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Subject: comment on rulemaking file re DROUGHT MORTALITY - OAL Matter Number: 2015-0701-02
Date: Wednesday, September 02, 2015 7:58:16 AM

TO CALFIRE
FROM DREW FENTON

“Drought Mortality Amendments, 2015”

Found under “RULE ALIGNMENT, 2015”

proposing action to amend 14 CCR §§ 1038 and 1052.1

RE rulemaking action to amend sections in title 14 of the California Code of Regulations to add drought as a condition that constitutes an emergency, as well as regulations applicable to the harvesting of dead and dying trees in response to drought related stress.

PUBLIC COMMENTS AND QUESTIONS:

1) EXEMPTION FROM PREPARATION OF A TIMBER HARVEST PLAN ARE ONLY THOSE ACTIVITIES SPECIFIED IN SECTION 4584 OF PUBLIC RESOURCES CODE.

The drought mortality exemption is not listed as one of those activities specified in PRC 4584. CalFire’s proposal removes this Code Section reference that is found for the other exemptions passed by the Board, which have been authorized by the legislature – again, are specified in section 4584 of the ZBerg Nejedly Forest Practice Act of 1973 (“FPA” or “Act”). The FPA was designed to establish a constitutionally sound framework for balancing the needs of the California timber industry with the public’s concern for environmental protection. FPA grants the Board broad authority to adopt rules and regulations pertaining to timber operations and THPs, it only permits the Board to exempt from the THP requirement those activities specified in section 4584 of the Act (Environmental Protection Information Center v. California Department of Forestry and Fire Protection)

The legislature did not authorize CalFire’s Drought Mortality Exemption proposal, nor can CalFire site the authority the EXEMPTION is mandated by, and was not authorized by legislature. There is No mandate requiring CalFire to adhere to such “Drought Mortality” exemptions. CalFire does not explain in clear terms what this exemption meets, it lacks an OBJECTIVE and the way to achieve it.

2) NO EXPLANATION, NECESSITY OR PURPOSE has been included regarding that trees shall only be removed when necessary to abate emergency conditions as defined in 14 CCR §§ 895.1 and 1052.1.

How does harvesting dead or dying trees abate DROUGHT?

§ 1052.1. Emergency Conditions.

The following are conditions that constitute an emergency pursuant to 14 CCR 895.1:

- (a) Trees that are dead or dying as a result of insects, disease, parasites, or animal damage.
- (b) Trees that are fallen, damaged, dead or dying as a result of wind, snow, freezing weather, fire, flood, landslide or earthquake.
- (c) Trees that are dead or dying as a result of air or water pollution.
- (d) Cutting or removing trees required for emergency construction or repair of roads.
- (e) Where high, very high or extreme fuel hazard conditions, the combination of combustible fuel quantity, type, condition, configuration and terrain positioning, pose a significant fire threat on private timberlands. Cutting and removal of hazardous fuels, including trees, shrubs and other woody material, is needed to eliminate the vertical and horizontal continuity of understorey fuels, surface fuels, and/or crown fuels, for the purpose of reducing the rate of fire spread, fire duration and intensity, and fuel ignitability.
- (f) trees that obscure the sight-line from the observation area of a fire detection lookout maintained by a government agency (i.e. CAL FIRE or USDA Forest Service fire lookouts).

3) NO DETERMINATION IS MADE BY THE BOARD OF FORESTRY STATING THE DROUGHT MORTALITY EXEMPTION IS CONSISTENT WITH THE PURPOSES OF THE CHAPTER, AND REQUIRED BY PRC 4584 . The Exemption is being proposed under the authority of PRC Code section 4584, which states:

4584. Upon determining that the exemption is consistent with the purposes of this chapter, the board may exempt from this chapter, or portions thereof, a person engaged in forest management whose activities are limited to any of the following:

4) DUPLICATION without EXPLANATION OR DISCUSSION

Since the Drought Mortality exemption is seen to be duplicative of, and can be fully encompassed in Section 1038 paragraphs (j) and (i) related to Fuel Hazard Reduction. Requirement that the agency explain the reasons for duplication and why dead and dying trees cannot remain under those paragraphs, as it had in the past.

