



Redding Pilot Project Follow-Up Plan

PUBLIC REVIEW DRAFT

November 4, 2014

Public comments welcome through November 26, 2014. Submit comments to AB1492Program.Comments@resources.ca.gov.

California Natural Resources Agency
Department of Forestry and Fire Protection
Department of Fish and Wildlife
Department of Conservation

California Environmental Protection Agency
State and Regional Water Quality Control Boards

Introduction

In March 2012, the California Natural Resources Agency (CNRA) and the California Environmental Protection Agency (CalEPA) directed the state agencies located in Redding that review timber harvest plans to initiate a Pilot Project that would test cross-agency coordination, program management, and review strategies. The intent was to bring efficiencies to the state's review and permitting of timber harvesting on non-federal lands. The Pilot Project was conducted by the Department of Forestry and Fire Protection, the Central Valley Regional Water Quality Control Board (Region 5), the Department of Fish and Wildlife (Region 1), and the Department of Conservation's California Geological Survey over a one-year period. The Pilot Project area covered all of Shasta and Tehama counties, and portions of Siskiyou, Modoc and Lassen counties.

The primary goals of the Project were to significantly reduce processing time for timber harvest permits within the Pilot Project area, ensure appropriate and full agency participation in the review process, maintain a high level of environmental protection, and identify process improvements that could be expanded to other areas of the state.

The main Redding Pilot Project Report was completed in July 2013 and provided 11 recommendations. A Supplemental Report that tracks the subject Timber Harvesting Plans (THPs) through the end of the THP review process was completed in June 2014. Both reports are available here: http://resources.ca.gov/forestry/redding_pilot_project/. This implementation report discusses how the CNRA and CalEPA are responding to the 11 recommendations made in the original Pilot Project report, as well as the additional findings from the Supplemental Report.

In late 2012, some months after the Redding Pilot Project was initiated, Assembly Bill (AB) 1492 (Committee on Budget, Chapter 289, Statutes of 2012)¹ was enacted. AB 1492 includes the Timber Regulation and Forest Restoration Program,² which addresses several areas related to the State's forests and timber harvest regulatory programs, including administrative efficiency and transparency, environmental data assembly and sharing, ecological performance measures, and forest restoration programs. The first of these four program areas in particular has substantial overlap with the areas that the Redding Pilot Project addresses. Since AB 1492 created a closely-related ongoing program, the CNRA and CalEPA are transitioning all further follow-up to the Redding Pilot Project into the Timber Regulation and Forest Restoration Program. While the Redding Pilot Project and its recommendations were focused on one specific part of the state, these recommendations also have broader implications for the timber harvest regulatory programs throughout the state.

¹ http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1492&search_keywords=

² For more details on this program, see the 2014 AB 1492 Report to the Legislature:
http://resources.ca.gov/forestry/ab_1492/

Accordingly, CNRA and CalEPA have prepared this brief follow-up report to provide a plan for further action on the Redding Pilot Project recommendations, closing out finished issues, and transitioning remaining issues into the larger, ongoing Timber Regulation and Forest Restoration Program implementation. The draft of this follow-up plan will be posted on the Natural Resources Agency website for public comment for a period of three weeks. After the close of comment, the Review Team agencies³ will consider the comments and prepare a final follow-up plan, which they will then implement. The agencies also will inform the Board of Forestry and Fire Protection of the follow-up plan.

Redding Pilot Project Recommendations and Agency Responses

As stated above, the Redding Pilot Project Report provided 11 recommendations for consideration, and the Supplemental Report provided additional, related findings. The Redding Pilot Project managers developed these recommendations, which focus largely on the early stages of the Plan review process for the Pilot Project area. The recommendations also overlap with the requirements stipulated in AB 1492 for the state as a whole. Thus, the implementation discussion below looks at issues from both project-area and statewide perspectives.

Recommendation 1. Evaluate the use of lessons learned from the Redding Pilot Project model in other geographic regions of the State (e.g., the Coast, Northern and Southern Forest Districts described in the Forest Practice Rules, Title 14, California Code of Regulations, Section 906 *et seq.*).

Consideration of the lessons learned from the Redding Pilot Project and their potential for application statewide will be an ongoing part of the work of the CNRA and CalEPA Timber Regulation and Forest Restoration Program as we address the core AB 1492 program areas of administrative efficiency and transparency, monitoring and data sharing, and ecological performance measures.

