

Board of Forestry and Fire Protection

**FINAL STATEMENT OF REASONS (FSOR), pursuant to GOV §11346.9(a)**

**“DROUGHT MORTALITY AMENDMENTS, 2015”**

**Title 14 of the California Code of Regulations (14 CCR),  
Division 1.5, Chapter 4, Subchapter 7, Article 2**

**Certificate of Compliance: § 1038**

**UPDATE OF INFORMATION CONTAINED IN ISOR (pursuant to GOV §11346.9(a)(1))**

Since the ISOR was published the history of the development of this regulation has grown to include:

- The Board completed the readoption process a second time documented in file OAL FILE NO. 2016-0328-02, which became effective on April 12, 2016 and is set to expire on July 12, 2016.

Consequently, this associated emergency file is incorporated by reference, by its OAL file number which is listed below, otherwise, no documents are incorporated by reference:

- EMERGENCY READOPTION 2 (OAL FILE NO. 2016-0328-02)

Otherwise, no information contained in the ISOR requires update. All material relied upon was identified in the ISOR and made available for public review prior to the close of public comment period.

**SUMMARY OF BOARD'S MODIFICATIONS TO 45-DAY NOTICED RULE TEXT AND INFORMATION REQUIRED PURSUANT TO GOV §11346.2(b)(1)) (pursuant to GOV §11346.9(a)(1))**

The rule text was adopted in its 45-Day noticed form.

***Rule Text Formatting Note***

The underline or strikethrough has been removed from the adopted 45-Day noticed rule text where it is in existing CCR as a result of emergency rulemaking.

**REITERATION OF DISCLOSURES REGARDING THE ADOPTED REGULATION, RESULTS OF ECONOMIC IMPACT ANALYSIS, AND ANTICIPATED BENEFITS**

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)-(D)**. The adopted action:

- (A) will create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will create new businesses;
- (B) will not eliminate existing businesses within California;

(C) will beneficially affect the expansion of businesses currently doing business within California.

(D) will have nonmonetary benefits.

The Board has determined that adoption of the regulations identified herein will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, instead businesses will be beneficially impacted by this action (pursuant to GOV §11346.3(a)(2)).

**Mandate on local agencies and school districts (pursuant to GOV §11346.9(a)(2)):**

The adopted regulation does not impose a mandate on local agencies or school districts.

**Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code sections commencing with GOV §17500 (pursuant to GOV §11346.9(a)(2)):**

The adopted regulation does not impose a reimbursable cost to any local agency or school district.

**ALTERNATIVES DETERMINATION (pursuant to GOV §11346.9(a)(4) and (5)):**

Except as set forth in the ISOR and provided in the summary and responses to comments, no other alternatives have been proposed or otherwise brought to the Board's attention. Based upon the findings below and a review of alternatives the Board has determined the following:

- No alternative considered would be more effective in carrying out the purpose for which the regulation was intended.
- No alternative would be as effective and less burdensome to affected private persons than the adopted regulation.
- No alternative would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.
- No alternative considered would lessen any adverse economic impact on small business.

**FINDINGS (BASED ON INFORMATION, FACTS, EVIDENCE AND EXPERT OPINION) TO SUPPORT THE ALTERNATIVES DETERMINATION**

- The Board finds the adopted alternative fulfills the obligations of the Board, specified in statute, and represents a product based upon compromise and the greatest degree of consensus achievable at the time the Board authorized noticing of the proposed action.
- The Board finds Public and Agency representatives reviewed and provided input

into the rules the adopted alternative.