5) All the other 14 CCR Section 1038 exemptions to harvest trees have limitations, requirements, conditions and must so state them. No reasons or explanations and/or the necessity as to why Drought Mortality Exemption removes these limitations.

6) Compare the Section 1038 Emergency Fuel Hazardous Reduction Exemption requirements with the requirements (or removal of those) in the 2015 Drought Mortality Exemption – Explanation, justification, necessity for all below are requested :

7) 2009 Fuel Hazard Reduction Exemption assist submitters in development, documentation and description requirements for compliance, the 2015 Drought Mortality Exemption has none.

FULL 8.4

8) 2009 Fuel hazard reduction documentation fuel notice is limited to 10% of the area (or 20 acres total) and no larger than 300 acres. the 2015 Drought Mortality Harvesting exemption deletes all limits; requires an RPF to prepare the Notice if the timber operations exceed 20 acres. This exemption allows millions and millions of trees to be harvested without any plan or habitat/environmental protections

9) 2009 Fuel Hazard reduction documentation has *Vegetation Treatments* requiring targeting understory trees, to retain the largest diameter trees in the preharvest project area, maximum 30" removal or less, only if it reduces the transmission of fire [may accomplish fuel reduction removal of dead trees (by drought or otherwise).] Fuel Treatments under the Hazard Fuel Reduction exemption states in para 4 "*Standing dead or dying trees and brush shall generally be removed.*" This clearly encompasses (and has done so in the past) all dead trees caused by drought. The 2015 drought exemption has no vegetation treatment requirements, removes limits of what maximum width of trees may be removed, and doesn't require removal of the fire hazard or fuel reduction. So the vegetation treatments proposed in the Drought Mortality exemption may actually create new fire hazards, is without analysis or justification. Lacks expert analysis or proof of facts, relies on assumptions.

10) 2009 Fuel Hazard Reduction exemption requires the treatments occur within geographic areas analyzed (within ¼ mile of approved and legally permitted structures, density greater than 1 structure per 20 acres) and listed in "California Fire Alliance list of Communities at Risk," the 2015 Drought Mortality Harvesting [for fuel reduction?] has no geographic areas that are allowed to apply the exemptions in, thus will be allowed to be applied throughout entire State of California, there is no place without limits.

11) 2009 Fuel Hazard Reduction exemption at least acknowledges endangered species and incorporates habitat requirements (snag/down logs, screening) and Natural Diversity Data Base review. (§ 1052.4(e)3. , the 2015 Drought Mortality Harvesting targets to remove the very habitat elements that is required to REMAIN , thus, removes all limits to be without habitat retaining requirements. No process involves procedures for protection for the environment.

12) 2009 Fuel Hazard Reduction exemption has Archeological requirements be conducted by by a certified person. (§ 1052(a)(10)(A)) -- the 2015 Drought Mortality exemption removes archeological requirements altogether.

13) The Drought Mortality Exemption violates Public Resource Code Section 4592. Further, the Drought Mortality emergency is not defined by the board and the Necessity to harvest to remove the dead or dying trees is not stated.

PRC 4592. Notwithstanding any other provisions of this chapter, a registered professional forester may in an emergency, on behalf of a timber owner or operator, file an "emergency notice" with the department that shall allow immediate commencement of timber operations. The emergency notice shall include a declaration, under penalty of perjury, that a bona fide emergency exists which requires immediate harvest activities, and that any applicable timber yield taxes will be paid pursuant to Section 38115 of the Revenue and Taxation Code. Those emergencies shall be defined by the board and may include, but are not limited to, the necessity to harvest to remove fire-killed or damaged timber or insect or disease-infested timber, or to undertake emergency repairs to roads.

14) No substantiation of the emergency is required, no reason for the emergency and is not clear.

Citing its own document as establishing an emergency does not satisfy requirements of 1052.214 CCR §§ 895.1 and 1052.1 define and list emergency conditions. Citing or paraphrasing of these sections does not satisfy the requirements of 14 CCR § 1052.2. The registered professional forester (RPF) preparing the notice must accomplish the following to substantiate the emergency. Describe the nature of the emergency, and the need for immediate cutting in sufficient detail so the reason for the emergency is clear.

