

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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To: Registered Professional Foresters
Timberland Owners
and Interested Parties

From: William E. Snyder
Deputy Director, Resource Management

Date: August 11, 2004

Subject: Non-Industrial Timber Management Plan (NTMP) Workshops

The Non-Industrial Timber Management Plan (NTMP) was created by the legislature in 1990, to allow landowners with no more than 2,500 acres to apply for a timber harvesting document that would allow for long-term approval with certain conditions under a known set of forest practice rules. The program requires the use of unevenaged forest management and proof that operations provide for sustained yield. Periodic harvest operations would not require a costly Timber Harvesting Plan (THP) but a simple Notice of Operations.

As of this spring, over 500 NTMP's totaling almost 250,000 acres have been approved by the California Department of Forestry and Fire Protection (CDF), with almost 80% of those in the Coastal Area. In the past five years there has been an average of 136 Notice of Timber Operations and 60 NTMP's approved per year. Throughout the programs existence, CDF has conducted over 2,000 inspections across the State resulting in only 115 violations; about half of these for "administrative" issues.

The NTMP regulations have gone without substantial change since the inception of this valuable tool. I believe it's time to evaluate the program and determine ways to encourage its further use, ensure program objectives are being met, and determine if there are ways to "streamline" the process to facilitate preparation and review. CDF has received a number comments and concerns regarding the process and other varying issues. This has lead CDF to schedule a series of workshops to discuss current concerns and possible remedies for improving the process. Three workshops have been setup for Northern California, as listed below. Additional workshops may be set up at a later date.

The agenda and list of NTMP issues and concerns for the workshops are attached. CDF's goal is to obtain information on the issues of concern and facilitate discussion on possible solutions. It is not likely we will be able to fully explore all the issues at the workshops so I encourage you to provide your concerns to us in writing so we can move forward with this program intended to assist small landowners throughout the State.

(To navigate to the MapQuest directions, do a "Control/ left click" over the link.)

Wednesday, September 8th, 2004, 10:00 a.m. – 3:00 p.m.

Northern California Training Center (at the CDF Redding Area Office)
6101 Airport Road, **Redding**, CA 96002, Classrooms 2/3
(530) 226-2720

NOTE: please park behind the main admin building by the classrooms entrance.

<http://www.mapquest.com/maps/map.adp?country=US&countryid=US&addtohistory=&searchtab=address&searchtype=address&address=6101+Airport+Road&city=Redding&state=CA&zipcode=96002&search=++Search++>

Thursday, September 9th, 2004, 10:00 a.m. – 3:00 p.m.

Humboldt County Farm Bureau
5601 South Broadway Street, **Eureka**, CA 95503
(707) 443-4844

<http://www.mapquest.com/maps/map.adp?country=US&countryid=US&addtohistory=&searchtab=address&searchtype=address&address=5601+South+Broadway+Street&city=Eureka&state=CA&zipcode=95503&search=++Search++>

Friday, September 10th, 2004, 10:00 a.m. – 3:00 p.m.

CDF Mendocino Unit Headquarters Conference Room
17501 North Highway 101, **Willits**, CA 95490
(Approx. 4 miles south of the town of Willits)
(707) 459-7414

<http://www.mapquest.com/maps/map.adp?country=US&countryid=US&addtohistory=&searchtype=address&cat=&address=17501%20N%20Highway%20101&city=Willits&state=CA&zipcode=95490%2d9717&search=%20%20Search%20%20&searchtab=address>

For questions regarding these workshops please contact Frank Goddard at (916-653-9446). Please provide your comments in writing, preferably prior to the workshops, so we may incorporate your concerns in the discussion. Please mail comments to the above address, attention: Frank Goddard, Deputy Chief – Forest Practice, or email to frank.goddard@fire.ca.gov

2004 NTMP WORKSHOP AGENDA

10:00- 10:15 Welcome; introduce meeting purpose and CDF workshop expectations; introduce workshop staff

10:15- 10:30 Review meeting agenda; "ground rules".

10:30- 11:00 One minute self introductions, time permitting (participants can choose to state their expectations and desired outcome of the workshop)

11:00- 11:30 Review the list of "Issues & Concerns" & selection of issues of greatest concern.

11:30-12:45 Lunch.

12:45-2:30 Discussion of Issues & Concerns

Possible discussion criteria:

Where are we?

What are the specific concerns/questions on the issue?