Recommendation 2. Consider establishing a framework, including duties for program managers, to allow CNRA and CalEPA to implement and oversee AB 1492 mandates. Oversight by CNRA and CalEPA would ensure that Statewide, consistent implementation of laws, regulations, and policies occur when and where appropriate.

CNRA and CalEPA are addressing this recommendation through the CNRA Assistant Secretary of Forest Resources Management and the AB 1492 Leadership Team, which is comprised of high-level managers from the Review Team agencies and the Board of Forestry and Fire Protection. The Leadership Team has developed draft charters for four working groups, which will each be responsible for addressing specific areas of AB 1492 mandates. The four working groups are:

- Data and Monitoring
- Ecological Performance Measures

³ California Natural Resources Agency, Department of Forestry and Fire Protection, Department of Fish and Wildlife, Department of Conservation—California Geological Survey; and California Environmental Protection Agency, State and Regional Water Quality Control Boards.

- Administrative Performance Measures
- Interagency Information Systems

Figure 1, at the end of this document, shows the organizational arrangement of these working groups and the Leadership Team, and also includes the related Effectiveness Monitoring Committee under the Board of Forestry and Fire Protection. The draft charters for the working groups will be posted to the CNRA forestry website (<http://resources.ca.gov/forestry/>) in the near future. A public comment period will be provided for the charters.

Recommendation 3. Consider options to adjust the current legally mandated ten-calendar-day First Review and Preharvest inspection (PHI) commencement timelines, and/or change statute and regulations to allow agencies to meter Plan review workload (i.e., set up a maximum number of plans accepted for review on a weekly basis), particularly during times of high workload.

Implementation of AB 1492 has brought increased staffing and funding to the Review Team agencies. With the increased staffing, the challenge in meeting the First Review and PHI commencement timelines due to Review Team staffing limitations may be reduced. Problems related to THP area access in winter months, private registered professional forester (RPF) availability to participate, and timeliness of RPF responses to First Review questions certainly remain as potential obstacles to meeting the mandated time frames. Where the statutory timelines become problematic during the review of a given harvesting plan, the time crunch is typically resolved by the plan RPF agreeing to an extension of the review time.

The Pilot Project identified the problem that there is an uneven flow of THP submissions, with submissions peaking during the months of September through November. It may not make sense to staff the Review Team agencies to be able to handle this large pulse of late-season harvesting plans within tight timeframes for at least several reasons: (1) except for rare cases, the submitter's intent is not to implement the plans until at least the next year; (2) for the plans submitted toward the latter end of this period in particular, plan areas may be inaccessible for several months due to winter access limitations; (3) staffing the agencies to fully process all plans in a timely fashion during the peak submission period could result in staff not having a full workload during the nonpeak periods, thus resulting in an inefficient use of State resources.

Looking further along in the review process, The Redding Pilot Project Supplemental Report discussed the portion of the review process from the completion of the PHI through the director's determination of whether to approve a plan. Again, issues arose of standard review timelines being exceeded. The greatest of the delaying factors was beyond the control of the Review Team agencies and the harvesting plan submitters: the fisher becoming a candidate for listing under the California Endangered Species Act. Many harvesting plans under review at that point had to be modified to address this species' candidacy.

Other significant factors delaying the review process from completion of the PHI through the director's determination included (1) the time used by the plan RPF to respond to PHI recommendations and other issues that arose during the review process, and (2) the time needed by CAL FIRE to complete review of the harvesting plan information received and prepare written responses.

Regarding delays in the harvesting plan review process, The Redding Pilot Project Supplemental Report (at p. 23) found that:

...the two most plausible areas to focus future resources on include evaluating ways to expedite the written response times from the RPF and CAL FIRE. By reducing these response times, the overall time of Plan review could be reduced.

Of these two areas, the second is the one that the Review Team agencies could affect the most. However, RPFs may be able to provide some insights as to how the Review Team agencies could manage the plan review process to enable the RPFs to complete their work more expeditiously. As a part of their work, the Administrative Performance Working Group will look at these opportunities for process improvement more carefully, while they continue to monitor how well the designated time frames are met for the review of harvesting plans. Where problems are identified that are within the control of the Review Team agencies, the Working Group will develop recommendations on potential ways to address these problems and provide them to the AB 1492 Leadership Team for consideration.