- The Board finds the adopted alternative strikes a balance between performance based and prescriptive standards.
- The Board finds that a minimum level of prescriptive standards were needed to implement the statute.
- The Board finds on average more than 100 Habitable Structures are destroyed each year by wildfires.
- The Board finds it is likely that California will continue to experience large and damaging wildfires that threaten people's lives and destroy homes.
- The Board finds this exemption will incentivize landowners to harvest and remove dead and dying trees that will reduce the risk of loss of life and property damage.
- The Board finds the adopted alternative will facilitate appropriate fuel modification and reduce the falling hazard associated with deteriorating trees. Appropriate fuel modification can:
  - Reduce the risk of fire to timberlands.
  - Reduce large, damaging wildfires.
  - Decrease losses of homes and structures due to wildfire.
  - Enhance firefighter safety.
  - Increase public safety.
  - Increase the efficiency of fire suppression operations relating to how, when, and where firefighting assets are deployed.
  - Reduce the cost of fire suppression.
  - Increase forest health.
- The Board finds the adopted alternative will reduce the negative impacts, associated with large and damaging wildfires, to watersheds, fisheries, wildlife habitat, public health, water supply, water quality, the atmosphere (from GHG emissions) and local economies.
- The Board finds the adopted alternative will facilitate the reduction in risk to life, property and the environment posed by dead and dying trees by streamlining the process to harvest and remove them. Specifically, this exemption will enable landowners to address the fuel conditions being made worse by the drought and tree mortality and the falling tree hazard associated with deteriorating dead trees. Additional benefits may include a monetary return and improved aesthetics.
- The Board finds that in most cases, the monetary benefit will be negligible, in large part due to the poor quality (due to beetle damage) of material being removed and the lack of accessible markets. Consequently, the Board finds the adopted alternative affords incentive for innovation in products, materials and processes,

specifically fuel modification processes and the development of new products (such as pellets, engineered lumber and shavings) through the availability of abundant reasonably priced raw material.

- The Board finds businesses will be beneficially impacted by the adopted alternative. Statewide, over the life of this exemption, an estimated 160 businesses will directly benefit from the adopted alternative.
- The Board finds the adopted alternative may make what may have been a cost prohibitive operation, cost effective.
- The Board finds the consequence of this tipping of the economy of scale will mean existing businesses will have more work and will hire people to account for this additional work.

**BOARD'S ADOPTED ALTERNATIVE (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4): Take Action as Proposed and Modified through the Formal Public Review and Comment Process (Alternative #4)**

The Board chose to adopt the rule text as presented in the 45-Day Notice. No modifications, through the formal public review and comment process, were made.

This alternative would result in making semi-permanent the existing 14 CCR § 1038(k), which affords a project proponent exemption from the plan preparation and submission requirements (PRC § 4581) and from the completion report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA, to capture mortality, address the fuel conditions being made worse by the drought and tree mortality and reduce the falling hazard associated with deteriorating trees. This action is a mix of performance based and prescriptive standards as is the entire Forest Practice Rules.

This is the preferred alternative as it fulfills the obligations, specified in statute, of the Board and represents a product based upon compromise and the greatest degree of consensus achievable at the time the Board authorized noticing of the proposed action. Public and Agency representatives have reviewed the action and provided input, which is reflected in the action. The Board struck a balance between performance based and prescriptive standards. The Board found that a minimum level of prescriptive standards were needed to implement the statute.

**BRIEF SYNOPSIS OF ADDITIONAL ALTERNATIVES CONSIDERED AND REJECTED (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4)**

**Alternative #1: No Action**

Adoption of this alternative would have resulted in not making permanent the existing 14 CCR § 1038(k), which affords a project proponent exemption from the plan preparation and submission requirements (PRC § 4581) and from the completion report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA, to capture

mortality, address the fuel conditions being made worse by the drought and tree mortality and reduce the falling hazard associated with deteriorating trees.

This alternative was rejected because the Board has found that this exemption is a good tool to partially address the problem.

**Alternative #2: Take Action to Increase the Specificity of the Regulation Needed to Implement the Statute**

Adoption of this alternative would have increased the specificity of the regulation needed to implement the statute.

The Board rejected increasing the specificity of the regulation needed to implement the statute in recognition of the diversity in timberland, management and mitigations, to allow the final level of prescription be developed by the participants familiar with the site specific, on the ground conditions. The Board found that increasing the specificity, relative to the adopted alternative, did not provide enough flexibility to participants to meet the statutory requirements in alternative ways that were more site-specific and at least as effective.

**Alternative #3: Take Action to Decrease the Specificity of the Regulation Needed to Implement the Statute**

This alternative would have decreased the specificity of the regulation needed to implement the statute. This alternative would have provided maximum flexibility for participants allowing them to develop performance based standards to implement the statute.