Need to clearly articulate the issue/problem.

" " " " who is affected.

Where do we want to be?

What could be improved?

Review process issue?

Issue of plan guidelines?

How do we get there?

Administrative solutions by CDF?

Action by another agency?

Board of Forestry rule changes?

New legislation is needed?

2:30-2:45 Discuss, "Where do we go from here?"

2:45-3:00 Workshop closeout

SEPTEMBER 2004 NTMP WORKSHOPS SUMMARY

The following summary lists the results of input presented to CDF which lead to and was provided during and after three workshops on the topic of NTMP's, in particular high return rates and numerous issues regarding the preparation, review, and implementation of the documents.

Addendum 1. is the letter that was sent out as an invitation to the three workshops. Addendum 2. is the agenda for the meetings. Addendum 3. is a handout presented at the workshops that depict return statistics. Addendum 4. are bullet points prepared for the Board of Forestry and Fire Protection, Forest Practice Committee, to report on the results of the workshops.

Overview of Concerns/Topics for Discussion:

- Review Original Goal of NTMP Legislation
- General Concerns
 - Filing - Return Rates
 - Preparation and Review Costs
 - Review Delays & Agency Interaction
 - Inventory, Growth & Yield
 - Additional Information Requirements
 - Mitigations
 - Acreage Limitation
- Potential Solutions
 - Ongoing Initiatives

Review Original Goal of NTMP Legislation:

- Policy of the state to increase the productivity of private nonindustrial owner's timberlands under prudent management plans
- Minimal environmental harm is caused by prudent management of nonindustrial timberlands because low volume production and dispersion around the state of these small tracts reduces damage to aesthetics, air quality, watersheds, and wildlife
- Policy of the state to encourage prudent and responsible forest resource management of nonindustrial timberlands by approving NTMPs in advance and withdrawing governmental discretion to disapprove notices

Filing - Return Rates:

- Review rates of returned NTMP's from CDF
- Review reasons for returns of NTMPs from CDF
- No "Guidelines" for Review
- Comments:

A question came up as to why CDF sends out harvest documents for review before they were filed, which some would argue sometimes leads to unnecessary requests for information or changes.

RPF Niel Fischer offered to provide additional documentation in regard to the issue of returned NTMP's.

There was a request from at least one RPF to be informed of specific "fatal flaws" that lead to an NTMP being returned without filing.

A discussion of so-called "above the line" and "below the line" items was questioned.

A comment was made that the timber harvesting document could be considered a disclosure document.

Preparation and Review Costs:

- Financial impact of returned NTMPs
- Agency review process costs are equal to or more than entire NTMP preparation costs
- Agency review process costs are uncertain to landowners
- Increased harvest levels to offset high agency review process costs?
- Comments:

It was noted that an NTMP is considered a “lifetime document” which results in significant “upfront” preparation issues and subsequent costs.

Some feel this results in higher harvest rates than may be intended by the landowner and RPF, just to cover these upfront expenditures. A suggestion was made to utilize some sort of benefit-cost ratio analysis.

Some felt that the standards for marking and flagging were vague. One issue was whether the marking and flagging in a Class I watercourse had to be done at the review phase or at the time of filing of the Notice of Timber Operations (NTO), which might depend on the timing of the entry. There were questions whether sample flagging would suffice.

There was discussion on the perceived greater scrutiny on NTMP's vs. THP's. While some of that perception is likely accurate since CDF (and other review agencies) generally has only one opportunity to review the harvest document some differences might just be a supervision/training issue for the Department.

A suggestion was made to use the negative declaration concept to reduce the preparation and review costs, which would allow for minor impacts to be “checked off”.

In some areas it was estimated that new Water Quality Control Board rules could cost \$7,000 for a 100 acre NTMP.

Some RPF's felt the rules were somewhat confusing, including to other agencies, which would benefit from clarification of certain rule language and the layout of the rule book.

There was a request for a THP document that would be limited to 3-5 pages.

Some felt that the NTMP is more of a “permit” than a “plan” and the RPF needed to be “back in the loop” by making the RPF responsible for a “plan” to guide proper stewardship of a property and leaving the landowner with a useful document.

A basic desire was to have a document that is easier to obtain and costs less to get through the approval process.

A discussion came up regarding §897(b)(3) and the perceived lack of notice of what is expected, what are the standards, for the RPF, nor any “opportunity to be heard”. This lead to suggestions for guidelines, checklists, and training (for both the private RPF's as well as those doing NTMP review).

