



November 16, 2021

Attn: Regulations Priority Review Board of Forestry and Fire Protection
PO Box 944246
Sacramento, CA 94244-2460
Emailed to: publiccomments@bof.ca.gov

To whom it may concern,

In response to the October 6, 2021, Board of Forestry and Fire Protection (Board) 2021 Regulations and Priority Review request for comments, we are submitting the following comments and suggestions.

While the Forest Practice Act is intended to protect natural resources from logging and timber operations, its application today often encumbers housing and commercial sites which are clearly not capable of, or intended to, sustain a crop of trees. The Act routinely causes inefficiencies and undue regulatory burdens in the construction of housing and commercial buildings, especially within incorporated communities and urban areas. We request that staff work with our respective organizations at the committee level on recommendations to improve the regulatory process.

The 3-Acre Conversion Exemption and Timber Harvest Plan process are too onerous, responses take too long, and the process is too costly.

Example: A commercial property in downtown Grass Valley must remove a single tree within their property to improve their parking lot. The property owner was required to hire a RPF and an LTO to remove the tree.

The 3-Acre conversion exemption was developed to avoid having to go through a very lengthy and costly Timber Harvest Plan, however the exemption includes provisions to stop the serial conversion of timberland. If a landowner uses only 2 acres of a 3-acre conversion on a small parcel they cannot apply for another 3-acre conversion for the remaining 1 acre. This functionally prevents small additions to residential and commercial structures where the lot is clearly no longer capable of or intended to sustain a crop of trees. The one-year expiration of the permit and inability to receive a second permit creates unnecessary problems.

Example: Western Sierra Medical Clinic which provides accessible, quality medical, dental and behavioral health services for low-income families built their new 20,000 sq. ft. facility in 2010 with a 3-acre conversion on a portion of their 3-acre lot in an urban area. They found that they needed more parking and applied to develop the remainder of their land for a parking lot but could not because their 3-acre conversion had been closed out.

CEQA exempts properties that have been through the subdivision process that are applying for a building permit. These properties have already been converted to a residential use or a commercial business park during the subdivision process.

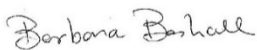
Example: A subdivision under construction was required to do a timber harvest plan even though there was no timber species on the property. The reason given was because the soil was capable of growing timber. What was the benefit to protect natural resources from logging activity?

In all these examples, the important goal of resource protection is not applicable but the onerous burden of the Less than 3-Acre Conversion Exemption and Timber Harvest Plan process are applied to the detriment of our communities. In response to the 2021 Regulations and Priority Review request for comments, we have several suggestions for how the regulatory process could be improved without impact to the regulatory intent of resource conservation.

- Amend the definition of "Crop of Trees" to omit properties of less than 3-acres in incorporated or urban areas. It is not realistic to require a conversion exemption on these properties when they are not large enough for commercial timber operations to occur.
- Where the 3-Acre Conversion is still applicable, revise the expiration period as one year is often insufficient to complete work.
- Instead of an exemption process, revise the PRC and practices so that applicants are not required to spend significant time and money filling out an exemption request that ends up being approved administratively. It is unnecessary and provides no value to require a Registered Professional Forester and Licensed Timber Operator to fill out the exemption form.
- Simplify the Timber Harvest Permit, conversion and exemption processes and improve the applications and available information.
- Better educate jurisdictions and the development industry on requirements.
- Expand the definition of "site preparation" to include local jurisdiction approved projects of less than 3 acres where there is no timber operation or commercial use for the timber as the one-time conversion process is too onerous and costly.

We request that the Board of Forestry direct staff to work with our respective organizations at the committee level on recommendations to improve the regulatory process. We are certain that significant improvements can be made to the regulatory process which would not jeopardize the resource conservation intent of the code.

Sincerely,



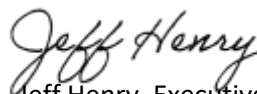
Barbara Bashall, Government Affairs Manager
Nevada County Contractors' Association



Pete Fenolio, Government Affairs Manager
Contractors Association of Truckee-Tahoe



Chad Scott, Executive Director
Shasta Builders Exchange



Jeff Henry, Executive Vice President
Placer County Contractors' Association, Inc



Amy Rohrer, Executive Director
Valley Contractors Exchange



Timothy Murphy, CEO
California Builders Alliance