



February 8, 2019

Board of Forestry & Fire Prevention
Attn: Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460

RE: Small Landowner Exemption Process

Dear Mr. Dias,

I would like to bring to the Board's attention a couple of issues which I have stumbled upon while contemplating how to go about using the new Small Landowner Exemptions, how those exemptions will best serve my clients goals and objectives, and also how the regulatory side of enforcement will look at these. I am sure that as I begin to try and lay these out over the next few months and see if they will work or not, I will have more issues, but these are a couple which are critical and I feel every RPF is going to have issues using this Exemption, without guidance from the Board. I feel that this probably needs to be addressed sooner rather than later as I don't think an RPF can use this language in it's current form.

The retention of the six largest trees per acre

On the surface this seems like a reasonable approach, giving some kind of mechanism for improving the size of the trees in stands long-term. However, in implementing it on the ground, there is a fatal flaw. We have no guidance to give RPFs on how this will be monitored by Cal Fire. The current language is unenforceable. In discussions with Cal Fire staff last week, I discovered that this issue hadn't even been considered yet. Without knowing how this will be enforced, we are setting every RPF up for failure. I could do a very rigorous sampling of the project area, identify the 6 largest trees per acre and get a completely different number than what a Cal Fire Inspector gets just due to where they sample. If you are going to show that a performance-based series of regulations can be beneficial to trees, watershed, wildlife, the public and our clients, we need clear guidance prior to implement this exemptions.

There are two clear options here to me at this point; 1. The Board create or Cal Fire give the RPF community the guidance they need to meet the requirements of enforcement, or 2. to rely simply on increasing quadratic mean diameter post operation and do away with the retention of the 6 largest trees.

If RPFs are going to rely on Cal Fire for guidance, it could be months before this is developed and we will be well into the next fire season before we can do anything with these exemptions.

In my discussions with Cal Fire staff last week, they didn't think that the new monitoring program that they are developing for exemptions was likely to be put in the field until 2020. We would thus lose one of the 5 years we have to show this type of a program could work.

The more reasonable solution is to rely on increasing QMD. This can be shown from day one post operation and can be repeatable to some degree by inspectors without having to measure every tree on every acre. This could also be problematic as well as smaller stumps have a tendency to disappear during operations from being run over, buried, or the stumps coming out of the ground.

Neither of these options are ideal, and I think I would favor RPF discretion since this is a ministerial document, but it sounds like this isn't an option here.

Eight-inch stump heights

The legislative language of SB901 says that stumps will be measured at a height of 8" above the ground to determine they are in compliance with the diameter restrictions of the Bill. This is twice the height of what I require my LTOs to remove under a normal operation. This creates some real fundamental issues with future management of our forests if we are to have to leave such tall stumps. These issues range from stumps not breaking down and breaking increasing in subsequent events, stump sprouts not being viable as they are not getting a footing in the ground, loss of valuable product left on the stump and not in the woods, and finally, but most importantly to a lot of my clients, a stump that height is unsightly. While this height may be an industry standard in some areas, what happens if stumps are cut lower than 8"? Also, would a stump cut lower than 8" be a violation?

Thank you for your time in this matter, and please let me know if I can be of any help in the development of this new exemption for small landowners. I applaud all for the development of this option as something like it is really needed.

Sincerely,



Matt Greene, RPF #2747



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