

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246
Sacramento, CA 94244-2460
(919) 653-7772
Website: www.fire.ca.gov



June 12, 2024

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

Re: "Drought Mortality and Forest Fire Prevention Exemption Amendments, 2024"

Dear Chair O'Brien:

The California Department of Forestry and Fire Protection (CAL FIRE) supports the Board's proposed rulemaking entitled, "Drought Mortality and Forest Fire Prevention Exemption Amendments, 2024," and appreciates the Board's consideration. CAL FIRE requested the Board to consider placing acreage restrictions on the 14 CCR §1038(d) Drought Mortality / Substantially Damaged Timberlands Exemption. The request was made due to compliance related issues on exemptions that spanned many thousands of acres.

CAL FIRE is also supportive of the Board's proposed amendment to the Forest Fire Prevention Exemption. CAL FIRE's recent exemption monitoring has demonstrated that canopy retention can be difficult to meet even when all the leave tree requirements have been implemented. This coupled with the difficulty of measuring canopy can lead to compliance questions and potential enforcement problems.

In summary, the proposed regulations:

- Add an acreage restriction to the Drought Mortality / Substantially Damaged Timberlands Exemption. (14 CCR §1038(d)(3))
- Removes the Small Timberland Owner Exemption from the Rules, as the statute has expired for this exemption. (§14 CCR §1038(f) and all subheadings)
- Lowered the post-harvest canopy cover 10%. (§14 CCR §1038.3(k)).

CAL FIRE believes the proposed rulemaking will result in better planned projects by minimizing the number of acres allowed in any given exemption. This will prevent property-wide use of an exemption that has been designed for a very specific purpose. Canopy cover is important to provide for shaded fuel breaks, however canopy can be a limiting factor on achieving the goals of quality fuel reduction projects. Reducing the standard should allow for better achievement of the state's targets and achieve landowner goals of protecting their ownerships.

Thank you for providing the Department an opportunity to comment on this important rule package. A representative from CAL FIRE will be at the hearing should any questions arise.

Sincerely,

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MATTHEW REISCHMAN
Deputy Director, Resource Management