The NTMP preparation cost was suggested to have two primary components: the RPF might have a fixed-cost estimate he gives to a landowner to actually prepare the document and the second element would be this unknown “time plus materials” hourly rate that would depend on the review process to determine the actual total cost.

It was suggested that some of the basis of the preparation and subsequent review costs is generated outside of CDF “control”. Clearly, CDF is not the “lead agency” for all resource issues.

In some cases, a harvest cannot be done under an NTMP, which might be needed for the landowner to pay for the preparation of the document.

One RPF commented on the enormity of the NTMP document, which equates to time, therefore costs, of preparation. One NTMP for 235 acres required 220 pages; 50 pages for archeology, 20 pages for the “cummies”, 12 pages of maps, 63 pages for Section I, II, and III, plus the pages for the animal and plant survey information and miscellaneous references. This RPF requested some direction from CDF and examples of what is expected.

One person presented a scenario in which a small parcel of timberland is in need of commercial thinning to remove over-crowded and defective trees with a possible gross income of \$10,000 but costs of NTMP preparation in the tens of thousands of dollars, which would lead to the removal of many more trees or even a clearcut (and possibly followed by a subdivision).

Review Delays & Agency Interaction:

- Are there “routine” delays?
- Is there a “basis” on which to review NTMPs
- Delays result from information requests from other agencies
- Timing of participation by other agencies may result in delays
- Requirements have been added since origin of process without explanation/justification of the new requirements
- Additional requirements being added at the time of Notice of Timber Operations submission
- Comments:

It was mentioned that CDF has now allocated more staff to NTMP review and vacant positions are being refilled, which will hopefully reduce review delays.

The interaction with other agencies might change over time depending on the outcome of the Governor’s California Performance Review (CPR) that could change the make up and responsibilities of various state agencies and departments.

The current estimated time for NTMP approval is approximately six months in the Coast district and two to three months in the Cascade district.

There was a question as to the definition of a “defective tree”.

It was recognized that a NTMP checklist for preparation of the document, similar to what exists for THP preparation, could reduce review issues and subsequent delays in the approval process.

Some participants felt there was a “moving target” as to what information was required by CDF and the other agencies involved in the review process and how some of the information seems to indicate polarized directions as to the process; better coordination was requested by the RPF’s for what is seen by some as a duplicated process.

It was noted that conflicting mandates often result from the interagency field reviews.

Apparently not all NTMP’s get PHI’s due to CDF staffing issues.

There was a desire to have a single field review of the NTMP with all agencies participating at the same time. One suggestion was to give other agency review participants only one opportunity to “show up” for the PHI.

To some RPF’s there was no clear lead agency in resolving conflicting requirements from the various review agencies. An example was when a watercourse crossing would have review concerns by both Water Quality and Fish & Game.

A question came up where a “turf battle” exists between the various state agencies involved in the review process of NTMP’s. If so, what can be done to remedy the situation?

One person questioned if the rules covers certain resources protection or if other agencies are doing an adequate job.

There was some sentiment that the Water Quality Control Board will not certify the Forest Practice Rules as Best Management Practice (BMP’s). This was followed by a comment that the state board did, identifying CDF as a joint management agency, but the federal EPA did not certify the rules as BMP’S. Some felt this was better coordinated in other states and that this should start in the Governor’s office, maybe as a California Performance Review (CPR) issue.

Input to the implementation of CPR might be given to the Forest Landowners of California (FLC), by mail or email, or by attending various hearings scheduled in some cities.

It was suggested that sometimes rule “clarification” by the Department leads to changes in practices that may be subject to the Board’s discretion.

Some felt there were different “standards of review” of NTMP’s between the Coast District and the other forest practice districts. CDF committed to deal in-house with “supervision” issues to provide consistency in both review and inspections of NTMP’s.

It was reported that the lawsuit caseload against CDF has had a decreasing trend but the Water Boards were seeing increased litigation. Also, the initiative process was being use to attempt changes in the rules.

It was requested that CDF consolidate all the recommendations of the various review agencies since sometimes they actually may conflict with each other.

One person felt that “CDF does not want timberland managed” based apparently on how CDF implements the NTMP program.

A request was made that CDF identify which review team questions came from other agencies.

Someone questioned whether some items that are brought up might be considered “nitpicking” by some people. Some preferred the previous procedures of separating “return issues” into categories of information requests that are “required” vs. “non-critical” items.

