



September 5, 2024

Terrence O'Brien
Chair, California Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

**ATTN: REGULATIONS PRIORITY REVIEW RE: "Board 2024 Regulation and Priorities Review" –
Comments of Associated California Loggers**

On behalf of Associated California Loggers(ACL), our association of largely family-owned, multi-generational loggers, log truckers and log road builders respectfully submits the following formal request:

**REQUEST: HIGH PRIORITIZATION BY THE BOARD OF FORESTRY FOR 2024
AND BEYOND -- REVIEW OF PUBLIC RESOURCES CODE SECTION 4428
WITH REGARD TO: NEED FOR A DEFINITION OF "OPERATING AREA,"
SPECIFIC TO THE TERM "AT A POINT ACCESSIBLE IN THE EVENT OF FIRE"
AND IN TERMS OF THE TWO WORDS "OPERATING AREA" BY
THEMSELVES.**

BACKGROUND:

It has been brought to the attention of the Board of Directors of Associated California Loggers by several Licensed Timber Operator members that due to a lack of clear definition of the phrases "operating area" and "within the operating area in event of fire," without such clear definition these Licensed Timber Operators are unclear of the distance requirements of "operating area" and the risks attendant in terms of citation and other actions. Moreover, in an effort to try to meet these requirements in the absence of a clear definition, Licensed Timber Operators often have to "over-compensate" on a distance requirement as a matter of guesswork. And sometimes they are still cited under a law without clear definition.

Page Two

We have been told that this lack of definition – as an interpretive matter – may be particularly acute in the coastal region of Northern California where Licensed Timber Operators work. One speculative reason: the definitions of “operating area” and “within the operating area in event of fire” are better defined in the Sierra Nevada and other “wildfire-prone” areas of the state simply because the necessity for such definitions was found greater.

STATUTE AND REGULATION REFERENCES TO ISSUES ABOVE:

STATUTE SECTIONS: Those found in Public Resources Code 4428

REGULATION SECTIONS:

Those regulations which are interpretive of Public Resources Code 4428.

SUMMARY

This is the first issue in some time brought to Associated California Loggers by Licensed Timber Operator members. The issue has been insisted upon by these members as extremely frustrating and oppressive upon the performance of their work both to improve pace and scale of forest management and to support fuels reduction

The concerns expressed to us are such that we believe they require both committee review and full Board review in the months to come. We need to work with your experts in determining what the definitions “operating area” and “within the operating area in event of fire” should be. We trust that together we can learn more about the problem presented here and how to solve it.

Thank you for your consideration of these comments.

Respectfully submitted,



ERIC CARLESON
Executive Director
Associated California Loggers