

# FamilyForestNews

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**President's Message**

*Claire McAdams, FLC President*



As we ride out this global pandemic, we are given time to reflect on our lives and our forest stewardship. FLC has been in the business of the latter for decades, and I want to share here an inspiring President's Message from the past, by Peter Parker in the winter 1997-98 issue of Forest Landowner. I think you will agree that his message is as valid today as the day he wrote it. Yet today's FLC and forest practices have evolved a bit over time. How many changes can you detect as you read?

"Over the years one of the most impressive services that FLC has rendered in conjunction with our fall and spring meetings has been our field trips. They have allowed our members and other interested forest landowners to get out on the ground on properties that not only have been well managed but have something special to show. Each ownership has its unique character and challenges and it is how these challenges are addressed that is the 'value added' factor of our FLC tours.

Looking back over these field trips, I am inspired by the variety of vision, execution and results they show. For example, Ed Tunheim demonstrated selection silviculture, progress of stands after second entry, planting, thinning, fuelwood cutting and stream restoration in Santa Cruz County in fall of 1995. On the Westphal/Hayes property at Old Forbestown in Butte County with RPF Keith Chambers, we saw logging and biomass thinning, tanoak removal and chipping, small clear cuts and tree planting, all of which gave a fine example of long-range corrective vegetation programs. On our spring 1996 trip to Shirley Taylor's Celio Ranch at South Lake Tahoe, we witnessed restoration and tree-stand improvement work that earned Shirley her 1996 Tree Farmer of the Year award...

These field trips and dozens like them testify to the work and care that goes into family forestland management and the long-term commitment these owners make to the improvement of their lands. Their pride in doing a good sustainable forest management job is wonderful to witness. It is these field trips

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# Legislative and Regulatory Update

Summary of legislation introduced in 2019 (a 2 year bill) and 2020 that FLC is monitoring.

By Brian White, KP Public Affairs, and Larry Camp, Legislative Committee Co-Chair

Note that Brian White assembled this summary in late February and early March 2020 before the COVID-19 pandemic changed the legislative process and the financial picture for the state. The legislature was recessed until early May while the budget is due by June 15. It remains unclear how the Committees will hold hearings with the Capitol closed. Based on input from legislative staff, the Governor's office daily briefings on the pandemic, and what Brian has been able to provide, it seems likely that much of the proposed legislation will not be considered during the legislative session that ends in mid-September of this year. We will attempt to keep the FLC membership informed as things change. We may have to ask for letters of support or opposition on short notice – please bear with us as we monitor legislation that may affect your forest and forestlands. If you want more information or updates regarding a particular bill please use the following link, <http://leginfo.legislature.ca.gov/> or contact Deidre Bryant at the FLC office.

Bill No.	Author	Summary	Support	Oppose	Watch
California State Assembly Bills					
AB 1567	C. Aguiar-Curry	Scoping Plan for Organic Waste			X
AB 2106	C. Aguiar-Curry	Hunting License For Upland birds			X
AB 2076	F. Bigelow	Wildfire Mgt. Plan State Parks			X
ACR 102	F. Bigelow	Mass Timber Products	X		
AB 2693	R. Bloom	Watershed Restoration			X
AB 2887	R. Bonta	Buy Clean Calif. products			X
AB 740	A. Burke	Prop. Insurance Fire Hazard Zones			X
AB 2214	W. Carrillo	Admin. Procedures Act	X		
AB 2901	E. Chau	CEQA changes			X
AB 85	Budget Comm.	Likely to be the main Budget bill			X
AB 1863	Budget Comm.				X
AB 2572	M. Dahle	Exempts RFPs LTOs from AB 5	X		
AB 2574	M. Dahle	Nat. Community Cons. Plans			X
AB 2831	H. Flora	Greenhouse gas reduction			X
AB 3047	H. Flora	Water Quality			X
AB 2371	L. Friedman	Climate change adaption			
AB 3074	L. Friedman	Defensible Space			X
AB 3164	L. Friedman	Defensible Space WUI model			X
AB 1942	J. Gallagher	Reduction GHG & forest mgt.			X
AB 2444	J. Gallagher	CEQA guidelines			X
AB 464	C. Garcia	Global Warming/wildfire			X
AB 2566	C. Garcia	Consumption based GHG database			X
AB 352	E. Garcia	Bond act for wildfire drought & floods 2019			X
AB 3256	E. Garcia	Bond act for wildfire drought & floods 2020			X
AB 1850	L. Gonzalez	Follow-on bill AB 5 from 2019			X
AB 2002	A. Kalra	Purchase of nontropical products			X
AB 2653	A. Kalra	Climate & Agriculture			X
AB 2965	A. Kalra	State policy Wildlife Resources			X
AB 3030	A. Kalra	Resource conservation goal			X
AB 2194	K. Kiley	CEQA review by CDFW			X

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## Legislative and Regulatory Update