A desire to allow an RPF an opportunity to “correct” certain issues before they become review team questions was presented.

A distinction was made regarding evaluating review team questions in the field vs. the office, esp. when it comes to first review questions.

There was a request for improved coordination and information sharing between the first and second reviewers along with a positive “feedback loop”.

It was suggested that different standards for review were needed as a function of different parcel sizes.

Someone said they would like to see the CDF field inspector determine the information needs.

Inventory, Growth & Yield:

- What level of detail is required to demonstrate MSP?
 - desire to reduce requirements and processing, especially for the costly growth forecasts
 - is there confusion with what the rules require for MSP?

- the methodology to determine sustained yield (MSP) is not specified in the rules (i.e. which modeling tool should be used)
- how often should NTMP be reviewed to verify MSP is being achieved?
 - MSP only reviewed once in the process and this is before the NTMP is approved and implemented (i.e. this is an issue in even-aged stands proposed to be managed to “transition” into uneven-aged stands)
 - discuss need for monitoring program and re-analysis
- demonstrating MSP as a function of:
 - establishing a baseline
 - establishing stocking levels for sustainable management; and
 - determination of a transitional prescription
- What is the appropriate “timetable” and method to be used to project harvest levels and frequencies?
- What training is needed for foresters on computer growth analysis and complex growth and yield mensuration, such as advanced analytical analysis?
- Is stratification (stand typing) inadequate or inappropriate in many NTMPs?
- Are future growth rates not meeting forest practice rules?
- Comments:

It was stated that MSP is the goal for NTMP's.

Someone asked about the definition of sustained yield.

There was a question as to how the “conversion” of brushlands back to timberland was handled as far as MSP requirements, and if site preparation and planting required an NTMP. The definition of timber operations under PRC §4527 was referred to.

That led to a question as to projecting growth rates from a plantation, and the conversion from even-aged to uneven-aged.

It was suggested that the RPF should strive to include all conceived options for future silvicultural systems to avoid later amendments and possibly new rules to follow.

It is possible that the NTMP form might have to be modified to capture actual stand conditions.

It was mentioned that a variable retention NTMP does not exist yet.

An additional question arose regarding even-aged stands as to what the future stand would look like.

A distinction was made between the NTMP intent and “classic forestry” criteria for uneven-aged management.

Another form modification would be needed to allow for Option A under an NTMP.

Some felt that guidelines are lacking to determine the level of detail needed to demonstrate MSP.

It was mentioned that RPF's do not want CDF or the Board mandating specific stand tables or projection models or to specify only one particular growth model as a standard.

The desire was to have field inspections validate the “movement to MSP”. It was stated that the question should be, “does it look reasonable?” which was recognized to be very subjective.

One suggestion was to only use stocking standards, as is none in a THP, rather than requiring MSP analysis. But one response was that the Board intent was to maximize growth with the use of an NTMP rather than just meeting minimal stocking standards.

A possible conflict was mentioned in attempting to maximize growth while also maximizing other resources such as wildlife, water, etc. This led to a comment that there is a need for an alternative to MSP growth modeling to meet the Board intent while considering actual stand conditions including all resource values.

There was discussion regarding ten year stand re-inventories balanced with productivity and that on lower site timberland, maybe a 20 year interval would be more appropriate.

It was said that CACTOS is based on 20-30 year projections with no timber harvesting. This led to the comment that the "practice of forestry" might not fit modeling programs, which raised the question, what is the alternative to growth modeling.

One alternative mentioned was to use standing volume, by timber type and current growth rates. This would require re-inventories to verify.

Some felt the RPF's were being asked for much more information than appropriate, such as modeling information and target data.

It was recognized that the output of certain models might not provide realistic data. In some regions basal area descriptions might work while in other areas volume and growth information works better.

One person stated that "modeling is worthless" after the first cycle.

Another felt that the RPF is "saddled" with the concept of MSP with the NTMP process.

The concept of different standards for different parcel sizes was suggested.

There was discussion of cruise intensity, such as the number of plots per acre, needed. Also, the need for standards for re-inventories was mentioned, including the documentation of the re-inventories.

Intermediate treatments under §933.11(c)(3) were discussed, which led to a question on the interpretation of the "8-18's" and basal area standards for sanitation/ salvage and thinning silvicultural systems.

