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

sent via publiccomments@bof.ca.gov

Re: Request for public comment

Dear Members of the Board of Forestry;

In response to the Board's request for areas within the Forest Practice Rules which could be addressed to improve the implementation and effectiveness of the rules; I offer the following comments:

The Department of Forestry and Fire Protection spends an inordinate amount of their enforcement resources dealing with 'operations' on small ownerships and on so-called 'conversions'. It is my belief that the state legislature never contemplated that the resources of the Department would be expended to the extent they are on these matters.

I believe the Board of Forestry can adopt rules and definitions that would reduce the administrative time and expense incurred in enforcing the rules as currently written. Adoption of clear definitions and policy statements by the Board will result in less confusion by the regulated public and fewer enforcement actions by the Department.

Under current interpretation, there is virtually no true 'conversion' of timberland. Despite having received regulatory approval for 'conversion', no land is 'converted' so long as a tree of a commercial species is allowed to grow.

For example assume the Department has issued a Timberland Conversion Permit for a sub-division and the developer has completed all aspects of creating residential lots i.e. installed all roadways, utilities, and has recorded a final sub-division map. Any subsequent lot buyers must obtain a conversion document (likely to be a less than 3 acre conversion exemption) in order to clear their lot to build their house, driveway and other improvements.

Some time passes and this owner or a subsequent owner wishes to build a shop, expand a lawn, or plant an orchard. The removal of trees for such purposes regardless of whether they are sold commercially, would again require a conversion document. This literally goes on and on until such time that the lot owner does not allow any trees of a commercial species to grow on his property. This is true regardless of the size of the parcel.

Most owners of residential parcels in a forested environment live there because they appreciate trees and the forest environs; however, most are surprised to learn that the State of California considers their residential lot to be 'timberland' despite any previous conversion permitting which may have been obtained by them or previous owners.

Since 'Timberland' has a statutory definition, I would suggest that the Board consider defining what 'available for, and capable of' means. Specifically, I would suggest that the Board specifically exclude any developed (those with an existing permitted residence) residential parcels less than a given size – say 3 acres. Practically, how can such parcels reasonably be considered 'available for' production of forest products?

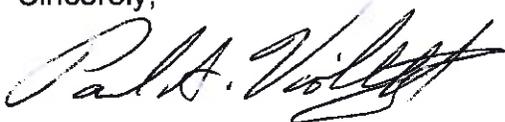
As the Board has adopted fire safe regulations pursuant to PRC Sec. 4291, the so-called defensible space regulations (14 CCR Sec. 1299 (a) (1) & (2)); it should clearly recognize that the area within 30 feet of a permitted residence is no longer 'capable of' growing a crop of trees. As such, no tree removal activities within 30' of a residential structure should be considered as 'timber operations'.

What is a 'crop of trees'? Can the removal of a single merchantable tree constitute a 'crop of trees'? For example, if a residential landowner has obtained the services of a licensed tree service to remove a single tree from their backyard, can such activities reasonably be construed as 'timber operations' on 'timberland'?

I would suggest the Board consider defining a 'crop of trees' as harvest of two or more trees that result in a load or more of logs on commercial log truck. This could be further refined as 25 tons, 10 cords or 4 thousand board feet.

Thank you for the opportunity comment and make suggestions for the improvement of the application of the Forest Practice Act.

Sincerely;

A handwritten signature in black ink, appearing to read "Paul A. Violett". The signature is fluid and cursive, with a prominent loop at the end.

Paul A. Violett, Registered Professional Forester #2343