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Subject: A few final thoughts on the §1052.4 proposal, from Pacific Forest Trust
Date: Tuesday, July 16, 2019 9:03:15 AM

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July 16, 2019

To the Members of the Board of Forestry and Fire Protection:

Thank you for the thoughtful consideration of our concerns and comments re the proposed changes to §1052.4. We do not object to the Board adopting the proposed changes as Emergency Regulations, with a couple of minor corrections that have been communicated to staff and are described below. Our thanks to Board Member Wade in particular for his work leading the sometimes far-ranging discussions during the workshops.

We presume that the Board will pursue permanent regulations during the period these emergency regs are in effect. We urge you to consult agency field staff for insights re implementation challenges. In particular the practice of allowing harvest of larger trees that would be subject to the §1038 *Dead Diseased or Dying* exemption within the same operational footprint as an emergency notice that is subject to diameter limits seems like an issue poised for enforcement challenges. To that end we also suggest requiring meaningful documentation in §1052.4(a)(2) of the need to harvest individual trees in excess of the diameter limit, and limiting the application of this provision to removal of trees that present a threat to public health and safety, in order to minimize post-harvest disputes and maximize retention of the larger, more fire-resistant trees that are particularly valuable for wildlife.

We remain concerned that too much of the regulatory framework for forest restoration and fuel hazard reduction is utilizing ministerial permits. California established an assessment on lumber in order to fully staff the various timber harvest review team agencies, but is increasingly permitting harvest in ways that exclude any agency input. We should be utilizing our state expertise, not excluding it.

Best of luck with your workshop, field tour, and Board meeting, and I'm sorry I can't join you in person.

Yours,

Paul

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