

TO: Board of Forestry and Fire Protection
 Attn: George Gentry
 Executive Officer
 P.O. Box 944246
 Sacramento, CA 94244-2460.

Please accept this public comment into your November Meeting to address several aspects of the Forest Practice Rules:

For areas where questions exist on interpretation:

A: Please see the following attachment titled PRC 4527 VS PRC 4585. The interaction of these two rules center around the RM-71 Work Completion Report and certain Timber Operation activities. Certain activities may still be conducted after approval of a Work Completion Report. They are site preparation, maintenance of drainage facilities, and soil stabilization treatments on skid trails roads and landings. From a CAL FIRE inspector's point of view taking into account PRC 4585, and 4587 means they can approve a work completion report only on the basis that no further harvesting shall be conducted. The report can be approved without site preparation, maintenance of drainage facilities, and water barring skid trails and landings being completed. (does soil stabilization = water barring?). I know many CAL FIRE inspectors have written Notices of Violations upon receipt of a Work Completion Report because skid trails were not water barred or a culvert was not cleaned out. I hope you can see where I am going with this. Additionally, consider large industrial plans containing several 100 acres of clear cut prescription. Per PRC4585 a plan submitter can submit a Work Completion Report and still perform site preparation on several 100 acres even AFTER approval of a Work Completion Report. This further begs the question about an LTO needing to perform this work. You may contact me for further discussion on how to remedy this.

B: The definition of Timberland (PRC4526) and Timber Operations (PRC4527). Specifically I want to drill down into PRC 4527(a)(2)(B), where a portion of (2)(B) states : "the cutting or removal of trees during the conversion of timberlands. I am bringing this to your attention because of the following real example: A landowner clears an area of land containing only brush. The land meets the Timberland definition because its "available for and capable of," and they intend to grow grapes or build a house (I know "Cutover land "has been removed from the FPRs). I believe the landowner has not cut or removed trees so there is no violation of law, however they have still converted Timberland to another use.

Remedy- this depends on whether the Board wishes the Department to enforce clearing of brush fields that are timberland. If yes, (B) should then read: " Any activities conducted to convert timberlands to uses other than the growing of timber." Remember PRC 4621 plays into this rule interaction as well and re-wording (2)(B) brings the section into better alignment with PRC4621.

Suggested regulatory modifications to achieve intended resource protection

A. In light of the RIM Fire I am asking the Board to at least think about and consider the true meaning about what it means to achieve and maintain Maximum Sustained Production of High Quality Timber Products (CCR 913.11, 933.11, 953.11). Most of us in the forestry profession have been educated in, and accept the well intentioned goal of maximizing growth of forest trees; however as you maximize growth and yield, you maximize the forest stands potential to be totally consumed by fire. The biggest risk is to the holding capacity of high site forestlands. I question some of the stocking standards under Silvicultural Methods may be too high and do not protect forest stands from extreme fire behavior. I question some of the Hazard Reduction standards do go far enough to protect residual stands from extreme fire behavior. I have thought about this and tried to figure out a way in which the two sections can be applied together and not affect the economic feasibility of timber harvest by the forest landowner. Please consider my general idea of reducing required basal area standards in exchange for increased logging slash cleanup standards on two widely used Silvicultural Prescriptions, Selection and Commercial Thinning. To achieve this I am using sections of Forest Practice Rules already established that would only require minor adjustments. They are the actual silviculture prescription and the required clean-up standards in the Emergency Notice CCR 1052.4. (For illustrative purposes I am using Southern Rule references), here goes:

1. SELECTION - CCR 953.2(a)(2)(A) 1 and 2. *“Allow the additional reduction of 20 sq. ft. of basal area in exchange for the treatment of logging slash, surface and ladder fuels of the harvest area to the standards of CCR 1052.4 (d)(5)”* That means site 1 lands could be cut to 80 sq. feet / Ac, And site 2 and 3 lands could be cut to 55 sq. ft. of basal area. Slash treatment is increased for the treatment area, from the CCR895.1 definition of “lopping” or “lopping for fire hazard reduction” to CCR 1052.4(d)(5)
2. COMMERCIAL THINNING- CCR 953.3(a)(1)(A) Northern and Southern 1 and 2: Apply the same treatment standards of 1052.4(d)(5) to site 1 through 3 lands as follows.
 1. On Site I mixed conifer lands, at least 125 sq. ft. per acre of basal area shall be left, and on Site I land where greater than 50% of the basal area is pine, at least 100 sq. ft. per acre of basal area shall be left. *“Allow the additional reduction of 20 sq. feet of basal area in exchange for the treatment of logging slash, surface and ladder fuels of the harvest area to the standards of CCR 1052.4(d)(5).”*
MIXED POST HARVEST = 105 sq. ft. per acre. POST HARVEST in pine =80 sq. ft. per acre.
 2. On Site II mixed conifer lands, at least 100 sq. per acre of basal area shall be left, and on Site II lands where greater than 50% of the basal area is pine, at least 75 sq. ft. per acre of basal area shall be left.
 3. On Site III mixed conifer lands, at least 75 sq. ft. per acre of basal area shall be left, and on Site III lands where greater than 50% of the basal area is pine, at least 75 sq. ft. per acre of basal area shall be left. *“Allow the additional reduction of 15 sq. feet of basal area in exchange for the treatment of logging slash, surface and ladder fuels of the harvest area to the standards of CCR 1052.4(d)(5).”*
Site II MIXED POST HARVEST = 85 sq. ft. per acre. POST HARVEST in pine =60 sq. ft. per acre.
Site III POST HARVEST FOR all types = 60 sq. ft. per acre.

Keep in mind the further possible refinement of applying this to only stands where greater than 50% of the basal area is pine. This could make a huge difference to forestland ownerships burned over in the 1990 era fires that are primarily pine and coming into commercial size as I

write this letter. Remember some of these large fires? Remember the ownership types. Remember the successful voluntary reforestation work that has been performed by these landowners. With the technology of whole tree yarding and small log processing it is possible to meet the objectives of CCR1052.4(d)(5) at the larger landscape level.

Suggested regulatory modifications which would reduce regulatory inefficiencies

A. This one has a very simple foundation. For those large landowners who have submitted an Option A to the Department and are following their plan according to inventory analysis usually done on a decade by decade basis (typical 10 year entry plan), why not develop a ten year harvest plan for these landowners. There would be no extensions, it's just a ten year plan. The only rule change I would have is to require a 10 year or 10 foot tall adjacency rule on clear-cut units for these decade plans. With the current 7 year plan we are almost there anyways. Most large industrial plans are being developed at the watershed scale and fit to this ten year entry anyways. I challenge the Board to think about what the negative implications of this proposal would be?

B. I have not verified this to know if it's true: When a Licensed Timber Operator gets a new license or renews their license, I have heard they receive a Forest Practice Rulebook and that cost is built into their license fee. If that is true, why is the same convenience not afforded to Registered Professional Foresters? As a Registered Professional Forester I would be more than happy to pay \$5 dollars a year plus postage to receive the FPR rulebook. Please consider adding a checkbox to the license renewal form so RPF's could pay up front and receive two annual mailings of rulebooks. This could help the state determine how many copies are really needed each year.

Thank you for the Boards attention to these matters. I would be more than happy to discuss further.

Robert G. Little , RPF # 2651

About me: I have been employed in California's forestry sector for over 20 years. I have worked for private consultants, utilities, and Industrial forest landowners. In 2005, I began my career with CAL FIRE in Amador EIDorado as a Forester I. I currently hold this position now. In addition to being a Registered Professional Forester, I am a CAL FIRE Peace Officer, an Emergency Medical Technician (EMT), and a Licensed Pest Control Advisor (PCA# 072545).

1 attachment.