15) When the emergency is classified as financial, the following questions must be answered and were not. It is not clear if the proposal to add (k) is for financial or not. If so, requirements should be included such as: What is the reason the timber has previously been inoperable or unmerchantable? Why is the harvest opportunity not economically feasible for more than one year? Why do the operations have only minimal impact on timberland resources? The financial emergency described in 14 CCR § 1052.1 means financial loss of timber and not loss of profit. Financial loss requires a loss of timber resource.

16) 2015 Drought Mortality Harvesting exemption removes without explanation or purpose, or necessity that what is required in other hazard reduction exemptions of 1038 such as:

- the requirement to describe the "emergency" and the need for immediate harvesting of trees.
- the requirement to include the specific conditions that constitute the emergency, the cause, the extent, the immediate commencement of timber operations.
- the requirement to list the harvesting method to be followed
- to state the expected date of commencement and completion
- to submit a map of the logging area, roads and watercourses by class.
- To describe the access route to the timber operation the roads, skid trails, new trails, etc.
- The requirement to submit a completion and stocking report
- The requirement to "meet minimum stocking standards at the completion of operations"
- The limits that (1) No tractor or heavy equipment operations on slopes greater than 50%.; (2) No construction of new tractor roads on slopes greater than 40%; that (3) Timber operations within any Special Treatment Area (STA), as defined in 14 CCR § 895.1, comply with rules associated with that STA
- That the timber operator hold a valid state license and no designated that must be named upon submission of a notice
- No requirement for an RPF to prepare an emergency notice, nor requirement to sign a declaration of emergency:

FULL 8.4

- No requirement that anyone declare under penalty of perjury, that an emergency exists requiring immediate timber harvesting activities within the meaning of 14 CCR §§ 1052-1052.3:
- No requirement that the timber owner sign the declaration of intent to pay the Timber Yield Tax to assist a violation of PRC § 4592, and tax codes.

17) The 2015 Drought Mortality exemption proposed form requires to “certify” This certification by signature does not possess the language “ under penalty of perjury”, thus not legally enforceable; additionally, signature that the person is “the Timber Landowner of record for the property where harvesting under the exemption will occur.” No definition of Timber Landowner is known.

18) As required by PRC 4592, the emergency requires a notice under declaration under penalty of perjury

19) The proposed language for 1038 (k)

Trees eligible for removal shall meet one or more of the following conditions:

(A) Trees that are dead, OR

(B) Trees with fifty (50%) percent or more of the foliage-bearing crown that is dead or fading in color from a normal green to yellow, sorrel, or brown, excluding normal autumn coloration changes, or with evidence of successful bark beetle attacks, through indications of dead cambium and brood development distributed around the circumference of the bole, OR

(C) The RPF, in writing, in the Notice of Exemption, certifies the following:

1. Trees designated by an RPF as likely to die due to drought related stress, within one year, or,
2. Trees marked in accordance with 14 CCR § 1038(b)(9), or,
3. Trees marked by an RPF in accordance 14 CCR § 1038(h).

So the trees that are dead OR are 50% dead (not requiring a biologist or arborist to determine); OR trees “designated” by an RPF as likely to die due to drought related stress within a year; OR trees marked by an RPF; OR trees marked by RPF that are ancient late growth trees – all by any width (no limits)

MAY BE HARVESTED. Drought related mortality is not even a requirement under the drought mortality exemption, by use of the choice “or”. You can substitute ancient growth trees instead. Is unjustified

20) it is not clear if the timber yield tax is applicable under this commercial harvest of trees, and may be exempt from payment of taxes. “when they harvest trees unless the harvest is exempt” Tax requirements on timber yield is not mentioned.

21) CalFire’s Reasoning for the amendment of *1052.1 Emergency Conditions* states :

Amend 14 CCR § 1052.1(b)

This subsection was amended to include drought as one of the conditions that constitute an emergency in order to enable a person to submit an Emergency Notice to harvest trees that are fallen, damaged, dead or dying as a result of this condition. The addition of this condition was deemed necessary based on the emergency findings in approved OAL file # 2015-0701-02.

The proposed action also includes the addition of drought as one of the conditions that constitute an emergency, which recently became effective as a result of the approval of the Drought Mortality Exemption (emergency rulemaking); the proposed action would make the addition of drought as one of the conditions that constitute an emergency, permanent.

