



# PACIFIC FOREST TRUST

May 21, 2019

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## Board of Forestry

Eric Hedge, Regulations Program Manager  
State Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA, 94244-2460,

## RE: Potential revisions to §1052.4 – Emergency Notice for Fuel Hazard Reduction \$

Dear Mr. Hedge,

Pacific Forest Trust offers the following suggestions regarding the proposed revisions to §1052.4, the Emergency Notice for Fuel Reduction. These are not exhaustive comments, rather they are intended to inform and expedite the discussion scheduled for May 23.

The goal of the regulatory amendments is to make §1052.4 a more useful tool to address an “emergency” fuel condition and achieve a post-harvest condition that is more resilient to fire: generally speaking an overstory of the larger trees with thorough surface and ladder fuel treatments. The activity should also result in a condition that does not rapidly generate flashy surface fuels; outcomes should result in durable reduced-fuel conditions.

With those goals in mind we offer the following suggestions on the undated discussion document available on the board’s website at:

<https://bof.fire.ca.gov/media/8607/10524-rule-text-post-committee-revisions-5-7-19-clean.pdf>

### **Diameter Limit**

The §1052.4 Emergency Notice for Fuel Reduction has historically had similar standards as the statutorily authorized fuel reduction exemptions in §1038. We urge you to retain that consistency and adopt a stump diameter limit of 30 inches, consistent with the Forest Fire Prevention Exemption approved by the Legislature last year in Senate Bill 901.

With the inclusion of this diameter limit the language about “large old trees” in §1052.4(e)(3) can be deleted.

### **Quadratic Mean Diameter**

A requirement to increase the quadratic mean diameter of a stand has been a highly effective way to ensure that operations focus on removing smaller trees and retaining larger trees, while maintaining flexibility to harvest some large trees for economic or operational purposes. The inclusion of this requirement in the various statutory exemptions has been essential to maintaining public confidence that the operations will achieve the outcomes mentioned above.

Eliminating the requirement to increase QMD suggests a move away from retaining the larger more fire-resistant trees, especially when combined with the proposed reductions in canopy closure and stocking requirements, and the direction to target codominant trees. This could result in a significant change in harvest outcomes; a change particularly ill-suited for emergency regulations that will be acted on with limited opportunity for public or board discussion.

We suggest the board retain the current standard to increase the QMD of trees greater than 8" in diameter (consistent with the standard in the exemptions).

### **Canopy Closure**

The proposed change to a single statewide 30% post-harvest canopy closure standard is too dramatic a reduction in some regions, and will lead to conditions that are so open as to create aggressive regrowth of surface fuels. For purpose of these emergency regulations we suggest reducing each of the current standards in §1052.4(e)(3) by 10% to the following:

- 30% for eastside pine
- 40% for coast redwood and Douglas fir near communities
- 50% for coast redwood and Douglas fir outside of communities
- 40% for mixed conifer and all other forest types

The Board could engage in a more deliberative survey or field review of successful treatments to further consider this issue in the future, but it is unnecessary to make the dramatic changes proposed (i.e., from 60% to 30% canopy closure in coastal redwood) in the context of these emergency regulations.

### **Retention of Oaks**

Similar to the statutory exemptions, the Emergency Notice for Fuel Reduction should include a provision addressing the retention of mature oak trees, which are generally quite fire resilient. We suggest looking again to SB 901 for guidance:

“No trees of the genus quercus that are greater than 26 inches diameter at stump height, measured 8 inches above ground level, shall be harvested under a notice of exemption submitted pursuant to this subdivision.”

## **Miscellaneous**

The language in §1052.4(e)(8) should make clear that it is referring to the postharvest surface fuel treatment compliance, and is not suggesting that only 80% of the project area needs to meet other postharvest requirements.

Finally, the removal of this language at the bottom of page 7 is likely to cause enforcement challenges:

~~(f) Operations conducted concurrently in the same geographic area (ref. 14 CCR § 1052.4(c)) pursuant to 14 CCR § 1038(b) shall not remove Diseased Trees in excess of the Diameter limit required under 14 CCR § 1052.4(d)(2).~~

How will a Forest Practice Inspector know that a stump in excess of the diameter limit was from a Diseased Tree harvested under the “dead, diseased, and dying” exemption? This language should be retained, or revisited, to ensure that overlapping exemptions and emergency notices do not render enforcement impossible.

Thank you for the consideration of these suggestions. I’ll look forward to discussing them more fully at the workshop on May 23, or feel free to reach out to me at [pmason@pacificforest.org](mailto:pmason@pacificforest.org).

Regards,



Paul Mason  
V.P., Policy and Incentives