

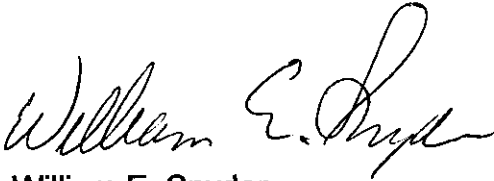
Memorandum

To: Gary Gero, Climate Action Registry

Date: January 25, 2010

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From: William E. Snyder
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Subject: Long Term Sustained Yield Regulatory Requirements

As requested please find attached a briefing paper intended to respond to and clarify your questions regarding regulatory requirements for demonstration of Maximum Sustained Productivity (MSP) and Long Term Sustained Yield (LTSY) for landowners who own more than 50,000 acres of timberland.

The attached briefing paper is intended to:

1. Provide a general overview of current regulatory requirements for demonstration of MSP and LTSY for all landowners.
2. Provide information on MSP and LTSY requirements for landowners who own more than 50,000 acres of timberland.
3. Describe the relationship between MSP and LTSY to Timber Harvesting Plans.
4. Describe the revision process for changing LTSY and MSP demonstrations.
5. Describe how the Department monitors MSP/LTSY projections.

Please advise if you have any additional questions or need more information.

Long-Term Sustained Yield and Demonstration of Maximum Sustained Productivity

Regulatory Requirements-Overview

All timber harvesting conducted on private timberlands in the State of California for commercial purposes is subject to state regulatory oversight. Proposed harvest operations can only be conducted pursuant to a Timber Harvesting Plan (THP) (or equivalent) which has been reviewed and approved by CAL FIRE.

As part of meeting the regulatory requirements, approved THPs must demonstrate that the resource conservation standards of the Forest Practice Act (FPA) and the silvicultural objectives of the Forest Practice Rules (FPRs) are being met. These resource conservation standards, among other things, specify minimum stocking standards which require prompt restocking of harvested lands or retention of trees at harvest to ensure that the productivity of timberlands is maintained. These conservation standards establish a floor, or minimum legal requirement for post-harvest stocking. These standards are enforced by CAL FIRE at the THP level..

In addition to the resource conservation standards established in the FPA, other silvicultural regulations contained within the FPRs require that each harvesting plan approved by CAL FIRE demonstrate Maximum Sustained Production (MSP). The objectives of these rules is to ensure that individual THPs are planned to achieve MSP while giving consideration to other related values which include recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment.

For landowners who own greater than 50,000 acres the FPRs require demonstration of MSP using one of two options. One option is through development of a Sustained Yield Plan (SYP) pursuant to regulations found at 14 CCR 913.11(b). The second option is through development of an Option "a" demonstration pursuant to regulations found at 14 CCR 913.11(a).

For landowners who own less than 50,000 acres, compliance with the MSP requirements can be met through compliance with the minimum post harvest stocking and silvicultural requirements of the FPA and FPRs.

This briefing document will focus on the MSP/LTSY requirements for ownerships of 50,000 acres and greater.

Long Term Sustained Yield-Requirements for Ownerships Greater than 50,000 Acres

For those landowners who own more than 50,000 acres an MSP demonstration developed as part of a SYP or Option "a" is developed through calculating a Long Term Sustained Yield (LTSY) value which:

1. Reflects the yield of timber products specified by the landowner.
2. Covers the landowner's ownership or portion thereof.

3. Projects inventory at the end of a 100 year planning period with growth on that projected inventory establishing a cap on total harvest for any rolling 10-year period of the plan.
4. Demonstrates that the projected inventory resulting from harvesting over time is capable of sustaining the average annual yield achieved during the last decade of the planning horizon.
5. Reflects constraints which limit LTSY and therefore potentially impact available harvest. These constraints include:
 - a. Regulatory requirements such as watercourse and lake protection zones, endangered species habitat retention, operational limits on unstable areas, etc.
 - b. Constraints imposed by agreements such as Habitat Conservation Plans (HCP), Natural Community Conservation Plans (NCCP), etc.
 - c. Legally binding contracts such as conservation easements, etc.
 - d. Voluntary measures of the landowner.

Long Term Sustained Yield and Demonstration of MSP Documents - CAL FIRE Timber Harvest Plan Review

A demonstration of MSP and the resulting calculated LTSY level does not authorize timber operations. Timber operations are authorized through individual THPs. Once an SYP or Option "a" demonstration of MSP is approved by CAL FIRE, the expectation is that multiple individual THPs will be submitted which will rely on the MSP demonstration document and the calculated LTSY harvest level limitations..

For all THPs submitted by landowners of 50,000 acres or more, CAL FIRE will:

1. Prior to approval, ensure that the individual THP is consistent with the MSP demonstration of silvicultural applications used to model and project the calculated LTSY.
2. Withhold decision on the THP if the THP is not consistent with the demonstration of MSP and/or LTSY level until the plan is modified to be consistent or the landowner submits a revised demonstration of MSP and a new LTSY calculation.

CAL FIRE will not approve an individual harvest plan that does not demonstrate MSP in conformance with the FPA and FPRs. THPs which are approved by the Department must be consistent with the demonstration of MSP and the calculated LTSY on which they rely.

Long Term Sustained Yield Plans - Revisions

A demonstration of MSP and the calculated LTSY for an area may be revised for a number of reasons including:

1. Change in management direction chosen by the landowner,
2. Change in ownership,
3. Sale of a significant portion of the lands included in the demonstration of MSP that would reduce the calculation of LTSY for the area in the MSP demonstration,
4. Addition of significant new acreage if the landowner chooses to increase or significantly change his level of harvest, silvicultural practices or other aspects of management that could potentially reduce the LTSY calculation,

5. Change in regulatory constraints that impact potential harvest levels and reduce the calculated LTSY,
6. Significant change in conditions such as catastrophic fire, insects or disease which has the potential to impact LTSY.
7. Change due to legally binding actions or limitations imposed by voluntary agreements such as HCPs, NCCPs, Conservation easements, etc that would represent new constraints that would reduce the calculated LTSY.

Performance Tracking and Monitoring of the calculated LTSY

Because multiple THPs operate under a single SYP or Option "a" MSP demonstration and the THPs cover many acres over a large geographic area and temporal horizon, consistency with the MSP demonstration is monitored over time by tracking:

1. Harvest volume
2. Silvicultural application by acres
3. Application of management practices, such as brush control, pre-commercial thinnings, planting stock, etc. where those practices are necessary to achieve the growth relied upon to achieve the calculated LTSY as presented in the MSP demonstration.

When trend monitoring of successive THPs indicates deviation relative to items #1-3 above which shows a potential that management implementation will not support achieving the LTSY modeled, CAL FIRE will require additional information and as necessary, will require resubmission of a revised MSP demonstration and new calculation of LTSY or require the individual THPs be revised to correct the deviation from the trajectory of the MSP demonstration.

Note: Resource Conservation Standards are found in the CA Forest Practice Act, Article 5, Public Resources Code Section 4561, and the Forest Practice Rules, 14 CCR 912.7 (932.7, 952.7) et seq.