



September 4, 2013

Mr. George Gentry,
Executive Officer
State Board of Forestry and Fire Protection
1416 9th Street
Sacramento, CA 95814

Via email: board.public.comments@fire.ca.gov

Re: Commercial Species Definitions Proposed Rule Change ("B" Species)

Dear Mr. Gentry:

The California Fire Safe Council (CFSC) offers the following public comment with regards to the proposed Forest Practice Rule change that would move eucalyptus from the Group A species list to Group B..

The California Fire Safe Council is a non-profit organization administering and monitoring grant monies that are awarded to local Fire Safe Councils that conduct education and fuel reduction programs on urban-wild-land interface areas and rural landscapes. The Council's mission is to make Californians fire safe.

Large catastrophic fires can and have destroyed communities and remain a significant risk with large-scale implications to Californians.

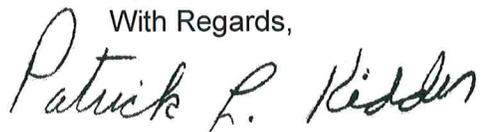
Cal-Fire and other entities encourage owners to create defensible space, while also teaching them how to be fire-safe. It seems then, that the Board and Cal-Fire should acknowledge areas that suffer from extreme fuel conditions due to the presence of introduced tree species, and adjust its regulatory framework such that removal of those trees to abate the fire risk and make communities fire-safe is streamlined.

The proposal to change eucalyptus from the Group A species list, that require extensive permitting to harvest, to the Group B list is just this sort of regulatory adjustment.

Thus CFSC supports the rule change that better facilitates the completion of work necessary to make Californians fire safe.

Thank you for the opportunity to comment.

With Regards,

A handwritten signature in black ink that reads "Patrick L. Kidder". The signature is written in a cursive style with a large initial 'P'.

Pat Kidder,
Chairman
California Fire Safe Council

cc: File

From: Nadia Hamey [<mailto:nadiah@big-creek.com>]
Sent: Thursday, August 22, 2013 8:53 AM
To: Gentry, George@CALFIRE
Subject: RE: Board regulation

Dear YG,

I'm in favor of streamlining permitting for eucalyptus removal. The complication of the proposed rule change comes from counties in the Coastal Zone that have strict Local Coastal Program requirements for removing any tree. The Timber Harvest Plan process is a relatively streamlined process that includes all of the public trustee agencies and currently facilitates removal of eucalyptus stands in environmentally appropriate ways. By removing eucalyptus from the commercial species list, the Board would remove the THP permitting option and force projects in some coastal counties to have full Environmental Impact Reports. I believe that a Forest Practice Rule to address straightforward eucalyptus control would be preferable.

Please let me know if I can help in any way.

Thank you,

Nadia Hamey

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Big Creek Lumber Company
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Cell: (831)431-0288

From: jnicoles@jps.net [<mailto:jnicoles@jps.net>]
Sent: Thursday, August 15, 2013 11:11 AM
To: Gentry, George@CALFIRE
Subject: Commercial status for eucalyptus

George,

Regarding the proposed change in commercial status for Monterey pine and eucalyptus, I am categorically opposed to such a change. I have no doubt that the shift would serve the "purposes" of the agencies involved (City of Oakland, University of California, and East Bay Regional Park District); however my 40 years of experience (20 as an employee of the Park District) has shown that their ongoing purpose has been to evade the environmental constraints embodied in the Forest Practice Rules.

The Rules were found by our court system to have to meet the requirements of an EIR. Through the years, the specifics in the Rules have been continuously upgraded to deal with the environmental concerns specific to large scale tree removal in (generally) open space areas, as is the case in this project. The restrictions in the Rules significantly exceed those commonly incorporated in an EIR. However, the environmental concerns remain valid regardless of the purpose of the project or the commercial value of the trees involved. I can personally testify that the road conditions and erosion control measures on University and District lands do not meet the standards embodied in the Rules;

they should. Some close review and inspection, such as is visited upon every timber harvester, is clearly in order.

