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Board of Forestry & Fire Protection  
PO Box 944246  
Sacramento, CA 944244  
Sent via email to: [PublicComments@bof.ca.gov](mailto:PublicComments@bof.ca.gov)

SUBJECT: Review of Forest Practice Act Rules

Dear Board Members,

Thank you for the opportunity to comment on Forest Practice Act Rules in improve their efficacy. I have the following comments:

- 1. Numbering:** The numbering system needs to be overhauled. Instead of 910 (Coast), 930 (Northern) and 950 (Southern), change to 910 (all), 910C (Coast), 910N (Northern), 910S (Southern). This would keep numbering consecutive and more understandable and simpler. Additionally, the numbering system bounces around which can be confusing.
- 2. Archaeology – Use of Prior Surveys:** Requiring new arch surveys on small timberland properties with prior surveys having been done for past projects imposes an extra unnecessary financial burden on nonindustrial forest landowners. If a past survey is older than 5 years, it should be possible to simply obtain a new archaeological information check, notify Native Americans, locate past sites and complete an update addendum form. Site records and protection measures for any new sites could be described. A completely new survey report should not be needed. Note also that for NTMPs a one-time survey lasts for the lifetime of the THP and does not even require new archaeological information requests.
- 3. 4590 Term of Plan:** Current rules provide for a plan lasting 5 years with one two-year extension if operations have “commenced”. Commencement is interpreted as requiring an operator to be specified and some operations having been conducted even if only minor road grading or a few trees are felled. In my experience, market conditions are the primary driver that operations take longer than 5 years to complete for small nonindustrial forest landowners. This may be a result of a glut of burned sawlogs available, a weak lumber market or a shortage of licensed timber operators that make operating marginally profitable. Two suggested solutions are

to: (1) simply make the THP effective for seven years with no extensions, or (2) maintain the 5-year effective period with an automatic extension of two additional years without the charade of starting operations just to qualify for the extension. Alternatively, "commencement" could be interpreted to include such activities as complete tree marking or marketing efforts to sell sawlogs or locate timber operators.

4. **Rulebook Length and Complexity:** Over the 51 years I have practiced forestry in California I have watched the Rule Book expand substantially. It has become much longer and more complex, and I think there is a serious questions as to how much forest practices have improved during that period of time. It is my opinion that language consultants who are well-versed in producing simple, clear written documents should be hired to completely overhaul the Rules. We would all benefit.

Thank you for consideration of my comments.

Sincerely,

*Phil Nemir*

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