Continued from page 2

Bill No.	Author	Summary	Support	Oppose	Watch
AB 3296	K. Kiley	CEQA review by CDFW cost tracking			X
AB 2179	M. Levine	Wildfire Mitigation plans			X
AB 409	M. Limón	Agric. Climate change			X
AB 3085	M. Limón	Housing in wildfire prone areas			X
AB 2612	B. Maienschein	GHG recycling funding			X
AB 2607	D. Mathis	Create Ombudsperson for CF&G Comm.			X
AB 1925	J Obernolte	AB 5 changes			X
AB 2536	J Obernolte	CEQA changes			X
AB 2468	J. Patterson	Joint Applications for CFIP funding			X
AB 2632	J. Patterson	Williamson Act payments			X
AB 3132	J. Patterson	Extend life of 150-300 Ft. Exempt.	X		
AB 933	C. Petrie-Norris	Ecosystem Resiliency program			X
AB 2800	B. Quirk	Fire Prevention SRA areas			X
AB 2954	R. Rivas	Carbon Seq. Natural & working lands			X
AB 3504	R. Salas	CEQA litigation			X
AB 3163	R. Salas	Biogas			X
AB 3267	C. Smith	Fire Suppression Assessments			X
AB 793	P. Ting	Revision of biomass definition			X
AB 2553	P. Ting	Landownership change re Exemptions			X
AB 19	M. Waldron	Grant programs rd. vegetation			X
AB 2823	M. Waldron	AB 5 legislation			X
AB 2518	J. Wood	Voluntary Stream restoration liab.	X		
AB 3011	J. Wood	Very high hazard zones			X
<b>California State Senate Bills</b>					
SB 45	B. Allen	Wildfire Bond Act			X
SB 1044	B. Allen	Firefighting Chemicals			X
SB 1100	T. Atkins	Coastal Zone sea level rise			X
SB 880	A. Borgeas	Definition of Timber operations			X
SB 1248	A. Borgeas	THP Exemptions			X
SB 515	A. Caballero	PUC high hazard Zone fuel	X		
SB 975	B. Dahle	RPF, LTO exemption AB 5	X		
SB 989	B. Dahle	Sierra Nevada Conservancy			X
SB 1011	B. Dahle	Water Quality waste discharge			X
SB 1046	B. Dahle	Calif. Endangered Species review			X
SB 1191	B. Dahle	Organic waste reduction			X
SB 1296	M.E. Durazo	Nature & Parks Jobs act			X
SB 68	C. Galgiani	Treatment Hazardous Wood waste			X
SB 130	C. Galgiani	Fire Prvention Grants			X
SB 1349	S. Glazer	State Responsibility fees admin. changes			X
SB 1052	R. Hertzberg	Municipal wastewater water quality			X

Continued on page 4

## Calendar of Events

These calendar activities are also located on FLC's interactive calendar on the website. Click on the Calendar menu for other details, such as registration information, etc.

### FLC Annual Meeting Going Virtual

The FLC Annual Meeting Committee is working on a virtual meeting. The dates being considered are mid-August or mid-September. The meeting will be held on a Saturday through Zoom. As more details are known and confirmed, we will be sure to update our members.

### July 25, 2020

FLC Board of Directors Meeting  
Location TBD

### November 21, 2020

FLC Board of Directors Meeting  
FLC Offices, Folsom

# We Appreciate the Generous Support of Our Contributors!

## Sapphire (\$5,000+)

*This space reserved for you!*

## Diamond (\$2,000 to \$4,999)

*This space reserved for you!*

## Platinum (\$1,000 to \$1,999)

Don & Judy Beaty  
Carol Michener  
Parker Ten Mile Ranch

## Gold (\$500 to \$999)

Frank Beidler IV  
Larry & Connie Camp  
Eric Smith-Mohrhardt

## Silver (\$200 to \$499)

Robert Barnum  
John Bennett  
Dana Blencowe  
Peter Bradford  
Nan Deniston  
Claire McAdams  
Martha McAdams Vertrees  
Steve Miller  
John Mills (Red River)  
John Mills (Shasta)  
Val & Kati Parik  
Jack & Joe Russ  
Charles Wagner  
Ted Wyman  
Charll & Donna Stoneman  
Cynthia Rees

## Bronze (\$100 to \$199)

Ron & Martha Berryman  
Donald Campbell  
Gilda Drinkwater  
Dorothy Goodyear  
Russell Greenlaw  
Donna Hall  
John Hughes  
Brian Hurt  
John & Claudia Lima  
Tom & Jan Linville  
David Olson  
Frank Teiche  
Gay Toroni  
Larry Tunzi  
John Urban  
Scott & Nora Vermilyea

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## Legislative and Regulatory Update