The Board rejected decreasing the specificity of the regulation needed to implement the statute because the Board found that minimum levels of prescriptive standards were needed to implement the statute. Decreasing the specificity would have generated broader interpretation by the participants and may have resulted in enforcement complications for the Department, who must have the ability to enforce regulatory prescriptive standards for the protection of the public trust resources.

**SUMMARY AND RESPONSE TO COMMENTS (pursuant to GOV 11346.9(a)(3))**

The comments below are identified in the following format: The letter S or W followed by a series of numbers separated by a hyphen, followed by the name and affiliation (if any) of the commenter (e.g. W1-8: John Doe, Healthy Forest Association).

S: Indicates the comment was received from a speaker during the Board hearing on the 45-Day Notice of proposed rulemaking.

W: Indicates the comment was received in a written format.

1<sup>st</sup> number: Identifies the comments in the order in which it was received.

2<sup>nd</sup> number (following the hyphen): Represents the specific comment within a written comment or speaker comment. The specific comments are numbered in the order in which they were presented.

Commenter: The person presenting the comment and the organization, if any, with which they are affiliated, follows the comment identifier.

For example, W1-8 would represent the 8<sup>th</sup> comment within the 1<sup>st</sup> written comment received, and S5-3 would represent the 3<sup>rd</sup> comment given by the 5<sup>th</sup> speaker at the Board hearing.

<p align="center"><b>WRITTEN COMMENTS AND RESPONSES RESULTING FROM 45-DAY NOTICE OF PROPOSED RULEMAKING PUBLISHED FEBRUARY 12, 2016</b></p>
---

**W1-1: Staci Heaton, Rural County Representatives of California (RCRC)**

RCRC member counties are among those experiencing the highest levels of tree mortality due to extreme drought conditions, and four of the six counties designated as high hazard zones by the State are RCRC members. The tree mortality emergency is not just a wildfire issue, but also a public health and safety issue that must be addressed with a sense of urgency by all forest land managers. While the State is moving swiftly to address dead and dying trees due to invasive pests on State Responsibility Area lands and working with the USDA Forest Service to mitigate the impacts on national forest lands, the proposed extension of the exemptions to the Z'berg-Nejedly Forest Practice Act (FPA) is vital so that private landowners can continue to address the impacted trees at an appropriate pace and scale. We also feel the extension to December 2018 is warranted in light of the scale of the mortality problem, as we are already seeing the infestation spreading well beyond the high hazard zones into the rest of the State.

RCRC believes this proposal is an important component of the State's response to the tree mortality crisis, and plays a vital role in carrying out the directives established in the Governor's October 2015 Tree Mortality Emergency Proclamation.

**Board Response:** The Board acknowledges and appreciates the generally supportive nature of the comment. However, the Board wishes to clarify that persons using this exemption shall comply with the operational provisions of the FPA and District Forest Rules. This exemption only provides exemption from the plan preparation and submission requirements (PRC § 4581) and from the completion report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA.

**Rule Text Edit:** No.

**W2-1: Brian Rueger, Registered Professional Forester #2162**

The following comments are **in support of the proposed action titled "Drought Mortality Amendments, 2015"**, under consideration by the Board of Forestry and Fire Protection. These comments are being submitted via email to the Board of Forestry.

This rulemaking proposal will benefit not only individual landowners affected by the tree mortality situation, but entire communities in the central and southern Sierra Nevada region where entire watersheds have been adversely affected by the numbers of dead and dying trees.

This is obviously a very serious issue and will likely intensify in the next several years. The Board should consider making the Drought Mortality 1038 (k) exemption option permanent, without the December 31, 2018 deadline as noted. Serious tree mortality situations will likely continue at different locales in the future. The extent of mortality may be less than at present, but might still be serious enough for landowners to have this 1038 (k) option at their disposal beyond 2018.

I support making the “Drought Mortality Amendments, 2015” permanent under the Forest Practice Rules.

**Board Response:** The Board acknowledges and appreciates the generally supportive nature of the comment. The Board chose the expiration date of December 31, 2018 to correspond to the estimate of how many years it will take, under average rainfall conditions, for the rate of tree mortality to return to normal. Additionally, the Board deemed this time period commensurate with being able to assess compliance and potential environmental impacts to inform their future decision to allow the exemption to expire or to extend it, with or without modification.

