Staff Overview: Revisions to Proposed Rule Text, Geographically Overlapping Harvesting Permits.

# Overview

Board Staff has been working with CAL FIRE Forest Practice Program to refine the language for the geographically overlapping harvesting document rule plead. CAL FIRE asked the Board of Forestry and Fire Protection to consider the issue of overlapping harvesting permits. This request was based on the different regulatory requirements between harvesting documents, the difficulty for the Department to accurately determine which regulatory standard is to be applied at the time of any potential violation of the Forest Practice Act or applicable approved THP, and the inability to accurately recognize the responsible party for the potential violation.

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. Green text represents changes made during the April committee meeting. Changes in April adjust wording for clarity and the addition of exempting Christmas tree cutting form overlapping.

# Summary of Revisions

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

* Page 1, Line 19: Added an exemption to overlapping the harvesting of Christmas trees (1038 (a) & (b)(1)).
* Page 2, Line 1: Removed the wording “footprint” and added the word “harvest area” to be consistent with the Forest Practice Rules.
* Page 2, Line 3: Removed the wording “completed” and added the word “submitted”
* Page 19, Line 2: Removed the reference to 1038(b)(1). 14 CCR 1038.3 currently has regulatory standards for the harvest of dead and dying trees in amounts of less than 10%. There is no need for the reference under 1038.3.
* Page 18, line 8: As Noted on the rule plead in the comment box the language used is the expired Forest Fire Prevention Exemption. 14 CCR 1038.3 will be replaced with the emergency rule language passed in January 2025 per AB 2276, “Forest Resilience exemption”. The Forest Practice Committee is currently in the final stages of regulatory development for the Forest Resilience exemption which then can be used to replace the language in this rule plead.

A second option the Forest Practice Committee may want to consider is adding the red text on page 18, lines 16-17 & 23, and page 19, lines 1-4 to the Forest Resilience exemption language and remove 1038.3 from this rule plead.