One comment was made that there was some "forced miss-use" of the NTMP process in order to meet harvest objectives.

There was mention of how interpretation of the Board's intent is the basis for determining MSP standards and how the RPF and landowner have the burden to demonstrate that the Board's intent is being met.

It was pointed out that intermediate treatments may be used for both even-aged and uneven-aged silvicultural systems.

Apparently guidelines for use of intermediate treatments are pending.

It was mentioned that intermediate treatments may be utilized under the variable retention method.

There was a request for a determination of annual harvest rates.

A reoccurring issue was that of the selection and use of various modeling tools.

It was noted that some of the modeling tools are still DOS-based and do not utilize a Windows environment.

There was further discussion regarding the relative "strength" of the CRYPTOS program.

A question was asked if an NTMP must meet Long Term Sustained Yield (LTSY).

Also, the difference in required information for Option B vs. Option C was brought up.

There was significant discussion regarding stand typing, including the simple question, "What is a stand?" Apparently a "stand" is not defined in the rules and it was suggested that stand descriptions are not even required in the rules.

One person had the opinion that CDF was taking a permit requirement and asking for management plan standard of questions.

It was repeated that some feel that stocking standards by site class should be the measure of MSP.

One person suggested using a paint gun to meet MSP without stand typing by the appropriate practice of silviculture by the RPF.

A heterogeneous stand was mentioned as the goal of the silvicultural prescription.

There was a request for more information on inventory systems.

A distinction was made between overall growth projections vs. management of different stand types.

A basic issue was whether there is a standard for growth and yield for NTMP's.

Someone asked what information, if any, is needed after a timber harvest.

It was suggested that the subject of re-inventory standards should be addressed but not to the point of specifying a set time period.

An RPF stated that the level of inventory was not providing valuable information to the RPF's.

It was suggested that the focus should be on growth (and mentioned the "Holderman method").

A distinction was made between harvest projections and actual harvest, which is at least partially driven by market conditions.

There were questions as to what information was needed for both monitoring and re-inventories.

One suggestion was to have re-inventory sampling as part of the NTO; or to have a re-inventory prior to a re-entry harvest.

Someone asked the value of the 100 year projections, especially if re-inventories would be done. What is the justification of the 100 year projection?

Further, it was stated that a harvest "re-starts" the growth projections and changes the baseline data in the model.

Someone asked if any agency, other than CDF asks about MSP. After a comment was made that it really is an issue between the RPF and CDF, someone said that the other agencies are very interested in harvest rates and the harvest cycles.

One person mentioned that the Board may revisit the NTMP MSP issue.

In regards to intermediate treatments, one comment was that the 18" trees "just aren't there". A request was to allow trees to 12" to be counted. Another comment was that there was an issue of

“surplus basal area”. The issue of intermediate treatments is something that the Board is apparently looking at.

A comment was made about the benefit of using even-aged silvicultural methods to work towards NTMP conditions.

One RPF took issue with the with lack of the “8-18” seed tree standard being applied in the Intermediate treatment method, but rather stocking is accomplished with a point count and number of trees per acre as used in Commercial Thinning and Sanitation-Salvage, the result being that uneven-aged management does not include the Intermediate treatments, by definition. The RPF stated that CDF has “no authority to require the Seed tree requirement to intermediate treatments”. A result of this rule interpretation, according to one RPF, is apparently a situation where a landowner may not be able to have a commercial timber harvest for “decades” after spending “several thousand dollars” in having an NTMP prepared.

An RPF submitted some questions regarding how a “conversion” of timberland currently occupied with Group B species hardwoods back to conifers would deal with MSP requirements. Specifically, the issues include growth and yield objectives; inventory and modeling questions; implications of commercial harvests of the Group B species during the conversion period; dealing with remnant seed trees.

Another RPF questioned the use of the “J” curve to determine appropriate stand diameter distribution. His forest management company’s long-standing objective is “an even distribution of all sized trees with no maximum diameter limit”.

Another concern of that RPF is trying to model the harvest for each entry. They base their mark on actual stand conditions, including tree health, damage, spacing, etc. but not on a selected percentage by diameter class, as would be determined with stand table projections and computer models. The RPF stated that marking the harvest based on what some model establishes would be counter to their goals and that of their typical clients. Further, they feel that none of the models are applicable to how they manage the land and that a so-called regulated forest is not applicable to their “management scheme”.