**Rule Text Edit:** No.

**W3-1: Helge Eng, California Department of Forestry and Fire Protection (letter dated April 1, 2016, received outside public comment period)**

The California Department of Forestry and Fire Protection (CAL FIRE) has monitored the implementation of the Emergency Regulation as required by 14 CCR § 1038(k)(8), and finds that the rule has been effective in providing private timberland owners an efficient regulatory process for removal of drought stricken dead and dying trees to reduce the potential for catastrophic damage from wildfires.

The Governor’s October 30, 2015, Proclamation of a State of Emergency recognized that additional action is necessary to address the unprecedented tree die-off resulting from the prolonged drought conditions which exacerbated bark beetle infestation. Considering the Governor’s Proclamation, and the continued increase of tree mortality, CAL FIRE supports the proposed permanent rule plead of the Drought Mortality Amendments, 2015.

**Board Response:** The Board acknowledges and appreciates the support provided by the commenter.

**Rule Text Edit:** No.

**SPEAKER COMMENTS AND RESPONSES RESULTING FROM PUBLIC HEARING  
CONDUCTED APRIL 6, 2016**

**S1-1: Bill Condon, California Department of Fish and Wildlife (CDFW)**

Provided qualified support and recommended additional constraints be built into the exemption, including:

- A cap on harvested volumes

- Post-harvest stocking standards
- For exemptions, where the harvest area is less than 20 acres in size, which do not require Registered Professional Forester (RPF) involvement, a professional be required to classify watercourses because each class of classified watercourse require specific protection measures pursuant to 14 CCR § 916 [936, 956].

**Board Response:** The Board considered incorporating these constraints into the exemption but decided against it for it to remain accessible to the intended audience (landowners with land on which drought related tree mortality exists). The Board balanced resource protection with the burden to the project proponent.

Specifically, the Board considered watercourse classification. For projects that require a RPF, pursuant to 14 CCR § 1038(k)(8), the location of timber operations and watercourses, including watercourse classification, must also be shown on this map. The capture of this additional information was deemed necessary, when the harvest area exceeds 20 acres, to facilitate authentication that the exemption is being conducted pursuant to its conditions and to facilitate verification of the certification that the RPF provides, pursuant to 14 CCR § 1038(k)(8)(B), that significant adverse impacts will not occur.

Specifically, the Board considered a cap on volumes. In the past, pursuant to PRC § 4584(c), the Board adopted 14 CCR § 1038(b) and (d), which limits, in subsection (b), the harvest volume of dead, dying and diseased trees to less than 10% of the volume per acre and, in subsection (d), harvesting dead trees which are unmerchantable as sawlog-size timber from substantially damaged timberlands. This exemption, captured in subsection (k), does not impose these limitations, therefore the economy of scale may make a previously cost prohibitive operation, cost effective.

Specifically, the Board considered post-harvest stocking standards. The purpose of the this exemption is to provide a person engaging in the cutting or removal of dead or dying trees of any size an exemption, from the plan preparation and submission requirements (PRC § 4581) and from the completion report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA, to capture mortality, address the fuel conditions being made worse by the drought and tree mortality and reduce the falling hazard associated with deteriorating trees.

However, based on the monitoring results, the Board will reconsider reincorporating these constraints, if the Board decides to extend the exemption past its expiration date of December 31<sup>st</sup>, 2018.

**Rule Text Edit:** No.

**S1-2: Bill Condon, CDFW**

Asked when the Drought Mortality Amendments sunsets in 2018, what type of data would the Board rely on to extend or suspend exemptions? Currently CAL FIRE shows data from the number of acres treated under this exemption, areas of land treated and number of violations. The commenter finds that although this information is useful, it seems lacking. Is it the intent of the Board to establish monitoring data on implementation of the data via acres, areas of application and degree of compliance? And is "degree of compliance" simply the number of violations that CAL FIRE Inspectors report to the board? Because at the end of 2015, CAL FIRE published data stating that of the 42,618 acres exempted under the 166 notices received by CAL FIRE, there were zero (0) violations. The commenter found this very hard to believe and remarkable, based on experience. The commenter said that the aforementioned data from CAL FIRE is useful but doesn't seem to go far enough, and is concerned that this is the majority of the data that the Board is receiving to establish their decision on this exemption. The commenter realizes based on experience, actual violations are not overly common, but wondered did CAL FIRE inspectors identify issues in harvests operating under the 1038(k) exemption and point out potential issues to landowners, so they could correct and resolve issues before resorting to actual violations/penalties? The commenter commended the data compiling by CAL FIRE but states it needs to go farther, be more in depth, and have a monitoring element.