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Bill No.	Author	Summary	Support	Oppose	Watch
SB 1249	M. Hurtado	State policy water quality			X
SB 182	H.B. Jackson	Local Govt. wildfire planning			X
SB 950	H.B. Jackson	CEQA review			X
SB 808	H. Mitchell	Budget Act of 2020			X
SB 1208	W. Monning	Take & possession of certain wildlife			X
SB 1372	W. Monning	Study of wildlife corridors			X
SB 1429	W. Monning	Wildlife Conservation Board membership			X
SB 535	J. Moorlach	Greenhouse gases & wildfire	X		
SB 226	J. Nielsen	Watershed restoration grant program			X
SB 1154	J. Nielsen	Fire prevention high haz. zones			X
SB 1359	S. Rubio	Wildfire Risk & Insurance			X
SB 1323	N. Skinner	Carbon Seq. Natural & working lands			X
SB 739	H. Stern	Training for Defensible space work			X
SB 1258	H. Stern	Climate change Financing			X
SB 1348	H. Stern	Veg. management along rds	X		
SB 168	R. Wieckowski	Est. Chief Climate Resilience officer			X
SB 69	S. Weiner	Ocean Resiliency Act			X

## News Flash

On May 16, 2020 the United States Fish and Wildlife Service (USFWS) has decided to not list the Pacific fisher as threatened or endangered except for the southern Sierra population. Here is the link to the document in the Federal Register: <https://www.federalregister.gov/documents/2020/05/15/2020-09153/endangered-and-threatened-wildlife-and-plants-endangered-species-status-for-southern-sierra-nevada>

## President's Message

*Continued from page 1*

which makes your membership in FLC unique...because the management of these properties can only be an inspiration to you if you participate. The fact that so many of our members turn out rain or shine to learn from these trips is testimony to their value, where 'seeing is believing.'

By the way, FLC Directors are starting in-the-forest field days that are not part of our spring or fall meetings... Most recently on November 22, FLC Director Allen Edwards hosted a brown bag field day at his Edwards Family Tree Farm near Colfax. The objective here was to provide a practical learning experience for area forest landowners emphasizing pruning, thinning, wildfire suppression, defensible space and forest health. The idea for this and other local brown bag field days came from a project started by the FLC Board of Directors known as the information exchange." -Peter Parker

It's hard not to notice that the more things change, the more they remain the same.

We trust that eventually the COVID virus will run its course and allow us to return to our precious FLC events. In the meanwhile, remember to check out the FLC Facebook page, and its posts on Instagram, to keep connected to each other. There you will also find announcements regarding our 2020 Annual Meeting and future field trips, for "the time after," when we can all meet in person again.

Very respectfully,



Claire McAdams



# Getting and Keeping Forest Property Insurance in California: In the New Wildfire-Aware Era

This article is part two of a series of articles. Part one appeared in the fall 2019 issue.

By Claire McAdams

An excellent, low-cost way of obtaining liability insurance for your forestland exists, and you may not know about it, although it has been available for more than a decade, nationwide. The National Woodland Owners Association (NWOA) offers this insurance to its members. Who can be a NWOA member? NWOA-affiliated state forest landowner associations such as Forest Landowners of California (FLC) are members, as are individuals who are themselves NWOA members, by paying \$35/year or \$45/sustaining dues. Individuals must be a member to obtain liability insurance coverage. Woodland liability insurance at \$160/year for up to 535 acres, with additional acres costing \$.28/acre. This liability insurance is provided by Outdoor Underwriters, a national underwriting firm based in South Carolina. Their woodland liability insurance is underwritten by Lloyd's of London. Outdoor Underwriters is a "non-admitted carrier" in each state, which means that it does not pay into any states' guaranteed funds. But NWOA insurance is underwritten by Lloyd's of London, so that it effectively has its own guaranteed fund, holding billions of dollars. The Lloyd's underwriting protects customers from insurance company insolvency, which is an advantage compared to individual liability policies offered by 'non-admitted' companies, which do not. Outdoor Underwriters is rated A+ by AB Best.

NWOA began offering this woodland liability insurance about 15 years ago, after it was thoroughly vetted by the NWOA Board. Liability insurance protects woodland owners in case of court suits. Outdoor Underwriters provides an attorney skilled in liability law to represent the woodland owner. It provides payment up to \$1 million per occurrence, or \$2 million aggregate/year, and there is no deductible.

NWOA Landowner Liability Insurance provides the benefits of individually-purchased liability insurance, and does so at a much reduced price.

## As the NWOA Landowner Liability Insurance FAQs state:

"The coverage is designed for the most common legal liability issues a woodland owner may encounter. This includes persons injured on your land, or something you might do by mistake such as felling a tree across a boundary line and damaging a neighbor's property. Hunting accidents are covered, providing you did not receive payment. If you receive payment for hunting, the Hunting Lease Liability Insurance (see below) is recommended, because receiving money may compromise the landowner liability limitations in your state."