Before leaving this recommendation area, it bears reiterating a statement from the first Redding Pilot Project Report (at p. 5):

With more scrutiny of environmentally complex issues and the adoption of additional agency-specific permit requirements, the Plan review process is increasingly complex to apply. Additionally, the Plan review process now requires increased evaluation time and effort by the Plan-preparing RPF and the review team agencies than it did in the past.

Given that the current statutory and regulatory timeframes for harvesting plan review were put in place many years ago, and, as the above quote notes, the current context of plan review is, for the most part, much more complex today, reconsideration of these review timelines may well be in order. It also bears mentioning that the Board of Forestry and Fire Protection is working on developing rules for several additional “programmatic” harvesting documents/processes (e.g., the Working Forest Management Plan, created by AB 904) and that integrating these new permits into our existing review process may result in the need for revisions to the timelines in the future as we evaluate impacts to the existing staff resources.

However, any reconsideration of statutory or regulatory timeframes must explicitly evaluate the effects of longer timeframes on the plan submitters. And, of course, any initiatives by the Review Team agencies to seek changes to the timelines in statute and regulation would have to follow the appropriate processes, facing the checks and balances of Executive, Legislative, rulemaking, and public input processes.

As a part of their work, the Administrative Performance Measures Working Group will initiate a discussion of the challenges of harvesting plan review periods with the Board of Forestry and Fire Protection and explore with the Board and stakeholders the potential for modifying them so that they provide more flexibility, while still providing for a thorough review process.

Recommendation 4. Develop a centralized database shared by all Review Team agencies that would include the necessary information to accurately monitor Plan submittals plus reporting requirements of AB 1492. This database should be designed to allow each Review

Team agency to input, manage, and monitor key data, and where appropriate, allow data to be shared with other agencies.

Responding to this recommendation is a major area of work for the CNRA/CalEPA AB 1492 program. It will cut across the responsibilities of all four of the AB 1492 Working Groups, including the Interagency Information Systems Working Group in particular for the database function. Approaches being considered include on-line THP submittal, commercially available permitting program information systems, and building on to existing systems such as the Forest Practice Watershed Mapper or Cal MAPPER, a system currently under development. See the draft working group charters for more information.

CNRA and CAL FIRE have been having discussions with some environmental stakeholders as to how the on-line posting (on CAL FIRE's FTP site: <ftp://thp.fire.ca.gov/THPLibrary/>) of materials developed during the harvesting plan review process can be improved by providing clearer documentation and more convenient accessibility. CAL FIRE has been taking steps to implement these improvements. The discussions and follow-up actions also have led to the improvement of public access to harvesting plan second review meetings in the Northern and Southern Forest Practice Districts.

Recommendation 5. Encourage interagency communication through regular manager meetings sponsored by CNRA and CalEPA. These meetings should be focused on fostering interagency communication, addressing issues in a timely fashion, assessing procedures to increase efficiencies in Plan review while ensuring thorough and complete environmental review of projects. These meetings are intended to be staffed by local-level agency/department/board decision makers and attended by CNRA and CalEPA as appropriate.

The Review Team agencies have been fostering interagency communication through several means and at multiple levels. Starting at the top, there are the roughly monthly meetings of the AB 1492 Leadership Team, as described above. Regional "Forest Practice Roundtable" meetings, which were a long-time regular event until major travel restrictions came into play during the State budget downturn, are now being held again periodically, with the last meetings held in Redding and Willits in February 2014.

The plan for roundtable meetings going forward is to hold a single statewide roundtable meeting for managers about twice per year, with a focus on (1) problems coming up frequently on THPs or particularly difficult problems, (2) AB 1492 program updates, and (3) identifying new matters that units/regions will need to be trained on (e.g., new Forest Practice Rules, new policies, new species listings). These managers roundtable meetings are attended by Sacramento and regional managers, and CNRA. The staff and supervisors meetings will be held on a more local basis and will provide important opportunities for coordination and local problem solving. These meetings will be held more frequently, as dictated by needs, perhaps every six weeks or so. Scheduling is currently underway for the next round of meetings.

Recommendation 6. Examine opportunities to cross train staff and encourage the effective use of staff to service more than one program, region, or unit where feasible.