The Drought Mortality Condition is never explained, is not defined, has little to do with mitigating any emergency, does not reduce the effects of Drought, and nothing in science will determine if the trees died of Drought or something else. No requirement for anyone to determine HOW the tree died, “fallen, damaged, dead or dying as a result of this condition” The reasoning for the amendment is still a mystery, seems industry sponsored. No substantial evidence is known to support this amendment.

“Public Resources Code section 21082.2 was amended in 1993 (Chapter 1131) to provide that substantial evidence shall include “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” The statute further provides that “argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence.”

22) NO DISCUSSION OF “DROUGHT”

WHAT IS DROUGHT ? What is found is that the common factor is NO STANDARDS EXIST FOR DROUGHT, it is a temporary weather related condition. Additionally, California is typically in a drought 1/3rd of the year. “Major wildland fires are a common annual occurrence in this Mediterranean-like climate which typically gives the area 4 to 6 months of almost total drought. Chase, Richard A. 1980. FIRESCOPE: a new concept in multiagency fire suppression coordination. USDA Forest Service General Technical Report PSW-040, 17”

23) NO DISCUSSION OF DROUGHT HARVESTING LAND USE or PREVENTION OR MITIGATIONS Please discuss or alter the proposed paragraph (k) as TO:

“Land Use and Drought How we use land affects our vulnerability to drought. In general, land use patterns that maintain the integrity of watersheds and that have a smaller paved footprint result in greater resilience in the face of drought. This is an emerging area for researchers.”

24) Harvesting trees in response to Drought is not a purpose that mitigates drought conditions, is unjustified, while CalFire agency has no ability or duty to respond to a water related crisis.

PRC CODE 21080.08.

(a) This division does not apply to a project that satisfies both of the following:

- (1) The project is approved or carried out by a public agency for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor on January 17, 2014, pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.
- (2) The project consists of construction or expansion of recycledwater pipeline and directly related infrastructure within existing rights of way, and directly related groundwater replenishment, if the project does not affect wetlands or sensitive habitat, and where the construction impacts are fully mitigated consistent with applicable law.

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(b) This section shall remain operative until the state of emergency due to drought conditions declared by the Governor in the proclamation issued on January 17, 2014, has expired or until January 1, 2017, whichever occurs first, and as of January 1, 2017, is repealed unless a subsequent statute amends or repeals that date.

25) CALFIRE IS WITHOUT AUTHORITY REGARDING “EMERGENCY”

CalFire is not authorized to claim that a weather related condition is an emergency. It is their assumption, without any basis or statement of fact or written scientific proof that DROUGHT is cause for more timber harvesting. THE GOVERNOR OF THE STATE OF CALIFORNIA is the only person authorized to call a state of emergency on January 17, 2014:

Announcement: “SAN FRANCISCO – With California facing water shortfalls in the driest year in recorded state history, Governor Edmund G. Brown Jr. today proclaimed a State of Emergency and directed state officials to take all necessary actions to prepare for these drought conditions

THE Governor has approved CalFire to act as such:

.....18.The California Department of Forestry and Fire Protection will hire additional seasonal firefighters to suppress wildfires and take other needed actions to protect public safety during this time of elevated fire risk.

The proposal to amend 1038 by adding paragraph (k) to Exemptions for timber management activities have not been authorized by the Governor. The only action allowed is to hire more firemen, or needed action to protect public safety. The proposed subsection does nothing for public safety, nor mentions it.

26) CalFire’s proposal will supercede Public Resource Code 4291. Is unauthorized, and not explained, nor mentioned that it will not supercede.

4291

(a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

(1) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (2).

The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this paragraph, “fuel” means any combustible material, including petroleum-based products and wildland fuels.

(2) A greater distance than that required under paragraph (1) may be required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

(e) The Department of Forestry and Fire Protection shall develop, periodically update, and post on its Internet Web site a guidance document on fuels management pursuant to this chapter. Guidance shall include, but not be limited to, regionally appropriate vegetation management **suggestions** that preserve and restore native species, minimize erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion such as woodpiles, propane tanks, decks, and outdoor lawn furniture.

27) CalFire’s proposal conflicts with Public Resource code section 4291.