How can NWOA offer this insurance for so much less than individual policies do? NWOA serves 788 landowners in 50 states, using a master policy system. Individual landowners are issued a certificate of insurance under the NWOA master policy. The landowner doesn't receive the insurance policy itself, but instead gets a certificate noting their coverage in the NWOA policy. The NWOA policy offers four (4) pre-set "open season" date ranges of annual coverage: one can choose a term beginning in one of the quarters of the calendar, and spanning a year's term. This uniformity of term length allows economies of scale. Should an owner desire coverage for a custom date range, he/she could purchase it individually, at a custom price. But for most owners, adhering to a first-of-chosen-quarter term opening is sufficient.

## NWOA FAQs state:

"If coverage is needed immediately, your policy will renew one year from the preceding open season data. The insurance takes effect two weeks after we process your application".

NWOA also offers hunt club/hunting lease liability insurance to cover paid hunting leases. Typically, the hunt club purchases the policy to protect from liabilities the hunters may cause. The landowner may also purchase this protection via the "additional insured" rider, for \$26 per landowner.

To be eligible, at least one member of a hunt club, or the club itself, must hold an NWOA membership.

# Availability for Affordable Liability Insurance for Your Woodlands:

## A Benefit of Forest Landowners of California Membership

Did you know that, as an FLC member, you are eligible for low-cost woodland owners' liability insurance? FLC, along with sister organizations of forest landowners in other states of the U.S., is an affiliate of the National Woodland Owners Association (NWOA). The NWOA has long offered a "pooled" woodland liability insurance to its affiliates. Any size acreage is eligible. A simple one-page application form, and your annual payment, is all that is needed to protect your woodlands from the unexpected. Find more information, and how to apply, at the NWOA website (<https://woodlandowners.com/>), or in any quarterly issue of the very useful NWOA magazine, *National Woodlands*.

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*Continued from page 4*

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## Getting and Keeping Forest Property Insurance in California: In the New Wildfire-Aware Era

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The hunt lease liability insurance can be purchased separately from the landowners' liability policy, at a cost of \$165/year for up to 1,000 acres, with additional acreage at \$.16/acre.

Or, the woodland liability insurance and the hunting lease insurance can be combined. If combined, the cost is \$210/year for up to 525 acres, with additional acres at \$40/acre.

These NWOA liability insurance group policies provide economical coverage that is essential and serve all 50 states, even the most fire-prone such as California. It has provided this writer with great peace of mind. To learn more, contact NWOA at (703) 255-2700 or [info@nationalwoodlands.com](mailto:info@nationalwoodlands.com). To apply, go to the NWOA website to download the applications: <https://nationalwoodlands.com/insurance/>.

While NWOA woodland liability insurance is designed to handle the common issues that landowners face, it cannot handle one California-specific liability to which landowners are subject to due to the risk of fire on one's property escaping and damaging neighboring property, because that specific risk arises from California legislation. This troubling, even paralyzing liability, remains a burden to California woodland owners, until legislators can be convinced to change statewide liability law relating to fire. In October 2019, the well-regarded nonprofit California Forward produced a report calling for sweeping reform, both in legislation and regulation, as part of what is needed to deal with statewide catastrophic wildfire. Legislative staff have access to that report. Forest landowners can add their voices to that call for reform. We at FLC invite you, dear reader, to contact your state senators and assemblypersons and let them know how the insurance crisis is and will impact your lands. If you are available to visit the State Capitol to speak to legislators, or to host a field tour for legislative staff, or simply to visit with your legislators when they are in their home districts, you would be helping all who are stewards of California's forest lands.

## Monitoring Regulatory Activity by the Board of Forestry

Have you ever wondered what the Board of Forestry is doing with respect to regulatory issues? Have you wanted to see how proposed regulations change as a result of input from FLC and other members of the public, Board of Forestry staff recommendations and agency comments?

Through FLC's participation in the Committee meetings and the full Board during the last several years, FLC was able to reduce potential burdens for landowners wanting to develop NTMPs. In addition, in conjunction with other groups the Board modified the language for rehabilitation of understocked stands so that owners were not penalized where they did not harvest trees in conjunction with reforestation efforts.

The Board normally meets 10 times per year with a series of Committee meetings usually the day before the entire Board meets: <https://bof.fire.ca.gov/business/meeting-agendas-and-annual-schedules/> Most of the work done in amending or writing regulations is done at the Committee level.

To see drafts of new or amended regulations as well as presentations by staff and interested parties to both the Committees and the full Board, you can use the following link <https://bof.fire.ca.gov/business/> to obtain copies of documents and/or presentations. This link provides access to the most recent activities of the Board. However, on that same page is a link to archived materials that goes back through 2019.

If you have interest in a particular matter you can also listen to the Committee or full Board meeting via the Go to Meeting link (near the bottom of the meeting announcement) at the following link: <https://bof.fire.ca.gov/business/meeting-agendas-and-annual-schedules/>. Minutes of the Board meetings are available at the following link: <https://bof.fire.ca.gov/business/meetings-minutes/>.

This information is provided to encourage you to become actively committed to participation in the Board's regulatory activities.