Needs for staff training have been reinforced not only by the experiences of the Redding Pilot Project, but also as a result of the very significant levels of new staff hiring that have occurred since January, 2013, as the result of the many new Review Team staff positions created under

AB 1492, as well as staff turnover. One example of recent training efforts for Review Team agency staff and RPFs are the six day-long trainings (classroom and field) and one webinar that were conducted for the new Forest Practice Road Rules. Also, the Review Team agencies have been increasingly opening internal training programs to staff of other Review Team agencies. For example, CAL FIRE makes seats in its Basic Forest Practice training available to the other Review Team agencies.

The AB 1492 Leadership Team will give further consideration to the needs for training of program staff. As discussed under Recommendation 5, the Review Team roundtable meetings will provide a means for identifying staff training needs. When specific needs for training are identified, the Leadership Team will work to identify existing resources for conducting this training or identify and seek any additional resources that may be needed. For example, a central webpage for accessing training videos is now under development. Securing additional training resources available could include contracting for training services or seeking additional program staff.

Recommendation 7. Evaluate the utility of a centralized PHI calendar system (e.g., Doodle Poll or through Microsoft Outlook) to better facilitate the scheduling of PHIs between the Plan-preparing Registered Professional Forester (RPF) and Review Team agencies.

This recommendation will be addressed by the Interagency Information Systems Working Group.

Recommendation 8. Consider adopting a common PHI report template used by all Review Team agencies.

The Pilot Project Supplemental Report noted that the single PHI reports done as part of the Pilot Project benefitted the harvesting plan review process by:

- Eliminating the need for the RPF or the Review Team to search for and respond to PHI questions found in multiple documents (e.g., reports and emails);
- Resolving differences in recommendations from multiple agencies that addressed the same issue; and
- Allowing agency staff to defer, or altogether eliminate, the time spent writing PHI reports and instead use the time saved to attend PHIs and conduct other related duties.

The Review Team agencies have been working to develop an updated, common PHI report template. Although the initial focus was for the Redding area, the work is broadening to develop a template for use statewide. Use of a single statewide template will help with program efficiency for the Review Team agencies and for transparency and simplicity for RPFs and members of the public.

Some stakeholders have expressed concern that a single PHI report that CAL FIRE takes the lead in preparing might not adequately reflect the concerns of the other Review Team agencies. The Review Team agencies are very conscious of the concerns about how the recommendations of the various departments/boards get incorporated into PHI reports. The impetus behind a single

PHI report is efficiency, not restraint of the Review Team agencies' independent authorities and expertise. Review Team agencies can always file their own separate PHI reports if they are concerned that their recommendations will not be reflected adequately in a combined PHI report.

The Review Team agencies are discussing the use of a flexible PHI report process that uses a single PHI report only where that approach is appropriate for a given THP. For example, where there are significant issues that relate to specific Department of Fish and Wildlife or Regional Water Quality Control Board authorities, it may be appropriate for those issues to be included in their own respective PHI reports. Also, if there are delays in an agency getting an inspector's recommendations reviewed and approved by their chain of supervision, that agency's recommendations could again be provided in an additional PHI report.

Further, where substantial technical information needs to be presented to support a PHI report recommendation, it also may be appropriate for that information to be in a separate, agency-specific PHI report. Within the single PHI process used in the Redding Pilot Project, the California Geological Survey (CGS) regularly provided a separate PHI report with the technical basis of their recommendations that were included in the combined PHI report. CGS could complete this report later in the process so that the length of time needed to provide this supporting information did not have to slow down the completion of the combined PHI report and its presentation to the RPF/landowner for response.

Recommendation 9. Investigate software that would allow Review Team agency staff to directly write to a common PHI report in real time (e.g., *Microsoft SharePoint* software).

This recommendation and the desired software functionality has been discussed by an *ad hoc* single PHI report working team. Provision of the desired information system will be addressed by the Interagency Information Systems Working Group.

Recommendation 10. Consider editing the existing CAL FIRE PHI report template to incorporate agency-specific recommendations not under CAL FIRE jurisdiction and clarify responsibility for enforcement.

This recommendation will be addressed together with Recommendation 8.

Recommendation 11. Explore the possible benefits of establishing agreements to share staff resources, office locations, and/or equipment amongst state agencies (via Memorandum of Understanding).