28) PRC code 4741. States

“In accordance with policies established by the board, the department shall assist local governments in preventing future wildland fire and **vegetation management problems** by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department’s budgetary limitations. Department recommendations shall be advisory in nature and local governments shall not be required to follow such recommendations.”

CalFire should, as the code requires make their wildland fire prevention and vegetation management advice to local government, and should not engage in vegetation management on their behalf. Most of these exemptions will occur in unincorporated counties, and vulnerable areas will be targeted without aid of their local government, environmental justice analysis is requested.

29) FINALLY: CalFire makes the inaccurate claim that “The requirements for environmental review under the California Environmental Quality Act 15300.1 also do not apply.” (See Notice of exemption form for Drought Mortality.) 14 CCR 15300.1

No discussion of Calfire’s claimed CATEGORICAL EXEMPTION TO EXEMPT THE ACTIVITIES AS “MINISTERIAL” The activities as proposed cannot be CEQA exempt. Other PCR CEQA related fuel management activities are already written for CalFire, such as 15304. The harvesting of dead and dying trees for Drought management activity will impact threatened and endangered species and will result in significant erosion and sedimentation, will endanger the public to fire hazards and threaten to destroy our watershed and water supply. This will cause a huge impact, unmitigated and denied, if approved.

Chapter 3. Guidelines for Implementation of the California Environmental Quality Act

Article 19. Categorical Exemptions

14 CCR § 15300.1

§ 15300.1. Relation to Ministerial Projects.

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority.

Since ministerial projects are already exempt, Categorical Exemptions should be applied only where a project is not ministerial under a public agency’s statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for resources that such an activity is discretionary.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code

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15304. Minor Alterations to Land

(i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

Discussion: This section describes the class of projects involving minor alterations to the land. The 1998 revision to the section specified that this exemption applies to fuel management activities which will not impact threatened or endangered species or result in significant erosion or sedimentation.

30) A response to drought IS normally conservation of water, not an action calling for logging of trees and downed woody debris – which cannot reduce conditions of drought, or is a known or tested policy in response to. The proposal to add “drought” conditions to what constitutes an emergency in order to commercially log trees and bulldoze new roads for access to ‘dead’ wood all without a review process and is not supported by the public, nor will this help the public. President Bush responded to the severe 2002 fires by proposing a Healthy Forests Initiative to reduce fuel loads by expediting review processes too.

31) if “drought” is considered an emergency the environmental protections laws will be ignored .

32) The logic does not follow, how can a **severe weather condition** called “drought” be understood to be an EMERGENCY?

33) NO LEGISLATION directing, no statute, and no CCREgulation exists for implementing Harvesting for drought condition.

34) NECESSITY is not explained.

35) No problem is IDENTIFIED

36) No explanation as to how proposal will alleviate the problem.

37) Problem identified in prior rule, which allows for exemption on only 10% of area of harvest :

“Other drought responses observed during 2014 included desiccation and premature shedding of leaves by native oak species. Varying levels of drought-related tree mortality, premature defoliation, early foliage color change, and leaf drop were mapped over 227,000 acres via aerial survey in 2014.”

38) No purpose is declared as to why it is necessary to act and why it is an emergency, none are required in the proposed text.

39) DUPLICATION of almost exact existing CCR -- which restricts harvesting dead and dying trees due to drought to 10% of the area.... A note in the existing law states as an alternative, is the one CalFire is proposing

40) Drought is a temporary aberration from normal climatic conditions, thus it can vary significantly from one region to Another. no one will be clear on when and for how long drought conditions occur in order to harvest drought trees without a THP.

41) No expiration of the rule is included.

42) Since **drought is a lack of precipitation over an extended period of time (NOAA)**. Drought results in a water shortage. Water shortage causes adverse impacts on vegetation. Calfire’s response to a weather related event that causes a water shortage is not directly related to their proposed activities/rule.

43) Drought is a *water* emergency, it impacts water supply (i.e., streamflow, reservoir and lake levels, ground water), potentially resulting in significant societal impacts. A water shortage is not CalFire’s field of expertise, it belongs to the water agencies. CalFire’s response to a water shortage is to harvest trees that are dead or dying this is an inappropriate response to Drought. Harvesting dead trees during a drought can’t alleviate any drought condition -- but it will exacerbate drought (thus causing more trees to die).

