Staff Overview: Revisions to Proposed Rule Text, Forest Resilience Exemption per AB 2276.

# Overview

In January 2025 an emergency rule plead was approved per AB 2276. AB 2276, approved by the Governor in November 2024, renamed the Forest Fire Prevention exemption to the “Forest Resilience Exemption”.

The Emergency Rule Plead currently was developed utilizing AB 2276 language which largely makes prescriptive changes to the statute, meaning the Board does not have the discretion to adopt different requirements than the Legislature provided for. However, the Legislature gave the Board discretion in implementing the Forest Resilience Exemption requirements for the removal of “dead and dying trees in amounts less than 10 percent of the average volume per acre for trees up to 36-inches [dbh].” Additionally, the Board was given authority to develop standards for canopy closure.

The Board continues to work with stakeholders in the Foret Practice Committee to develop language to address the less than 10% of the average volume per acre for trees up to 36-inches and canopy closure requirements. Durning the March committee meeting the committee heard from Eric Knapp, PhD, Research Ecologist, Forest Service, Pacific Southwest Research Station, specific to canopy cover vs closure and the potential effects on forest resilience.

The Black text represents original rule language, red underlined text identifies the rule text discussed in the Forest Practice Committee. Blue underlined text represents changes presented in the April Forest Practice Committee. Green text is revised language discussed in the April meeting.

# Summary of Revisions

The following represents a summary of significant organizational and substantive revisions made to the rule text.

* Page 2, Line 9-10, 16-18 & 20: Language has been included from the committee’s work on the Geographically Overlapping Harvest Permit rule plead.

There are two options moving forward with this change, include the language in the Forest Resilience Exemption rule plead or wait for resilience rule plead to be finalized and move all of 1038.3 into the Geographically overlapping rule plead.

* Page 7, Lines 6-9: Language in the bill stated “the RPF shall consult with the Director…” the use of the word “consult” created confusion for RPFs and CAL FIRE review teams on the timing for the consult. Considering the language is specific to exemptions and exemptions are non-discretionary projects it was discussed in committee to define the timing of the consultation. During the committee it was suggested the consultation should occur prior to submission. Blue text has been added for clarity. During the April meeting stakeholders and CAL FIRE suggested the consultation occur prior submitting and the consultation shall be documented and included with the exemption at the time of submission. The language represented in the rule plead has been reorganized and language added for the consultation documentation. NOTE: language was developed to be consistent with CAL FIRE “Hot Topic” document addressing consultation for the Oak Woodland and Forest Resilience exemptions.
* Page 8, Lines 3-9: During committee it was determined from a regulatory perspective the use of canopy cover would be more appropriate as a regulatory standard for determining canopy standards.

During the April committee meeting it was discussed that the forest types identified in the Emergency for Fuel Hazard Reduction be used and canopy cover standards be applied to these forest types. The rule plead has been revised to represent the different forest types and the canopy cover percentages. Canopy cover was changed from 40% to 30% for Douglas-fir and mixed conifer forest types compared to the Emergency for Fuel Hazard Reduction.

* Page10, Lines 11 & 12: added the complete rule section for Commercial thinning and selection stocking standards.