The RPF with this company goes on to list very specific stand descriptions of various parcels they manage which they feel do not fit the requirements of MSP and would be hampered by what they feel is appropriate silvicultural treatments for these parcels. Included is one example where timber production is not the primary purpose of the land, but rather recreation and a major goal is fire hazard reduction. He goes on to also ask about “conversion” issues regarding restoring grass and brush covered lands back to timber production.

Additional Information Requirements:

- Biological
 - Discuss justifications for botanical surveys
 - What are the conflicting goals for wildlife species management vs. forest habitat?
 - HCPs for small ownerships
- Water Quality
 - Waivers/WDRs
 - What are the advantages/disadvantages of each process?
 - General vs. Individual
- Comments:

Discussion of §1090.7(h) regarding Endangered Species Act (ESA) listed species information as part of the submittal of the Notice of Timber Operations (NTO) and concerns of the California Department of Fish and Game (F&G).

A point was mentioned that the protection of biological species is set for the life of the NTMP, and that may be a need for “re-scoping” as conditions change in the future.

A comment was made that a rule change may be needed as currently there is no specified time period to review these resources, and that more specific rule language may be needed to require RPF’s to review the status of the biological resources.

An alternative was suggested that would allow for a consultation process.

It was suggested that this issue should be addressed at the submittal of the NOTO.

But it was mentioned that currently, the notice of operations is a “non-discretionary” document.

There were questions as to the size of the survey area of both botanical and wildlife resources.

There was discussion as to the difference between a scoping process and a survey process, and the need for a guidance document and/or training for RPF’s on the subject. Also, the level of scoping is an issue that needs to be clarified.

Apparently, changes to the ESA has an impact that will require changes to the NTMP process and F&G is currently preparing a document that deals with this issue.

It was mentioned that the 1600 permit is required annually but can also be issued for up to five years. There is also a long term 1600 permit that can be issued. Also, apparently a programmatic permit does in fact exist.

A desire to have an F&G biologist on the PHI, as appropriate, was stated.

It was mentioned that an NTMP may be used as an application document.

Someone suggested that a 1600 permit should be free when a culvert is being replaced.

And someone asked why the permit process takes such a long time to process and approve.

Some would like to see CDF inspectors able to issue 1600 permits.

The timing of the start of timber operations with major vs. minor amendments was discussed, as well as the impact of consultations with F&G staff. It was suggested that any anticipated changes should be built into the original NTMP to avoid the need for later amendments or consultations.

Mention was made of a potential conflict with the concept of a stable NTMP documents vs. other regulations, such as the ESA, that are treated as a more dynamic process.

It is possible that the proposed Stewardship NTMP (SNTMP) might be better in building input from all agencies to create a more “stable” document, but at the same time would likely limit some options.

There was a question on the impact of the California Coastal Commission to the NTMP process.

A question was raised as to any affect of proposed Heritage Tree rules on the NTMP rules.

There was a request for a discussion on the monitoring of water quality on NTMP sites, such as for turbidity and the possibility that the results be used as a performance indicator.

The use of adaptive management was suggested as an alternative.

The submittal of an Erosion Control Plan as additional information for a NTMP goes to the Water Quality Control Board.

There were questions as to the impact of various court rulings.

It was suggested that maybe CLFA might approach Jim Branham at CalEPA regarding the Water Boards involvement in the NTMP process.

Apparently, the current process requires the RPF to file applications with three different agencies for 1611/ Section 2 issues; F&G for crossings and WQ for the Erosion Control Plan, in addition to CDF for the NTMP. New rules now allow for the F&G 1611 application to reference the Section 2 information, at least in the THP process.

The suggestion was made that the NTMP be revised so the same information can meet the needs of CDF/ F&G/ WQ, in order to minimize redundancy.

Some would like to see an MOU with F&G and WQ to allow CDF inspectors to handle F&G and WQ concerns on the ground.

There was a request to have CDF clarify the rule section regarding the road management plan and properly functioning culverts. (§1097(l) on pre-2000 plans).

A representative from the California Geological Service (CGS) requested input from the group as to on-going concerns regarding CGS. There was some concern of any long-term monitoring at the toe of a slope that might be required and the cost to hire a professional geologist to perform any required mapping. CGS was asked if they could perform "pre-consultations" and were told by CGS that on-going budget cuts and staffing issues would impact such a request.

Pre-consultation was also discussed regarding Fish & Game for Coho issues.