# Forest Stewardship Education Workshops

By Kim Ingram, University of California, Agriculture and Natural Resources

Private forestland landowners have a unique opportunity to enjoy the economic, ecological and social benefits forests offer. The public also benefits from private forests as they play a critical role in the connectivity and functioning of the larger forest ecosystem. According to the National Woodland Owner Survey, California family-owned forest land covers 6.3 million acres with approximately 70% of owners living or working directly on their forest land.

Through a contract with CalFire (and in association with Forest Landowners of California, USFS Region 5, the American Forest Foundation, California Association of Resource Conservation Districts and the California Fire Safe Council) the University of California Agriculture and Natural Resources is hosting a series of three-day workshops throughout California to help landowners develop a forest management plan. Management plans outline activities to increase the resilience of forest land and help landowners meet their ecological and economic management goals. Though the target audience is private forest landowners, participants representing nonprofit organizations, fire safe councils, tribes and parks are welcome to attend.

The workshops address landowner management objectives and planning, forest restoration, fuels reduction, project development and cost-share opportunities. Participants will learn how to collect information to assist in the development of their own management plans. Field activities include mapping and forest inventory exercises. Additionally, participants spend time with Registered Professional Foresters, Resource Conservation District and Natural Resources Conservation Service staff, Cal Fire staff and forestry experts in discussing issues specific to their management plans.

Workshop participants have cited the protection of biological diversity, the protection of water resources and wildlife habitat, and valuing the physical beauty of the forest as their primary reasons for ownership. They are concerned with wildfire, climate change, invasive plants and a desire to keep their land intact for future generations. To do this, forestland owners are taking action through the development of a management plan to protect their homes and forestlands.

A forest management plan is an owner's guide to the what, where, why and how of active forest management. The plan clearly describes the current and desired conditions of the forest resources, what short and/or long-term goals the landowner has for the land, what management actions can be taken to achieve those goals, and what resources are needed for implementation. A completed plan can also help the landowner meet grant requirements when collaborating with state and federal agencies for project funding. Yet for all that a forest management plan can do, less than 15% of private forest land owners have a plan.

Participants who complete the workshop are eligible for a free visit by a Registered Professional Forester to assess their management plan development and next steps.

Registration for an upcoming workshop is \$60. Lunches and materials will be provided. Registration is available at <http://ucanr.edu/forestryworkshopregistration>.

Upcoming workshops include: Dates and workshop formats may change due to COVID-19 restrictions.

- June 27th, 28th and July 11th at Blodgett Forest, Georgetown (registration open)
- September 12th, 13th and 26th in Plumas County (registration open)
- November 7th, 8th and 21st in Santa Cruz County (registration will open shortly)

The workshop team and UC ANR are still at work continuing to deliver programs and developing new ways to outreach to the communities we serve.

*"I admire your teams' professionalism, competence and passion. I feel grateful to have encountered this resource and feel grateful that it exists. Great work! Thank you!" – Workshop participant*

Protection of forest resources through active management is what forest stewardship is all about and for many, it begins with a Forest Stewardship Education workshop.

*"The one-on-one sessions with professionals was very helpful." – Workshop participant*



*Avenza mapping*

*"(I) already have a plan, but this course greatly improved my ability to understand the details of the content and gave insight into the process of beginning a timber harvest plan." – Workshop participant*



*Measuring tree height*



## How You Can Make a Difference

Have you been wondering how you could make a difference? We have several opportunities. There are a few seats open to serve as a Director on the FLC Board of Directors. Join a dynamic group of individuals to serve the members in legislative advocacy, program planning and organizational governance. There are four committees you could join: Annual Meeting, Communications, Legislative and Membership.

Contact Deidre Bryant at (877) 326-3778 or [deidreb@forestlandowners.org](mailto:deidreb@forestlandowners.org) with your interest.

## Ask a Forester - Winter 2019

Q. What is an easy way to document and catalogue my forest management activities?

A. While most forest managers will say that recording data such as acres planted/thinned/pruned is necessary and important, don't overlook the value of a photographic catalogue that visually shows the before and after results in a way that no data entry form can.

It is important to choose strategic points on the ground (photo points) that will depict a representative view of the operation. That point should be marked with paint or flagging so the "after" photo will be taken from the exact same spot. Additional value will be gained by taking photos many years after the operation to show long-term effects.

## Prescribed Burning 2020

By Val Parik

I have decades of experience burning forest debris piles at my forest property; however, I have never had any formal training to conduct prescribed burning. Burning this year was a little different. We were a husband and wife team and felt good that all fires were managed well without incident, thus successful. I will share some experiences.

Background: Growing up and working the forest property with family and previous partnership families was enjoyable for me. I appreciated the process of building campsites and developing our group campground area. We cleared out areas within redwood tree groupings so that our campsites had shade that made it comfortable during the summer visits. We always had a few piles of forest debris that we would burn during winter. I appreciated the clean forest look and how there was always an opportunity for improvement.

