modified Timber Harvest Plan for Fuel Hazard Reduction* is intended to encourage forest landowners to consistently manage their fuel loads for long term resiliency to the impacts of fire.

- In addition to the standards prescribed in this regulation, all other rules of the Board shall apply to operations conducted under an MTHP for Fuel Hazard Reduction.

- *Hazardous fuels are accumulating in the nation's forests and rangelands while more people are moving into these areas. The Panel concluded, therefore, that the nation's best opportunity to contain suppression costs is to increase the capacity to reduce the accumulation of hazardous fuels and to mitigate wildfire risks to communities.*
- (NAPA Report to Congress, January 2004, p. 21)

- As was recognized in the NAPA Report, fire suppression equipment and personnel will never be enough to prevent the catastrophic interaction of excessive fuel loading and residential infrastructure.
- Reduction of hazardous fuels across the broadest possible landscape of private, state, and federally owned lands is fundamental to an overarching, cost-effective strategy for reduction of catastrophic fire risk at all levels.

- Stocking standards must be met immediately after harvesting operations are completed,
- No tractor operations on slopes greater than 50%, and no tractor operations in or areas with high or extreme erosion hazard ratings.
- No construction of new skid trails on slopes over 40%.
- No timber operations on slides or unstable areas.