**Board Response:** Pursuant to 14 CCR § 1038(k), persons using this exemption shall comply with 14 CCR § 1038.1, which requires that persons using this exemption shall comply with the operational provisions of the FPA and District Forest Rules. Additionally, in-lieu practices of watercourse and lake protection, exceptions to rules, and alternative practices are not allowed.

Although Department oversight of exemptions is ministerial, the Department has the authority to inspect timber operations on timberland and, pursuant to 14 CCR § 1038(k)(9), is obligated to monitor the number of Harvest Area acres, the areas of application and the degree of compliance. Additionally, the Department must, annually, report its findings, to the Board.

Pursuant to the 5 day timeline specified in 1038(k)(7), the Department has suitable opportunity to inspect prior to commencement of operations.

All Forest Practice Inspectors must regularly attend a Forest Practice Enforcement class where they are instructed and certified in investigation and enforcement techniques.

In addition, pursuant to PRC § 4119, the Department, or its duly authorized agent, shall enforce the state forest and fire laws. The Department may inspect all properties, except the interior of dwellings, subject to the state forest and fire laws, for the purpose of ascertaining compliance with such laws.

Further, pursuant to CAL FIRE Resource Management Policy 5501: "The Director has determined that it is the department's policy to pursue vigorously the prompt and

positive enforcement of the FPA, the forest practice rules, related laws and regulations, and environmental protection measures applying to timber operations on the non-federally owned lands of the state. This enforcement policy is directed primarily at preventing and deterring forest practice violations, and secondarily at prompt and adequate correction of violations when they occur.”

Pursuant to CAL FIRE Resource Management Policy 5501.1, the Primary Enforcement Objectives are set forth:

- Conserve and maintain the productivity of the timberlands while preventing or mitigating damage to associated resources.
- Administer enforcement so as to achieve the best possible compliance, using available department resources and making full use of the applicable laws and regulations. Aggressive and prompt enforcement action is expected to prevent proliferated and aggravated problems and to develop public confidence in the forest laws and the department's administration of them. When substantial violations are found, positive enforcement measures will be initiated promptly and penalties sought.

Finally, where Forest Practice Rule standards have been violated, specified corrective and/or punitive enforcement measures including, but not limited to, financial penalties are imposed upon the identified offender(s).

Relevant information that constitutes a response may also be found in S1-4.

**Rule Text Edit:** No.

**S1-3: Bill Condon, CDFW**

Expressed concern regarding cumulative impacts and wants to see this exemption serve its purpose of aiding landowners to address the serious issue of tree mortality, without causing unnecessary cumulative damage to the environment.

**Board Response: From the ISOR:**

The California Environmental Quality Act (CEQA) requires review, evaluation and environmental documentation of potential significant environmental impacts from a qualified project. The Board's rulemaking process has been certified by the Secretary of Resources as meeting the requirements of PRC § 21080.5.

This exemption would be an added element to the State's comprehensive Forest Practice Program under which timber operations on timberland is regulated. The Board's Forest Practice Rules along with the Department oversight of rule compliance function expressly to prevent significant adverse environmental effects.

This action makes permanent, until 12/31/18, through regular rulemaking, the 14 CCR §1038(k) exemption. An exemption provides relief from the plan preparation and submission requirements (PRC § 4581) and from the completion report and stocking

report requirements (PRC §§ 4585 and 4587) of the FPA, to a person engaging in certain types of timber operations with exceptions and requirements.

However, it does not relieve such persons from complying with the operational provisions of the FPA and District Forest Rules (pursuant to 14 CCR §1038.1). Additionally, in-lieu practices of watercourse and lake protection, exceptions to rules, and alternative practices are not allowed.

Additional requirements, applicable to the subject exemption, include having to meet the conditions listed in 14 CCR § 1038(b)(1)-(10). In 1988, amendments to 14 CCR § 1038(b) were approved (documented in rulemaking File 097) that replaced “minimum impact” with conditions, which was the first effort toward the current list of conditions in 14 CCR § 1038(b).