Following our first timber harvest, we built burn piles to help keep the forest managed. Decades later I purchased the land, I knew that I had a responsibility to continue managing the forest.

Burn permits: I don't remember if a permit was required during my younger years. I learned about it more after acquiring the land. My forester was helpful in obtaining permits. When I began to obtain permits on my own, it was simple since the local fire department had my burn permit on file and the conditions remained about the same. I could stop by and have a printed permit rather quickly.



This year was different. Because of the COVID-19 situation, I decided to call ahead to the local fire department. I then learned that they were not issuing burn permits and was instructed to go online with Mendocino County Air Quality Management District. I was immediately concerned that my burn plans would be delayed.

When applying for the permit, there was an option to submit the application by mail or online. There was also a fee of \$17. I did not have my previous year's permit on hand so I didn't have a Facility ID or Permit ID. There are five more sections of information required. I wasn't prepared to supply the total number of piles and total tons. This was an unusual year and we had a lot of piles in a three acre area that I did not calculate beforehand. My guess was fairly close.

Section Five of the permit was regarding a Smoke Management Plan. I don't recall dealing with this detail in the past. Luckily I had less than 50 tons to burn so it didn't matter. It was a good eye-opener so that I can plan how to manage burn piles following my next timber harvest.

Each county could have differing requirements. The online application process was quicker than mailing for me and, fortunately, I had a permit emailed to me within two days.

Burning: I feel most confident burning during spring months. This is when there is plenty of moisture on the ground and green grass is prevalent. Especially challenging this year was burning on steep slopes. Our most difficult area within a shaded fuel break project was among three acres that was thinned and lopped to 18 inches. We watched through last summer to see if it would become less of an eyesore and then decided that, in this location, we would make numerous piles for winter burning. It was a big effort to relocate the debris into piles for safe burning.

Due to the slopes and adjacent timber, wet weather burning was preferred. Our March/April timing was perfect. We had our needed moisture following a dry February. Lighting a wet pile can

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## Prescribed Burning 2020

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be challenging because you want it to burn and not worry after several attempts. Years ago I found the 'toilet paper soaked in diesel' trick to be safe and effective. One roll does the job well. This year during COVID-19, TP was unavailable. I found recycled paper towel rolls which I hand-sawed in thirds to replicate the needed rolls. At least we were isolating in a good place with plenty to do.

The next challenge was managing the fire in place without burning debris rolling down out of the fire. We easily dug trenches in the moist soil across the bottom of the fire area to catch potentially rolling charcoal debris. It's important to plan when building a burn pile to place logs parallel to the slope (in the fall line) so that they won't roll downhill during a burn. This year I purchased some wildfire protective clothing, helmet and goggles to be better prepared. We also had a backpack fire pump with surplus water and Class A fire extinguishers on hand. Our rakes, shovel and picks were handy tools for execution of the burns. We burned during a three-week period and as the days became sunny, the piles dried quickly and became challenging. With four remaining burn piles, we opted to discontinue burning until rains return even if that's not until next season. Of course this did not stop us from continuing with ongoing fuel break pruning elsewhere on our next project phase. All in all it was a successful season of winter forest management activities.



In April, the Humboldt UC Cooperative Extension conducted a prescribed fire workshop. I participated and this contributed to my interest in formal training. The workshop offered skills to develop management plans including use of prescribed fire, understanding liability and permit development. The workshop was recorded and is now available online at [http://cehumboldt.ucanr.edu/Programs/Fire/Workshops/Prescribed\\_Fire\\_for\\_Foresters/](http://cehumboldt.ucanr.edu/Programs/Fire/Workshops/Prescribed_Fire_for_Foresters/)

If you have any interest or thoughts about prescribed fire, this online workshop shares the latest developments. I learned tremendously and now have a better understanding of my own forest management options with improved confidence concerning prescribed fire. See for yourself, enjoy!

## Help Spread the Word

The FLC Membership Committee has been working on ideas to help promote the benefits of being a member of Forest Landowners of California (FLC). One of their efforts is promotional flyers that could be used to market FLC to neighboring forest landowners or to post on the bulletin boards of local community centers or grocery stores.

There are two versions available. You may click on the links below to view each flyer. If you would like some color flyers sent to you, contact Deidre Bryant at the FLC office, (877) 326-3778 or [deidreb@forestlandowners.org](mailto:deidreb@forestlandowners.org).

- Got Forest Flyer #1:  
<http://bit.ly/GotForest-1>
- Got Forest Flyer #2:  
<http://bit.ly/GotForest-2>



## New Members

Please join us in welcoming new members (since January 2020).

### Landowner Members

Edward Bosworth  
(Shasta County)

Mike Murray  
(Shasta County)

Penne Lee O'Gara  
(Humboldt County)

William Stewart  
(Mendocino County)

Bruce & Ellen Strickler  
(Lake County)

### Associate Members

Sarah Olsen; Cascade Resource  
Consultants, LLC

David Sanchez,  
The Marshall Ranch

## FLC Website— News You Can Use

The website includes a page titled, "News You Could Use." It features current drought updates, other water saving resources and the California Forest Pest Conditions Report for the last three years, which includes the latest 2015 report.

