

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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December 7, 2015

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Dr. Keith Gilles, Chairman
State Board of Forestry and Fire Protection
P. O. Box 944246
Sacramento, CA 94244-2460

BOARD OF FORESTRY AND FIRE PROTECTION

Re: Drought Mortality Amendments, 2015

Dear Chairman Gilles:

The State Board of Forestry and Fire Protection (Board) adopted the "Drought Mortality Amendments, 2015" as Emergency Regulations by unanimous vote during the June, 2015, meeting. The emergency action was intended to address the significant amount of dead and dying trees across the forested landscape of California through either direct or indirect drought related mortality. The Office of Administrative Law (OAL) approved the emergency regulatory action on July 13, 2015. The emergency rules will expire on January 12, 2016.

The California Department of Forestry and Fire Protection (CAL FIRE) has monitored the implementation of the Emergency Regulation as required by 14 CCR § 1038(k)(8), and finds that the rule has been effective in providing private timberland owners an efficient regulatory process for removal of drought stricken dead and dying trees, to reduce the potential for catastrophic damage from wildfires. Please see the attached report, required under the emergency rules.

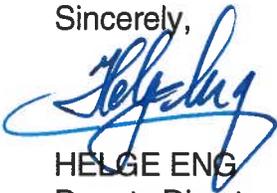
The Governor's April 25, 2014, proclamation included provisions to assist landowners in the removal of dead and dying trees through the utilization of 14 CCR §§ 1038(b) and (c) exemption notices, although these exemptions are limited on their geographic use. The Governor's October 30, 2015 proclamation recognizes that additional action is necessary to address the unprecedented tree die-off due to the prolonged drought conditions that have exacerbated bark beetle infestation. Considering the Governor's Emergency Proclamation and Orders, and the continued increase of tree mortality; CAL FIRE supports the implementation of 14 CCR § 1038(k) and urges the Board to consider extending the emergency regulation.

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CAL FIRE would also support Board action in adopting permanent rule language in regards to 14 CCR § 1038(k), and would offer assistance in drafting possible revisions to the rule language if necessary for implementation of the exemption notice, including a possible sunset date to evaluate the continued need based on future forest conditions.

Thank you for providing CAL FIRE an opportunity to comment on this important rule package. We will have a representative available at the December Board meeting should any questions arise related to implementation and enforcement of the Drought Mortality Exemption regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Helge Eng", written over a white rectangular area.

HELGE ENG
Deputy Director
Resource Management