As we work on the above recommendations and as we do our broader work to implement AB 1492, we will keep attuned to identifying and pursuing these kinds of efficiency opportunities. Our work on monitoring and ecological performance measures could potentially move us toward some exciting new opportunities in how we organize ourselves to understand and protect California's many forest resources.

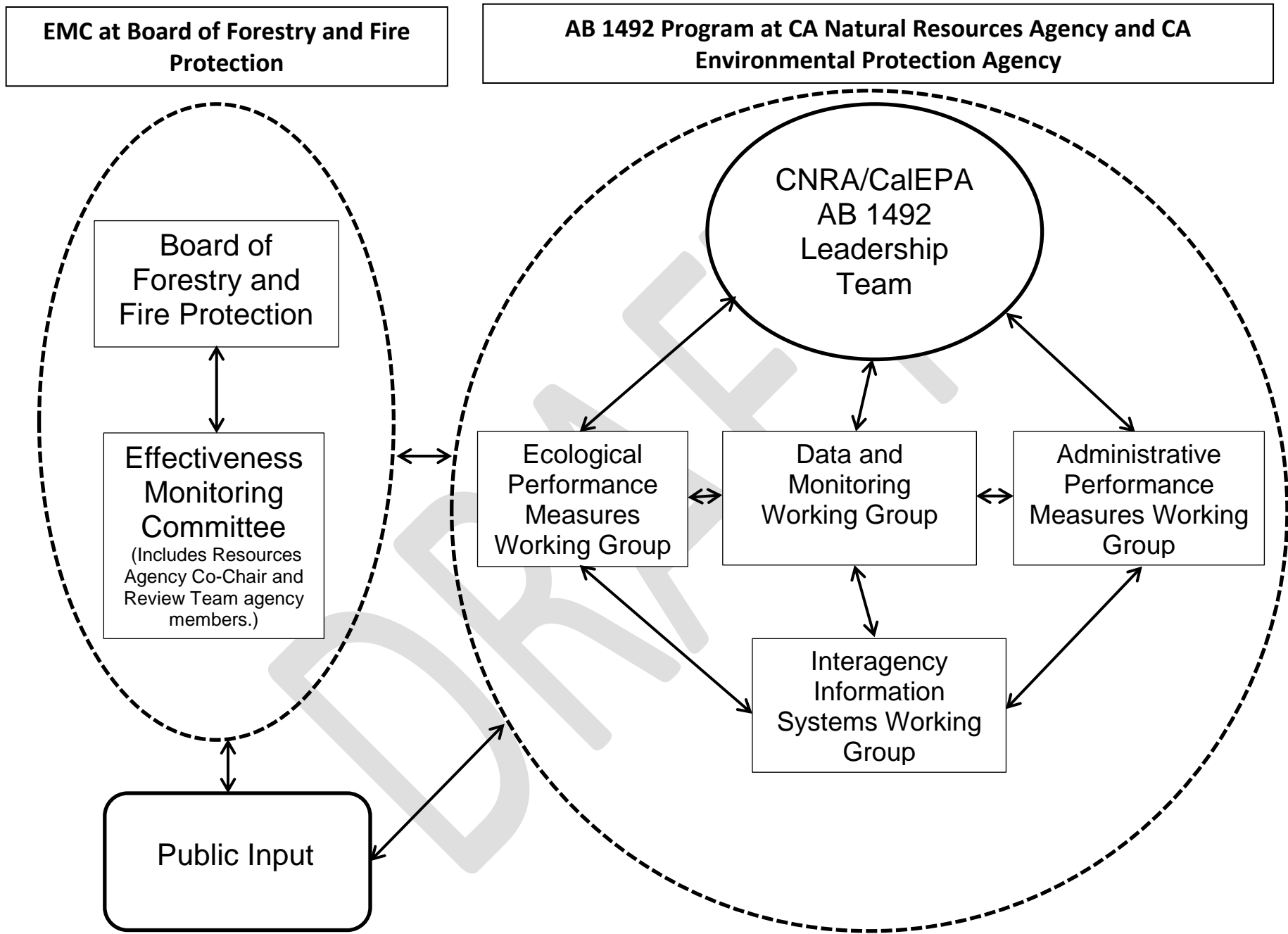


Figure 1. Organizational Framework for AB 1492 Program Structure and its Relationship to the Board of Forestry and Fire Protection and its Effectiveness Monitoring Committee.