If there is information you would like to see on this page or if there are other areas where the website could be expanded, please contact Deidre Bryant at the FLC office – (877) 326-3778 or [deidreb@forestlandowners.org](mailto:deidreb@forestlandowners.org). We look forward to adding content that is valuable to our forest landowner members.



## Connect with Other Forest Landowners on Facebook and Instagram!

A great place to read interesting articles, network with fellow forestland owners around the world!

Share information and stay current with FLC activities!

Check us out and “Like” our page!

Share with friends and family!

Help us build this new FLC resource!

Go to [www.forestlandowners.org](http://www.forestlandowners.org) – on the home page click on the Facebook and Instagram images.



# Stewards of the Northern Spotted Owl Face Disincentives Under the Endangered Species Act, Despite More Than 22 Years of Activism in Congress and the Supreme Court

By Claire McAdams

Forest Landowners of California members have faced, and still face, Federal changes in how the ESA has been and is applied to preserving and restoring Northern Spotted Owl habitat in Northern California, Oregon, and Washington state highlight the long-term nature of the challenges to landowners who are NSO stewards. It also shows that the intent of the bi-partisan Endangered Species Act Renewal process then in Congress was to protect small landowners. What did its authors envision?

“The bill, S. 1180, was authored by Endangered Species Subcommittee Chairman Dirk Kempthorne (R-Idaho), Environmental Committee Chairman John Chafee (R-R.I.), Environment Committee ranking Democrat Max Baucus (D-Montana) and Endangered Species Subcommittee ranking Democrat Harry Reid (D-Nevada). These four Senators negotiated the bipartisan proposal for many long months during the summer. It was introduced on September 16. The Clinton Administration played an active role in the development of the bill, first only on a technical basis but during the last few months more substantially.

When the bill was introduced, Interior Secretary Babbitt praised the bill, but stopped short of giving the Clinton Administration’s support, explaining that interagency review of the legislation was needed before a full endorsement could be granted.

The bill emphasizes conservation plans that are backed by a no-surprises provision that gives landowners certainty that their obligations will be defined in the plan. Landowners won’t be required to pay additional money for conservation measures or to further restrict their activities on the land covered by the plan. In addition to the conservation plans, the bill offers landowners the option of entering into separate agreements to manage land for the benefit of a species. For example, a small timber company whose lands are suitable for habitat for spotted owls might enter into a safe harbor agreement to let the trees grow with the understanding that at the end of some agreed upon period of time, regardless of the presence of owls, it can harvest the trees. Finally the bill limits the ability of the federal government and environmental groups to restrict otherwise legal activities on private lands.

NWOC (National Woodland Owners Council) is working with the AF&PA (American Forest and Paper Association) and the Endangered Species Coordinating Council to ensure that the interests of the small woodland owner are protected as the bill moves through the legislative process”. (FLC, Forest Landowner, Winter 1997-1998, page 29).

Fast forward to year 2020. Agency interpretations of what constitute NSO habitat, which is to be protected and restored (the latter for firms with Habitat Conservation Plans, which became multi-million dollar expenses to both obtain and maintain, rendering them unaffordable for small forest landowners) diverge from the 1998 expectation that HCPs could be a vehicle for use by small forest landowners.

Meanwhile, barred owls migrating from the East coast have almost fully displaced NSOs, harassing them to the point of lowering their reproductive capacity and abandoning their original habitats as they hide from the aggressive intruders. In Northern California, a six-year-plus set of delays in Federal and State responses to this biological shift, and ongoing agency avoidance of which agency will assume the authority for and task of implementing still-being-revised rules for the NSO, continue as of this writing.

Key to this tangling is the definition of critical habitat for the NSO. The latest venue to consider this is the U.S. Supreme Court, whose unanimous 2018 finding yielded an agreement of a coalition of stakeholders, which was just announced:

“A coalition representing counties, business and labor has reached an agreement with the U.S. Fish and Wildlife Service that will initiate a public regulatory rulemaking process for reevaluating

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## Northern Spotted Owl

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critical habitat designated for the NSO under Endangered Species Act (ESA)...The agreement was filed Monday in the U.S. District Court for the District of Columbia and is subject to court approval.

The agreement is related to a unanimous 2018 U.S. Supreme Court decision finding the ESA does not authorize the government to designate lands as critical habitat unless it is in fact habitat for the species. The Supreme Court also ruled that courts can review government evaluations of the impact of designating critical habitat, which the lower courts had refused to allow for over 30 years.

The coalition brought legal action after the Fish and Wildlife Service designated 9.5 million acres of mostly federal lands as NSO critical habitat across Washington, Oregon, and Northern California in 2012. This was 38 percent more than was set aside in 1992 following the listing of the NSO. The coalition's legal action focused on the inclusion of millions of acres of forests not occupied by the species, including over 1.1 million acres of federal lands designated for active forest management activities and where no owls are present.