44) THE NATIONAL DROUGHT impact reporter did not find any states with a similar response or activity like CalFire’s during a drought.

<http://public.droughtreporter.unl.edu/advancedsearch/impacts.aspx>

NOAA states what DROUGHT is.

How is Drought Monitored and Assessed?

U.S. Drought Monitor: The U.S. Drought Monitor provides a general summary of [current drought conditions](#).

The U.S. Department of Agriculture (USDA), the National Oceanic and Atmospheric Administration (NOAA), and the [National Drought Mitigation Center](#) (University of Nebraska-Lincoln) collaborate on this weekly product, which is released each Thursday. Multiple drought indicators, including various indices, outlooks, field reports, and news accounts are reviewed and synthesized. In **addition, numerous experts from other agencies and offices across the country are consulted**. The result is the consensus assessment presented on the USDM map. The image is color-coded for four levels of drought intensity. An additional category, “Abnormally Dry,” is used to show areas that might be moving into a drought, as well as those that have recently come out of one.

The dominant type of drought is also indicated (i.e. agricultural and/or hydrological).

Source: <http://www.drought.unl.edu/dm/index.html>

Drought Impact Reporter: The goal of the National Drought Mitigation Center’s Drought Impact Reporter is to collect, quantify, and map reported drought impacts for the U.S. and provide access to the reports through interactive search tools. Users can submit their own drought impact reports through the tool’s easy web interface.

Source: <http://droughtreporter.unl.edu/>

45) CalFire should collaborate with other agencies before proposing this rule

46) CalFire should consult the legislature for drafting language that complies with the FPA

47) We could not understand what is meant by “Amend 14 CCR § 1038(i), replace reference to the specific form with reference to 14 CCR § 1038.2. “ What exactly are you up to?

48) Its not clear why you have to amend PRC 4584 regarding Coast District stocking standards, and why they differentiate the stocking standards. What exactly does this mean?

“6. Amend 14 CCR § 1038(j)(5)(A) and (B) to include Coast District stocking standards and differentiate the stocking standards for the Northern and Southern Districts, pursuant to AB 1867 (which amended PRC § 4584).”

49) How are protections from destruction to archeological justified?

“7. Amend 14 CCR § 929.1 [949.1, 969.1] (e)(2)(B) to reference 14 CCR § 895.1 where the updated definition of the Confidential Archaeological Letter exists.

8. Amend 14 CCR §§ 1038(i)(7) and 1038(j)(7) to qualify the reference to the updated definition of the Confidential Archaeological Letter to make it clear that 14 CCR § 929.1 [949.1,969.1] (c)(3) does not apply to the 1038(i) and 1038(j) exemptions”

Thank you for this opportunity to comment

DREW FENTON

Per calfire

NEW DROUGHT MORTALITY EXEMPTION

On June 17, 2015, the Board of Forestry and Fire Protection adopted emergency regulations allowing specified forest management activities, including the cutting or removal of trees that are dead or dying as a result of the drought conditions across California. The new rules were adopted under 14 CCR § 1038 (k) and became effective on July 13, 2015. Areas to be treated that are larger than 20 acres cumulatively across an ownership require a Registered Professional Forester (RPF) to prepare, sign, and submit a new exemption form* to CAL FIRE. Areas less than 20 acres do not require an RPF, but can be submitted by the timberland owner, timber owner, Licensed Timber Operator or an RPF on the new form*.

Final Rule language for the emergency regulation can be found at the Board of Forestry and Fire Protection Web page:

http://www.bof.fire.ca.gov/regulations/approved_regulations/2015_/posted_071415_400_notice_of_approval_and_final_rule_text_2015-0701-02e_app.pdf

*A new exemption notice form “DROUGHT MORTALITY EXEMPTION (7/15)” has been created and can be found on the CAL FIRE Web page:

http://calfire.ca.gov/resource_mgt/resource_mgt_forestpractice_harvestingforms.php

Drought Mortality Amendments	6/17/15	NA	06/23/15 (5-Day)	NA	NA	NA	6/17/15	7/01/15	approved 07/13/15, effective 07/13/15	Approved
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ITS NOT EASY FINDING HOW TO SEND A PUBLIC COMMENT.