Staff Overview: Revisions to Proposed Rule Text, Forest Resilience Exemption per AB 2276.

# Overview

In January 2025 an emergency rule plead was approved per AB 2276. AB 2276, approved by the Governor in November 2024, renamed the Forest Fire Prevention exemption to the “Forest Resilience Exemption”.

The Emergency Rule Plead currently was developed utilizing AB 2276 language which largely makes prescriptive changes to the statute, meaning the Board does not have the discretion to adopt different requirements than the Legislature provided for. However, the Legislature gave the Board discretion in implementing the Forest Resilience Exemption requirements for the removal of “dead and dying trees in amounts less than 10 percent of the average volume per acre for trees up to 36-inches [dbh].” Additionally, the Board was given authority to develop standards for canopy closure.

The Board continues to work with stakeholders in the Foret Practice Committee to develop language to address the less than 10% of the average volume per acre for trees up to 36-inches and canopy closure requirements. Durning the March committee meeting the committee heard from Eric Knapp, PhD, Research Ecologist, Forest Service, Pacific Southwest Research Station, specific to canopy cover vs closure and the potential effects on forest resilience.

The Black text represent original rule language, red underlined text identifies the rule text discussed in March at the Forest Practice Committee. Blue underlined text represents changes suggested based on Board Staff and Stakeholder suggestions in March.

# Summary of Revisions

The following represents a summary of significant organizational and substantive revisions made to the rule text.

* Page 7, Lines 1-3: Language in the bill stated “the RPF shall consult with the Director…” the use of the word “consult” created confusion for RPFs and CAL FIRE review teams on the timing for the consult. Considering the language is specific to an exemption and exemption are non-discretionary projects it was discussed in committee to define the timing of the consult. During the committee it was suggested the consultation should occur prior to submission. Blue text has been added to try and clarify.
* Page 7, Lines 17-19: During committee it was determined form a regulatory perspective the use of canopy cover would be more appropriate as a regulatory standard for determining canopy standards.

During Eric Knapps presentation we learned cover measurements on an average are approximately 10% higher than closure measurement.

If the committee is interested in identifying a canopy closure standard addressing Forest resilience and have agreed to use cover as the regulatory standard then the canopy cover standard to consider may be 10% higher then what the ideal canopy closure would be for forest resilience.

Additionally, there was discussion on identifying two different canopy cover standards based on either a plantation forest stand or a natural forest stand. The rule plead identifies percentages mentioned during the March committee meeting as examples for the different stand types, however, these percentages where not agreed to during committee they are only used here as a starting point. If different forest stand types are considered the question remains should these be defined in some manner?