The ESA requires the federal government to take "into consideration the economic impact, the impact on national security, and any other relevant impact, or specifying any particular area as critical habitat." The coalition argued that 2012 NSO designation violated the ESA by failing to consider any negative effects from designating areas that aren't used by the NSO and never will be.

"Our coalition supports balanced federal policies that carefully follow sound science while recognizing and considering the economic and social needs of our rural communities. This agreement will provide a public process that will enable federal agencies to develop a policy that is based in federal law and modern science. It will also enable agencies to better manage public lands and improve forest health, support local economies, while providing outdoor recreation and habitat for other species," said Travis Joseph, president of the American Forest Resource Council.

This agreement does not invalidate the 2012 NSO designation, nor does it change the Northwest Forest Plan that sets aside 20 million acres in reserve areas. Rather, it secures a commitment by the Fish and Wildlife Service to reevaluate whether designations are appropriate based on conservation benefits, environmental and economic impacts, and other factors. As with conventional federal rulemaking, this regulatory process will offer opportunities for public comment and involvement.

"The listing of the NSO and the designation of critical habitat has had an enormous negative social and economic impact on our rural communities. This agreement is a positive first step toward developing policies that balance the needs of our communities, while assuring protections for the species," said Tom Lannen, Skamania County (Washington) Commissioner. ([https://www.heraldandnews.com/news/local\\_news/federal-government-agrees-to-reevaluate-northern-spotted-owl-habitat-after-supreme-court-ruling/article\\_90c8aa87-dfcc-540f-9cfb-bf03cdd991cf.html](https://www.heraldandnews.com/news/local_news/federal-government-agrees-to-reevaluate-northern-spotted-owl-habitat-after-supreme-court-ruling/article_90c8aa87-dfcc-540f-9cfb-bf03cdd991cf.html))

We at FLC will be watching for the impact of this ruling and agreement on the proposals under development by the US Fish and Wildlife Service and the California Department of Fish and Wildlife.

While the thrust of the Supreme Court ruling dealt with public lands, its findings, and the resultant agreement terms, should inform the thinking that these two agencies, both located in California, use to arrive at their in-process rules for NSO protection on private lands. You can be certain that FLC will let its members know how and when

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# Forest Landowners OF CALIFORNIA

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Dear FLC Members and Associates:

This is our situation: Because of the COVID-based prohibition on public gatherings, one of FLC's main income sources, our Annual Meeting, cannot be held in person this year, yet our key expenses, especially our legislative advocacy costs, continue. Our treasury could be completely depleted by the end of October, unless conditions change. At that point, FLC may have to cease operations, and small forest landowners will lose their hard-fought respected 'seat at the table' in Sacramento. If you want FLC to continue, we ask that you make a generous one-time donation to FLC.

We on the Board of Directors are ramping up our efforts to save all possible costs and to pursue any possibilities of future income. The FLC Board took action to establish a foundation, which will enable us to compete for the state grant funding related to wildfire prevention and response, as well as other grant streams. We would maintain our current organization structure to support our legislative advocacy efforts. Creating the foundation will take a bit of time because we are creating an entirely separate nonprofit corporation, which requires filing for nonprofit status with the IRS and California Franchise Tax Board.

At present, do know that your Board of Directors is doing all we can to cut all our costs, to make present cash flow as long as possible. Our situation now is dire. We announced by letter to members that the Annual Meeting was cancelled. We are in the beginning phases of organizing a virtual event. However, given the uncertainty about when the COVID restrictions will end, and the knowledge that public gatherings such as our Annual Meeting will be in the last phase of the societal re-opening, we can only project a lack of Annual Meeting income, which could prove detrimental for FLC. So we ask you to consider the importance of having small forest landowner representation in Sacramento, and give as generously as you can to FLC, to help us continue to exist.

And we thank you for your years of membership and voluntary assessment support.

Most sincerely,

Claire McAdams  
President

## Northern Spotted Owl

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they can monitor and participate in the public comment opportunities relating to NSO habitat regulation in California, including the promised future NSO Forum III.

As you can see, the issues of concern to small forest landowners, such as NSO regulation, are long term fights with shifting venues, spanning entire professional careers of consulting foresters and agency staff. FLC has enduring relationships with policy makers, and FLC is active in issue-based coalitions with other timber and ranching/agriculture groups such as the Farm Bureau, The Buckeye, the California Forestry Association (Calforests), the California Licensed Foresters Association, and the Association of Consulting Foresters. These

policy efforts benefit all FLC members, even though quick solutions are few and far between. Even when you cannot see visible change, FLC remains active to protect your interests, and it appreciates your support and participation more than you might know.



**Forest Landowners of California  
is a proud sponsor of the  
California Tree Farm Committee.**