



January 6, 2025

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Board of Forestry and Fire Protection  
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Submitted via E-mail to [publiccomments@BOF.ca.gov](mailto:publiccomments@BOF.ca.gov)

Dear Mr. Craig,

California Farm Bureau (Farm Bureau) provides these public comments in response to the Notice of Proposed Emergency Action "FOREST RESILIENCE EXEMPTION AND OAK WOODLAND EXEMPTION AMENDMENTS" (the Amendments). Farm Bureau is a non-governmental, non-profit organization representing over 26,000 farming members, including over 20,000 small farms, with a purpose to protect and promote agricultural interests throughout California and to find solutions to the problems facing agricultural businesses and rural communities.

1. Regarding 14 CCR § 1038.3(d)(3), there is an added requirement that slash and woody debris created by operations must be treated within 50 feet of public roads or critical infrastructure. We presume the intention was to replace "14 CCR 1038.3(d)(2) "All surface fuels within one hundred fifty (150) feet of an Approved and Legally Permitted Structure, which could promote the spread of wildfire, shall be chipped, burned, or removed within forty five (45) days from the start of Timber Operations." This creates an opportunity for different definitions of critical infrastructure that may ultimately lead to confusion in its application, and we suggest ensuring that a consistent definition of critical infrastructure is used throughout the code to avoid confusion and code conflicts.
2. Regarding 14 CCR § 1038.3(e), the limitation on the maximum tree size that can be removed for temporary road construction or reconstruction is changed to reflect diameter at breast height instead of diameter at stump height; however, the Board may wish to clarify if this applies to hardwoods.



3. Regarding 14 CCR § 1038.3(h), the limitation on the maximum tree size that can be removed was changed to reflect diameter at breast height instead of diameter at stump height. Farm Bureau encourages considering a breast height diameter of 36" or 40", making it consistent with other changes proposed, such as temporary roads. We also suggest clarifications regarding whether it applies to hardwoods.

4. We are concerned that 14 CCR § 1038.3 defines separate post-harvest retention standards for trees in separate forest districts, creating one standard for the Coast Forest District and another for the Northern & Southern Forest Districts. This will lead to inconsistent application of the rules across different parts of the state.

5. The addition of 14 CCR § 1038.3(j) waives the 30-inch breast height diameter limitation to allow the harvest of larger dead or dying trees up to 36 inches breast height diameter. This option limits harvest of these trees to 10% of the total volume harvested, requires marking of all trees to be harvested, and requires that the RPF consult with CAL FIRE before harvesting trees that meet these standards. It is necessary to allow removal of these trees to limit the spread of forest pest by removing infected trees, limit the presence of large fuel sources in an exemption used to construct fuel breaks and recapture profit losses due to the death of larger trees. However, having to consult with CAL FIRE defeats the purpose of the exemption and urgency that the state faces to remove fuels. We are concerned that the consultations will be completed within the 10-working day acceptance time limit, making the amendment particularly ineffective.

Instead, we suggest that the Board consider a different structure than the consultation requirement. For example, use the limitations of the 1038 Exemptions limitation already in the rules instead of an arbitrary 36" breast height diameter. 14 CCR 1038.1(15) states that "No large tree, as defined as a tree that existed before 1800 AD and is greater than sixty (60) inches in diameter at stump height for Sierra and Coast Redwoods, and forty-eight (49) inches in diameter at stump height for all other tree species, or Decadent and Deformed Trees with Value to Wildlife shall be harvested unless the following apply: (A) - (B)." Leveraging that existing code section instead of a new consultation requirement related to a new standard would streamline the exemption application process and encourage greater use of the exemption.

6. 14 CCR § 1038.3(k) requires that the six largest trees per acre within the boundary of the Notice of Exemption be retained. Farm Bureau suggests instead that to look to an average of the six largest trees per acre within the boundary of the Notice of Exemption be retained. Not every acre is the same and an average of the six largest would provide better flexibility to retain the exemption.



Please feel free to reach out to Farm Bureau staff at 916-446-4647 if you have any questions or care to follow up on our comments to the Emergency Action.

Sincerely,

A handwritten signature in blue ink that reads "Peter Ansel".

Sr. Policy Advocate