Specifically, since 1988 the first text (in quotations) has replaced the second text (in quotations), both of which follow. The purpose of these avoidance measures was to prevent significant adverse environmental effects.

*First Text:* “(b) Harvesting dead, dying or diseased trees of any size, fuelwood or split products in amounts less than 10 percent of the average volume per acre when the following conditions are met:

- (1) No tractor or heavy equipment operations on slopes greater than 50 percent.
- (2) No construction of new tractor roads on slopes greater than 40 percent.
- (3) Timber operations within any Special Treatment Area, as defined in 14 CCR 895.1, shall comply with the rules associated with that Special Treatment Area.
- (4) No tractor or heavy equipment operations on known slides or unstable areas.
- (5) No new road construction or reconstruction, as defined in 14 CCR 895.1.
- (6) No heavy equipment operations within the standard width of a watercourse or lake protection zone, as defined in 14 CCR 916.4 [936.4, 956.4] (b), except for maintenance of roads and drainage facilities or structures.
- (7) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.
- (8) No timber operations within the buffer zone of a sensitive species, as defined in 14 CCR 895.1.
- (9) No timber harvesting within the standard width of a watercourse or lake protection zone, as defined in 14 CCR 916.4 [936.4, 956.4] (b), except sanitation-salvage harvesting, as defined in 14 CCR 913.3 [933.3, 953.3], where immediately after completion of operations, the area shall meet the stocking standards of 14 CCR 912.7 [932.7, 952.7] (b)(2), or, except the removal of dead or dying trees where consistent with 14 CCR 916.4 [936.4, 956.4] (b). Trees to be harvested shall be marked by, or under the supervision of, an RPF prior to timber operations.
- (10) No timber operations on any site that satisfies the criteria listed in 895.1 for a significant archaeological or historical site. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.”

*Second Text:* “(b) Harvesting dead, dying or diseased trees of any size in amounts less than 10% of the average volume per acre (.405 ha); or fuelwood or split products; where either will have only minimum impact on the timberland resources.”

Another condition of use for the 1038(k) exemption, when timber operations on a cumulative harvest area exceeds twenty (20) acres per total contiguous ownership, is that it be prepared, signed, and submitted to the Department by a RPF, who, by reason of his or her knowledge is qualified to consult, investigate, evaluate, plan, and

supervise forestry activities to prevent significant adverse environmental effects. Given the scale of the problem, a cumulative harvest area exceeding twenty (20) acres per total contiguous ownership was deemed the tolerable threshold, for activities allowed pursuant to this exemption, at which significant adverse effects had the potential to result if an RPF were not involved.

Additionally, although Department oversight of exemptions is ministerial, the Department has the authority to inspect timber operations on timberland and pursuant to 14 CCR § 1038(k)(9) is obligated to monitor and report on the statewide use of the exemption, allowed under 14 CCR § 1038(k), including the number of harvest area acres, the areas of application and the degree of compliance. Additionally, the Department must, at a minimum, annually report its findings to the Board.

In summary, this action will not result in significant adverse environmental effects because the standards that are required constrain activities to a level where significant impacts will be avoided. This action is an element of a comprehensive avoidance and mitigation program for timber operations on timberland.

**Rule Text Edit:** No.

**S1-4: Bill Condon, CDFW**

Asked how the degree of compliance to the exemption by landowners will be assessed? Merely by violations reported by CAL FIRE Forest Practice Inspectors? Or is it with other factors? Recommended that an effectiveness monitoring strategy be implemented as soon as possible so that by the sunset date in 2018, the Board can base a decision to extend or suspend the DMA exemption on hard monitoring data. An environmental monitoring program needs to be instituted that assesses the environmental impact of this exemption and offered CDFW's scientists to assist in developing effective monitoring methods and approaches.

**Board Response:** The Board agrees with the commenter and the Board, through the Resource Protection Committee, is in the process of designing an effectiveness monitoring methodology and strategy to apply to all fuel-hazard reduction permitting options. However, challenges include the expense of data collection and the question remains which entity will absorb the cost of monitoring. Another challenge is deciding which data to collect and how, so that sampling bias and cost will be minimized.

**Rule Text Edit:** No.