Someone pointed out the added cost of having a plant survey done and asked for evidence that damage to the resources was occurring.

A point was made regarding a possible difference between the goals for managing timberland for specific wildlife species vs. managing timberland for wildlife habitat.

Further, it was mentioned that since NTMP's direct landowners to an uneven-aged silvicultural system, this leads to certain wildlife habitat conditions.

A comment was made contrasting a timberland management plan as being a broad document compared to a specific Notice of Timber Operations.

CEQA section §15380 was mentioned in reference to non-listed species.

A question came up regarding which database to use for the scoping process for wildlife species, and the fact that certain databases may not have the same data as the Department of Fish & Game (F&G).

That led to a question as to the responsibility of an RPF, vs. F&G, for maintaining accurate databases for specific resource values.

A discussion of the cumulative impact analysis prompted a question as to what is gained with the level of information required in this area.

It was commented that the cumulative impact analysis should be "distilled" to two core issues, namely sensitive species and roads, and that the analysis should be based on the specific situation on an NTMP.

There was a general question as to whether RPF's have sufficient information to evaluate the cumulative impacts given a CEQA requirement that the analysis be based on what should be known.

A suggestion was to use the concept of a Focused EIR as a guide for cumulative impact analysis, with three steps: determine the conclusion; specify the proof; and link the impacts to the mitigations.

Some felt that the watershed analysis should be less critical on NTMP's given the uneven-aged silvicultural management and the consequent continuous ground cover, but a comment was made that watershed concerns may still be an issue for agencies to evaluate and focus for the RPF.

It was pointed out that issue of noise may need to be addressed on certain NTMP's.

A discussion of the new Erosion Control Plan (ECP), also known as a waste discharge waiver, occurred at one of the workshop locations (Howard Forest) by WQCB staff. The ECP would be submitted with the NTMP. The approved plan does not need to be submitted. A certification notice document can be found on the WQ website and WQ will respond within 10 days. Also, a five day notice must be given to WQ when submitted an NTO to CDF. There is also a requirement for a 90 day pesticide notification to WQ. After October 15, 2004, an ECP needs to be part of an NTMP. There is not supposed to be any fees and a TMDL is usually not required.

One RPF feels that the archeology requirements are "way too complicated" and his suggestion in case with no sites is to check the box and include the records search. One additional box maybe checked to show that an archeological survey had been conducted.

One landowner commented on "back door changes" in the rules, such as the current interpretation regarding appurtenant roads, which the landowner feels has many more roads so classified. The same landowner mentions significant increases in the amount of information now required to submit a Notice of Operations. Another perception is that CDF used to "be the boss" but now other agencies constitute additional "bosses" who seem to disagree. The landowner feels that this situation has resulted in an atmosphere of distrust.

The same landowner reported having to replace many existing culverts that were supposedly functioning, only to get non-compliance letters when the replaced culverts suffered storm damage.

Mitigations:

- Review impacts of the timing of required mitigations
- How do other agency mitigations meld into the NTMP process?
 - DFG Stream Alteration Agreements
 - WQ ECP or monitoring requirements
 - F&WS & DFG protocols
 - NSO
 - MAMU
 - Old Growth
 - Salmonids
- How do mitigations required under an NTMP affect cost-share funding?
 - Is there ineligibility for cost share funds being created?
- Comments:

NTMP requirements are not eligible for cost-sharing funds if work is required in the NTMP. Can the requirements be worded so as to allow the use of cost-sharing money?

May be o.k. if the work is part of an erosion control plan, separate from the NTMP.

A key issue is to eliminate or at least minimize the need for major NTMP amendments.

Question as to what the rule language was at the time of NTMP approval and whether the entire document has to be brought up to date with ALL the new rules.

As the coordination of the review process between CDF and other review agencies was requested, coordination of mitigations was also suggested.

It was suggested that RPF's have the professional ability to select the appropriate mitigations for the NTMP.

A general comment was made that requested CDF to "resist pressures from other agencies" for mitigations.

Acreage Limitation:

- Is the current limit forcing "gerrymandering" of property holdings?
- Should the acreage allowed under an NTMP be increased?
 - To what level?
 - refer to the Buckeye Conservancy report
 - recommendation to increase acreage limit to 5,000, and possibly 15,000 acres
 - should additional measures be tied to any increases?
- Comments:

One RPF suggested that an increase over the current 5,000 acre maximum would encourage good forest management under the conditions on an NTMP and, in the long run, cut down on paperwork for the Department.

