Sierra Pacific Industries

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BOARD OF FORESTRY AND FIRE PROTECTION

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

Dear Board Members,

This letter is a request for the Board of Forestry and Fire Protection to act on the Governor's October 20, 2015 declaration of a state of emergency and extend permanently the 1038(k) timber harvest exemption. The Governor identified the ongoing drought as the cause of the unprecedented tree mortality event California is experiencing. The resulting risks to life and property from falling trees and wildfire that this tree mortality event represents have prompted this state of emergency.

The Drought Mortality Exemption (CCR §1038(k)) allows potential standing fuels to be removed safely from the forest with an owner initiated exemption from the preparation of a Timber Harvest Plan (THP). The stochastic nature of drought/bark beetle induced tree mortality causes trees to die in groups or individually. The important provision allowed by 1038(k) is the removal of groups of trees that are dead or dying, due to drought impacts. Removing all of the dead and dying trees is the appropriate treatment to help attenuate the spread of bark beetle infestations and remove hazardous fuels that could lead to further catastrophic wildfires. The 1038(k) exemption allows for quick harvest of drought impacted trees as saw logs, which is essential for feasibly treating affected areas. Saw logs have a greater economic value than biomass products, and therefore can more effectively offset the costs of logging, hauling and treating the fire hazard fuels generated from these dead trees. Harvesting dead trees as biomass is not feasible due to the current low demand/revenue for biomass products. Therefore, the 1038(k) exemption facilitates the efficient treatment of these dead and dying trees, which otherwise would become an economic burden to treat.

Of concern to SPI is the fact that the regulatory action by the Board of Forestry and Fire Protection that enacted the Drought Mortality Exemption (CCR §1038(k)) will expire on January 12, 2016. As stated in the Governor's Emergency Declaration the drought conditions California is experiencing will be ongoing. While the forecast for a wet winter is encouraging, the ongoing stress of climate change on California forests will continue episodically into the future (Lenihan et al. 2006, p.1679). Because drought effects will continue to threaten California forests it makes sense to make the 1038(k) exemption permanent. Making the 1038(k) exemption permanent will provide landowners and foresters a tool to take quick action where drought related mortality is identified, in order to attenuate the risk of further beetle mortality and treat the fuel hazard effectively.

Sincerely,

Cedric Twight
Manager of California Regulatory Affairs
Sierra Pacific Industries