The commercial significance of the species may represent a legal sticking point with regard to the Board's authority. I know that the University has, over the past few years, cut eucalyptus and chipped it on site without economic remuneration, thereby avoiding the terms of the Rules. Whether this has significantly reduced fire risk is open to question. The District has removed large volumes of eucalyptus over the last 40 years in which the commercial value of the trees was a significant element in the process, in that the value of the trees underwrote the cost of the removal. The commitment to control of regrowth has been limited, and of mixed success, so here we are again. In 1973 the terms of the construction of the fuelbreaks under Federal grant required that the grantees (which is to say, their contractors) maximize any economic value of the trees removed. At that time there were two paper mills within reach, and while there was no specific accounting, it is presumed that the cost of the work was reduced by the value of the fiber as pulp.* While that option is no longer available, there are biomass electrical plants now available which represent a commercial buyer for the fiber of either species. I doubt there would be any profit in the enterprise, but chips would probably pay for the transportation, and removing the bulk of the material from the site would measurably improve the effectiveness of the project. Thus, the economic value of the material (as a classification in the Rules) exists regardless of whether the owner chooses to recoup it.

The currently proposed work is to be undertaken with funding from a FEMA grant. I do not know the terms of the grant, or whether it has yet been approved. If removal is required, then sale of the fiber as biomass would clearly be an availing of the commercial value of the material. If the terms of the grant require maximization of economic value, then the request for change in commercial status is bogus on its face. If not, then I think that economic return can be inferred, unless removal is not required. In the latter case, I believe the whole project should be seriously reconsidered by the State's lead fire agency.

John Nicoles/RPF 1657

*As an amusing aside, the primary fuelbreak contractor, Ferma Corp., made a handsome profit on the deal. When the news broke that the Feds were going to fund the project, L.P. in Antioch dramatically reduced its price for wood. The District required simply that the material be removed from its property, nonetheless Ferma was trucking to L.P., but they ultimately ran out of trucking. Ferma then found a private site closer to the work where it could stockpile wood without the haul to Antioch. At the end of the project, L.P. put their price back up, and Ferma delivered its stockpiled wood. Representatives of L.P. came to see me during the last week of the project to advise me of the price increase. I ran them out of my office. JN



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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BOARD OF FORESTRY AND FIRE PROTECTION

October 7, 2013

Dr. J. Keith Gilles
 California State Board of Forestry and Fire Protection
 P.O. Box 944246
 Sacramento, California 94244

Dear Dr. Gilles:

The California Department of Forestry and Fire Protection (CAL FIRE) has reviewed the proposal to adopt regulations contained under 14 CCR § 895.1 of the California Forest Practice Rules presented in the 45-day notice for Commercial Species Definitions Amendments, 2013, circulated August 23, 2013. This comment letter addresses the proposed changes presented in that public notice, which will be discussed at the public hearing scheduled for October 9, 2013.

The current State Forest Practice Rule definition for “commercial species” includes both Monterey pine and eucalyptus. While there is no clear commercial value for either of these species other than fuelwood, an approved timber harvesting plan or exemption is required if timber operations are involved. The proposed amendments are intended to acknowledge that native Monterey pine (*Pinus radiata*) is not managed by itself as a commercial species in California. The amendments are also intended to reduce regulatory impediments to the treatment of hazardous fuels conditions caused by the presence of non-native, highly flammable eucalyptus species (*Eucalyptus* sp.).

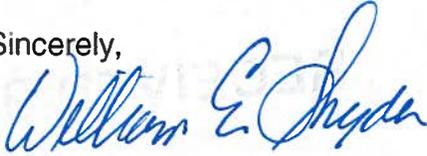
Therefore, this rule package proposes to remove eucalyptus from the commercial species lists for the Coast and Southern Forest Districts, as well as moving Monterey pine from the Group A category to the Group B category for the two Districts. The regulatory proposal also incorporates two corrections to the scientific names for incense cedar (*Calocedrus decurrens*) and tanoak (*Notholithocarpus densiflorus*).

CAL FIRE supports the plead language in the currently noticed, 45-day rule package. The Department believes that the recommended changes provide for needed improvements that will promote vegetation management that can help create fire-resilient landscapes and reduce the potential for catastrophic fire events.

Dr. J. Keith Gilles
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A staff member will be available at the Board meeting to discuss any pertinent issues that may arise.

Sincerely,



WILLIAM E. SNYDER
Deputy Director
Resource Management

cc: Duane Shintaku, Assistant Deputy Director, Forest Practice
Dennis Hall, Staff Chief, Forest Practice
Pete Cafferata, Watershed Protection Program Manager