A previous CDF supported bill proposed an increase to 10,000 acres maximum for an NTMP. CDF stated that the acreage limitation is set in law. The proposal to raise the maximum limit "died" at the Resources Agency, apparently due to Sierra Club opposition. One proposal was to require the landowner to offer a conservation easement as a tradeoff for the increased acreage limit.

It was suggested that any increase in maximum acreage might be tied to stricter NTMP rules.

It was mentioned that this is currently no "strong push" to increase the acreage limit.

An alternative was suggested to change the definition of the NTMP land use for other resource uses, such as recreation, to allow for a greater acreage limit.

NTMP acreages of greater than 5,000 could be impacted by the maximum 5,000 acres for CFIP.

Also, the definition of an industrial timberland owner might have an impact.

Small parcels also came up as an issue of discussion, such as the connection to Option "C" of the FPA. It was also suggested that certain regulations could be relaxed for very small parcels, but it might be better just to come up with a new document name for these smaller parcels.

One person asked why there was any acreage limit at all.

It was pointed out that an increase would require a legislative change. Some feel that opening up any program to legislative review has certain risks as to program changes.

A point was made that PHI's of large acreages create challenging logistics.

One criteria suggested to determine a higher acreage limit was landownership demographics.

One person not only suggested that there should be no cap on acreage, for greater “efficiency and effectiveness of timber harvest regulation”, but also questioned the prohibition against timberland owners who happen to own a small sawmill.

Ongoing Initiatives:

- Stewardship NTMP (SNTMP) process initiated by Director Tuttle
- Streamline NTMP process to provide for regulatory relief
- Discuss concept and need for non-binding Conformance Notice
- Discuss proposed legislation
 - CDF proposal
 - Governor’s proposal
- Comments:

There were repeated calls for CDF to develop a guidance document and training workshops to include what information, at a minimum, was being required for NTMP approval. Many felt the topic of MSP would justify a dedicated workshop.

Some training may be justified on the issue of cumulative impact analysis for NTMP’s.

There was a request for additional workshops, especially further south in the state.

Workshop participants expressed a desire to be informed of pending or proposed changes in the NTMP regulations, both legislative or by the Board, specifically changes as to what is required for NTMP approval. Methods of dissemination were suggested to include on the CDF website, by mass mailings, and email mailing lists.

There was a question as to the results of the CDF report to the Board on the NTMP process.

Incentives for good stewardship were suggested.

Someone mentioned the political nature of certain rule changes.

There was a wish that the Stewardship NTMP (SNTMP) could serve as an “exemption process” (using the negative declaration concept). It was mentioned that the proposed SNTMP had many additional constraints. The SNTMP was to be an agenda item at the October Board meeting. The current draft regulation call for a 2,500 acre limit, tree size limits, more restrictive rules, inventory increases every decade, certain regulatory relief, and ECP monitoring. The SNTMP would provide for a programmatic 1603 permit from F&G; would be accepted as a TMDL compliance document from WQ; and an assumption by CDF that the cumulative impact analysis has been satisfied. A site for a pilot project is being sought but it is uncertain how the project would be permitted since the SNTMP does not exist as this time.

Another concept mentioned was that of a “Charter Forest” that would “pre-review” forest management activities.

There was some desire to extend the NTO beyond one year.

Someone suggested reviewing an (August 2004) article by a Dr. McAdams regarding landowner values. Much of her paper is regarding landowner attitudes and extreme frustrations toward forestland management in light of current regulatory conditions. As one example, the RWCQB’s rescission of the exemption of the waiver from waste discharge requirements of THP’s as BMP’s created “a major power shift between agencies which is causing extreme uncertainty and angst for forest landowners.

The incentive of performance based rules was mentioned and the necessary involvement of CEQA.

Apparently the Association of Consulting Foresters is/was planning an early November '04 workshop dealing with NTMP's and growth & yield (MSP).

There were some general comments aimed at the overall NTMP process, such as, there was a desire for clear expectations to allow a landowner to be able to manage and harvest their timber in what some felt is currently a "dysfunctional process". A request was made for flexibility with silvicultural treatments. The bottom line for some was a request to simplify the process with a user-friendly procedure that would there by reduce costs.

A private RPF felt that more time should be spent by the private RPF's onsite of the harvest operations to oversee the falling, equipment operations, etc.